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House of Representatives

PERSONAL RESPONSIBILITY WORK, AND FAMILY PROMOTION ACT OF 2003—Continued

□ 1515

Mr. WATERS. Unfortunately, the Republican bill does not do that. I would ask for an aye on the Democratic alternative.

Mr. HERGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GERLACH) for the sake of a colloquy.

Mr. GERLACH. Mr. Chairman, I thank the gentleman for yielding me time and I rise to engage in a colloquy. Would the gentleman so engage?

Mr. HERGER. If the gentleman would yield, yes.

Mr. GERLACH. In 1996, I was the lead sponsor of legislation that overhauled Pennsylvania's welfare system. When this legislation was implemented, I worked with the Chester County Chamber of Business and Industry in my district to initiate what later became the Jobs and Advancement Through Mentoring program. This program provides welfare recipients who are entering the workforce with volunteer mentors recruited from the local business community. The intent of the program is to make sure that welfare recipients do not just start working, but that they have a volunteer partner in the community helping them over the rough spots during that first year of employment in helping to ensure lifetime self-sufficiency and productivity.

While I realize that the bill we are debating today expresses the sense of Congress that States should encourage mentoring programs, I believe we should do more. That is why I have drafted an amendment to require States to identify approaches to establishing voluntary community-based mentoring programs like the one I just described.

Let me emphasize that States would only be required to formally consider mentoring programs. They would not be mandated to actually create them.

Mr. Chairman, I would be very appreciative if you would give every consideration to including this amendment in any conference agreement that may be forthcoming.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman has expired.

Mr. HERGER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, I want to thank the gentleman for his interest and activity on the mentoring issue. The programs you have described are important to helping welfare recipients to succeed in the workforce.

The gentleman's proposal will be considered, and I look forward to working with him to support these types of mentoring programs so that we can help even more recipients achieve independence through work.

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

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Cardin substitute.

At a time of great need with our economy stagnant and unemployment high, the underlying bill is so misguided. It eliminates education as an activity that counts towards necessary work requirements. It abandons the 15 million children eligible for child care assistance who will not be covered because of woefully inadequate funding.

In my home State of Connecticut alone, 4,000 families have been waiting in line for child care assistance since August 2002. It leaves our States in the midst of the worst fiscal crises since World War II with a massive unfunded mandate by shifting the burden of welfare to the States without providing them with the estimated $11 billion necessary to meet those needs.

The Cardin substitute has a strong work requirement. It give States the flexibility to increase access to education and training. It increases mandatory funding for child care by $11 billion over the next 5 years.

Mr. Chairman, the underlying bill does not encourage personal responsibility or promote families. If anything, it discourages hard-working families by offering them too little or no hope that their cycle of dependency can ever be broken.

I urge my colleagues to turn aside this misguided, inadequate bill and support the Cardin substitute.

Mr. HERGER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a key person on the Committee on Ways and Means.

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

Mr. HAYWORTH. Mr. Chairman, I thank my friend from California for yielding me time.

Mr. Chairman, I rise in opposition to the substitute offered by my friend from Maryland (Mr. CARDIN). It may be well intentioned, but it fails to embrace a couple of realities and perhaps this is the fundamental difference among friends.

Mr. Chairman, success in welfare reform means reducing the number of people who seek welfare, people who actually go to work. There is news to celebrate according to our own Department of Labor, Mr. Chairman. The job market in the United States, despite the challenges we face now, which we all admit we have, from July of 1996 when we first passed this to last month, January of 2003, according to our own Department of Labor, the workforce has added 11 million jobs.

Unemployment is a real concern. We all understand that. But actually, unemployment was reduced from when we passed this measure in the last Congress, in April of 2002.

Now, understand the welfare rolls are reducing. We have held constant the

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dollars that are going to the States. It is a net increase. No one doubts that there are fiscal challenges facing the States. But, Mr. Chairman, the fact is, the States as laboratories of democracy must fashion their own solutions, not flexibilities in the form of pseudo-mandates from the Hill, but reasonable, rational solutions based on the work that is fundamental and inherent in this act, that rewards work, that provides funding for child care, that instead of cursing the darkness, lights a candle of opportunity for so many families.

That is what makes this reform historic. That is why we should reject the Cardin substitute and support H.R. 4.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN), a valuable member of the Committee on Ways and Means.

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

Mr. Chairman, the House needs to pass a reauthorization of the welfare reform bill. Welfare reform was designed to help people by getting them a job, not handing them a check.

CBO estimates that implementing the work requirements of the Republican bill will cost States $11 billion. It makes absolutely no sense to impose an unfunded mandate on our States. This mandate will cost my State of Texas $688 million at a time when we are facing a budget deficit of $10 billion in the State. That is irresponsible and that is simply a tax increase on our citizens.

On a more personal level, American families want jobs and the quality education and training to get good jobs. The Republican bill eliminates vocational educational training as a work-related activity and increases work participation hours for mothers with children under 6 years from 20 hours to 40 hours. It is irresponsible.

Let us do the right thing. Let us forge a working partnership with America's families as envisioned by the Cardin amendment. We need to be an asset, not a stumbling block to helping our citizens obtain the jobs and the dignity they deserve.

Let us support State governments. Reject the Republican bill and support Cardin-Kind-Woolsey.

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

Mr. Chairman, I would like to remind my good friend from Texas that in H.R. 4, his State of Texas will receive an additional $370 million for child care over the next 5 years.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. PENCE. Mr. Chairman, I rise today reminded of the tribute that we have paid to a former President named Ronald Reagan just a few days ago on what was his 92nd birthday. I think of what Ronald Reagan spoke about as a vision for welfare in America. He said, ''It is not simply to provide for the needy, but more than that, to salvage these, our fellow citizens, to make them self-sustaining and, as quickly as possible, independent of welfare.''

President Reagan would say on many occasions that we measure the success of welfare not by how many people arrive on it, but how many people leave it. And as we look at welfare reform this day, it is undeniable that the welfare reform of 1996, that we continue and expand through this legislation, is an unqualified success.

As this diagram demonstrates, Mr. Chairman, welfare caseloads in the millions: 1994, 14 million Americans on welfare; 2001, 5 million Americans. But that does not tell the story. We can look at the cold and hard statistics: 3.6 million fewer Americans living in poverty today than 1996, 2.7 million fewer children, a million fewer African American children in poverty today since welfare reform.

But as the father of three small children, Mr. Chairman, this is the most compelling statistic to me: Tanya was a single mother, went on public assistance when her twin girls were just a year old. But since completing her program with CalWORKS last year, Tanya has not only escaped welfare, but she has been able to earn enough money to buy her own home for those little girls. Welfare reform has worked, Mr. Chairman, and I oppose the substitute and will stand with the underlying bill in keeping that Reagan vision alive.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. CARDIN) has 1½ minutes remaining.

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

The CHAIRMAN pro tempore. The gentleman from California (Mr. HERGER) has 3 minutes remaining.

Mr. HERGER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, I just want to go over some of the facts because there is so much rhetoric we are hearing from those who oppose this bill. But these are what the facts say: Since 1996, work among welfare recipients has tripled; employment of single mothers is now more than 70 percent, an all-time high; since 1994, welfare caseloads have fallen by 60 percent, leaving less than 2 percent of the U.S. population on welfare.

That is a positive story. The cycle of poverty is broken. There are 3.6 million fewer Americans living in poverty today than did in 1996.

Had we listened to those who were so against welfare reform, 2.7 million fewer children live in poverty today than in 1996, including 1 million African American children. This is from the U.S. Census Bureau. This is not from the Republican Party. This is fact.

Child care, we hear how it is bad for children. The child care has gone from 3 billion to 9.7 billion in child care assistance. Again, very positive things, a significant change since the bill.

These are great reasons to vote for this legislation, and I urge my colleagues to do so.

The CHAIRMAN pro tempore. The gentleman from California has the right to close.

Does the gentleman from Maryland wish to proceed?

Mr. CARDIN. Am I correct that the gentleman from California has no further requests for time other than closing?

Mr. HERGER. Mr. Chairman, that is correct.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, 41 of our 46 States responded to a survey saying that if the Republican bill is enacted, they will have to fundamentally change their programs. The programs we have all been bragging will about will be no longer. They will need to change them radically and create what is known as makeshift work-fare-type jobs that lead nowhere.

We just got a letter today from many of our governors saying, please do not take a significant step backwards in reforming welfare. This is not the time to replace State flexibilities with unfunded mandates.

If you are going to give the dollar amounts of the extra monies the States receive under your bill, why do you not tell the whole story, the extra cost? Every State will end up in the negative under the Republican bill.

If you believe the 1996 bill was a success, why are you going back and destroying what we did in 1996 on flexibility to the States? If you believe that child care is important and we need to help our States, why are you not supporting the substitute that provides $11 billion of extra money for child support?

If you believe the arguments that have been made on both sides of the aisle, you will support the substitute.

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

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

Mr. Chairman, I have great respect for my colleague on the Committee on Ways and Means, the gentleman from Maryland (Mr. CARDIN). I appreciate his hard work on this issue. I do, however, have a difference of opinion with him regarding the amendment we are considering, and I oppose it for several reasons.

The gentleman's amendment weakens work requirements and would lead to less work, more welfare and more poverty. Like the failed AFDC program that preceded TANF, the substitute promotes more welfare dependence. It places new mandates on States by requiring them to assess every recipient

for child care needs, barriers to work and history of domestic violence, and by prohibiting States from applying sanctions to those who refuse to work.

□ 1530

The substitute, which we estimate to cost at least $20 billion over the next 5 years, is just too expensive and would greatly increase deficits.

However, I would like to commend the gentleman for including certain provisions that mirror those in our H.R. 4. Those provisions include maintaining the basic TANF funding and block grant structure, requiring parents to engage in real work for 24 hours per week, raising total work requirements to 40 hours per week at State option, increasing State work rate requirements and adding reducing poverty as a TANF purpose.

I urge the Members to oppose this amendment and vote in support of H.R. 4.

Ms. SOLIS. Mr. Chairman, I rise today to urge my colleagues to support the Democratic alternative to the welfare reform bill.

Our alternative gives families the tools they need to lift themselves out of poverty—I'm talking about education and quality child care.

Individuals working to leave welfare must have access to higher education, GED courses, and English as a Second Language programs in order to make a successful transition to the world of work.

The facts are clear—women who obtain GED certification, participate in on-the-job training, or attend college have higher average annual earnings and a greater probability of employment.

Individuals with limited English speaking skills earn 24 percent less than their employed counterparts who are fluent in English. Language barriers limit non-English speaking workers to jobs that tend to be low-wage and seasonal, making it difficult to attain self-sufficiency.

It's time for us to enact a welfare law that recognizes that families want to work—they simply need the proper tools to succeed. I urge my colleagues to support the Democratic alternative.

Mr. ACEVEDO-VILÁ. Mr. Chairman, on behalf of the people of Puerto Rican and Hispanic families, I urge my colleagues to vote in favor of the Democratic substitute proposed today by my colleague Mr. CARDIN. Since the 1996 changes, Puerto Rico according to the HHS report, has met the mandates of TANF, it has reduced its welfare rolls by 56 percent—Puerto Rico has followed the rules.

However, the Commonwealth's TANF families have not had access to all of the tools Congress established to support moving them from welfare to work. The Commonwealth is committed to our families' self-sufficiency. According to the recently release HHS report, of the TANF cases closed 23 percent of the recipients are working—this is more than 11 States and it is in an economy of 11 percent unemployment as opposed to 5 or 6 percent.

We want our families to move from welfare to work; but we need the tools to make that transition possible.

Our commitment to families is further demonstrated by the fact that in 2001 the Commonwealth of Puerto Rico collected twice the amount in child support payments than it received from the Federal Government in TANF. Puerto Rico according to HHS collected more in child support than 24 States.

The Democratic substitute allows Puerto Rico and the territories to access all of the tools Congress established to help families move from welfare to work. Again, I urge my colleagues to vote for the democratic substitute to insure that no American family is left without the necessary tools to end the cycle of poverty.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for debate has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 12, as follows:

[Roll No. 28]

AYES—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Allen
Burr
Combest
Conyers
Cox
Cubin
Ferguson
Gephardt
Payne
Sanchez, Loretta
Tiberi
Turner (TX)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD) (during the vote). Two minutes to vote. Two minutes.

□ 1550

Mrs. KELLY and Mr. GOODE changed their vote from ''aye'' to ''no.''

Mr. KUCINICH and Mr. LIPINSKI changed their vote from ''no'' to ''aye.''

Stated for:

Mr. TURNER of Texas. Mr. Chairman, on rollcall No. 28 (the Cardin substitute) I was unable to cast my vote because I was attending a briefing by Secretary Ridge and Secretary Thompson in the Roosevelt room at the White House on Project Bioshield and unable to return before the vote was closed. If I had been present I would have voted "aye" on rollcall No. 28.

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, pursuant to House Resolution 69, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CARDIN. I am in the present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CARDIN moves to recommit the bill, H.R. 4, to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendments:

Page 87, after line 14, insert the following:

SEC. 202. FINDINGS.

The Congress finds that additional funding for child care is necessary given the additional financial burdens on the States resulting from the implementation of this Act, due to the worsening of economic conditions since the last consideration of welfare reform legislation by the House of Representatives, including—

(1) the severe deficits of more than $80,000,000,000 affecting the States, the largest budget gaps in half a century, that will necessitate reductions in vital services, including the loss of Medicaid for nearly 1,000,000 Americans;

(2) the loss of 2,300,000 jobs since March 2001, including 42 percent more job cuts in January 2003 than in December, and an unemployment rate of nearly 6 percent representing 9,000,000 Americans;

(3) the loss of unemployment benefits by 1,000,000 men and women whose benefits have expired and whom Congress has failed to assist;

(4) an increase in child poverty in 2001 for the first time in 8 years;

(5) the increase of homelessness by nearly 20 percent in the last year; and

(6) substantial waiting lists for child care in at least 18 States, many in the tens of thousands, and actions by other States to make fewer families eligible for child care services.

Page 87, line 15, strike ''**202**'' and insert ''**203**''.

Page 88, line 14, strike ''**203**'' and insert ''**204**''.

Page 89, line 1, strike ''**204**'' and insert ''**205**''.

Page 93, line 3, strike ''**205**'' and insert ''**206**''.

Page 94, line 8, strike ''**206**'' and insert ''**207**''.

Page 95, line 11, strike ''**207**'' and insert ''**208**''.

Page 95, strike line 17 and all that follows through line 2 on page 96 and insert the following:

SEC. 209. INCREASE IN ENTITLEMENT FUNDING.

(a) IN GENERAL.—Section 418(a) (42 U.S.C. 618(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and paragraph (6)'' after ''paragraph (3)'';

(2) in paragraph (3)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) in subparagraph (F), by striking ''fiscal year 2002.'' and inserting ''each of fiscal years 2002 through 2006; and''; and

(C) by adding at the end the following:

''(G) $3,217,000,000 for fiscal year 2007; and

''(H) $3,717,000,000 for fiscal year 2008.'';

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

''(4) AMOUNTS RESERVED FOR INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall reserve 2 percent of the aggregate amount appropriated under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

''(B) USE OF FUNDS; APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsections (b) and (c) shall apply to amounts received under this paragraph in the same manner as such subsections apply to amounts received by a State under this section.'';

(4) by redesignating paragraph (5) as paragraph (7); and

(5) by inserting after paragraph (4) the following:

''(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

''(A) APPROPRIATION.—In addition to amounts appropriated under paragraph (3) for any fiscal year, there are appropriated for additional grants under paragraph (1)—

''(i) $1,250,000,000 for fiscal year 2004;

''(ii) $1,750,000,000 for fiscal year 2005; and

''(iii) $2,250,000,000 for each of fiscal years 2006 through 2008.

''(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2003 through 2007, of the amount available for additional grants under subparagraph (A) for a fiscal year, the Secretary shall pay the State an amount equal to the same proportion of such available amount as the proportion of the State's grant under paragraph (1) bears to the amount appropriated under paragraph (3) for the fiscal year.

''(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), and (5), the aggregate of the amounts paid to a State under this section for each of fiscal years 2003 through 2008 may not exceed the aggregate of the amounts paid to the State under this section for fiscal year 2002, unless the State ensures that the level of State expenditures for child care for the fiscal year is not less than the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2); and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2002.''.

(b) CONFORMING AMENDMENT.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking ''or 413(f)'' and inserting ''413(f), or 418(a)(4)(B)''.

In the table of contents, strike the item relating to section 208 and insert the following:

Sec. 209. Increase in entitlement funding.

In the table of contents, redesignate the items relating to sections 202 through 207 as items relating to sections 203 through 208, respectively.

In the table of contents, insert after the item relating to section 201 the following:

Sec. 202. Findings.

Mr. CARDIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes in support of his motion.

Mr. CARDIN. Mr. Speaker, the motion is very straightforward. It increases child care by $11 billion, which is the cost, the extra cost, to the States.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BELL), a new member of the House.

Mr. BELL. Mr. Speaker, I want to thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, we have all heard from the Republican side of the aisle the phrase ''compassionate conservative,'' and while our Republican colleagues may have the conservative part down, there is absolutely nothing compassionate about gutting one of the most successful government reform programs in recent history.

Let us look at the facts. The bipartisan welfare reforms of 1996 have cut the welfare rolls by more than 50 percent. We have succeeded in breaking the welfare web, the so-called welfare web. But that apparently is not enough for our Republican colleagues.

If we look at H.R. 4, there is absolutely nothing that is fiscally responsible about H.R. 4. It would place a huge unfunded mandate upon States all across this country when they can least afford it, including my State of Texas, which is staring at a $10 billion shortfall and has no way of getting out of it at the present time. And that is happening all across this country, yet now we are going to put this unfunded mandate on them.

This bill increases the number of work hours for mothers with young children from 20 to 40 hours, while at

the same time it decreases the amount of child care money which will be provided for these mothers.

Now, let us think about that. If the idea is to move people off of the welfare rolls, why would we set them up to fail from the very beginning? It makes no sense, and in no way, shape or form is it compassionate.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit.

Mr. CARDIN. Mr. Speaker, the majority will say that they have a letter from the Congressional Budget Office saying that this is not an unfunded mandate, but what the majority will not mention is that they have a letter from the Congressional Budget Office that says that this bill will significantly change the way the States have to spend their money on TANF; that it will cost them an additional $11 billion in order to comply with the mandates that are included in this bill.

Now, my definition of an unfunded mandate is telling the States they have to do something and not giving them the extra money to do it with. That is exactly what the bill does. It mandates the States to develop workfare programs, it requires the States to spend more money on child care in order to deal with the new work requirements, and the States do not have the money and resources to do it.

Mr. Speaker, I have heard my colleagues on both sides of the aisle say they are for child care, that children should not be penalized, that we have to have safe and affordable child care. Our States are telling us they need the money. This motion does one thing and one thing only: It increases the amount of child care by $11 billion to equal what our Congressional Budget Office is telling us is the increased burden on the States. That is all it does.

I would urge my colleagues to listen to our governors. Listen to what we have said in the past about unfunded mandates. Listen to what we have said about protecting our children and support the motion to recommit.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I urge my colleagues to vote down this motion to recommit and pass the bill.

We are adding $2 billion in money for child care for the States. But beyond that, remember that we are giving the States exactly the amount of money we gave them 5 years ago, but the welfare rolls are half that amount. So the States have all that additional money that they can devote to child care or meeting the other needs of people working to get off welfare and into the job market.

□ 1600

Mr. Speaker, there is money there both in welfare, lots of money, more than there has ever been in the history of our country. Furthermore, we have added $2 billion in the child care block grant. We have made sure it has grown every year.

There is $170 billion available over the next 5 years from the State and Federal governments for TANF. We have a balanced, sound, strong bill that will support women and their families as they make the transition from welfare to work, and I urge rejection of the motion to recommit and passage of this landmark legislation.

Ms. SOLIS. Mr. Speaker, I rise in support of the motion to recommit. I am especially supportive of provisions that would encourage funding of the Urban Park and Recreation Recovery (UPARR) program. This program has helped communities across the United States rebuild and repair blighted areas in an attempt to create open and green space opportunities for working families.

In my community, children are often forced to play in abandoned lots or next to superhighways. They literally share their playgrounds with drug dealers on grounds that are unsafe.

One project funded by UPARR near my district renovated a hazardous park electrical system, repairing damaged and dangerous wiring, and improving and installing walkway safety lighting.

Thanks to the UPARR program, children like those in my community have been able to experience more opportunities in a safer, cleaner environment. Despite UPARR's success and far-reaching impacts in our communities, this omnibus bill will essentially shut down the entire program by eliminating almost $30 million dollars in funding for the program.

I support the motion to recommit and am hopeful that this body will remember the importance of our urban parks—not only for their recreational value but for the health and well being of our children.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 197, nays 221, not voting 16, as follows:

[Roll No. 29]

YEAS—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter

Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Allen
Capuano
Collins
Combest
Conyers
Cubin
Everett
Ferguson
Gephardt
Holt
Pascrell
Payne
Sanchez, Loretta
Tiberi
Weldon (PA)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1616

Mr. GORDON changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 192, not voting 13, as follows:

[Roll No. 30]

YEAS—230

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—13

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Pascrell
Payne
Sanchez, Loretta
Tiberi
Weldon (PA)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1623

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALLEN. Mr Speaker, on February 13, 2003, I was unavoidably absent for rollcall votes, due to the death of a family member.

Had I been present I would have voted "yea" on rollcall votes 27 (Kucinich Substitute to H.R. 4), 28 (Cardin Substitute to H.R. 4), and 29 (motion to recommit H.R. 4).

I would have voted ''nay'' on rollcall vote 30 (passage of H.R. 4, welfare bill).

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 79) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That the following named Members, Delegates, and Resident Commissioners be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Case (to rank immediately after Mr. Acevedo-Vilá), Mr. Pomeroy, Mr. Boswell, Mr. Thompson of California, Mr. Udall of Colorado, Mr. Larsen of Washington, Mr. Davis of Tennessee.

(2) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Davis of Illinois (to rank immediately after Ms. McCollum), Mr. Van

Hollen (to rank immediately after Ms. Majette).

(3) COMMITTEE ON GOVERNMENT REFORM: Mr. Cooper, Mr. Bell.

(4) COMMITTEE ON SCIENCE: Mr. Sherman, Mr. Baird, Mr. Moore, Mr. Weiner, Mr. Matheson.

(5) COMMITTEE ON SMALL BUSINESS: Mrs. Napolitano, Mr. Acevedo-Vilá, Mr. Case, Ms. Bordallo, Mr. Marshall, Mr. Michaud.

(6) COMMITTEE ON VETERANS' AFFAIRS: Ms. Hooley of Oregon, Mr. Reyes, Mr. Strickland, Ms. Berkley, Mr. Udall of New Mexico, Mrs. Davis of California, Mr. Ryan of Ohio.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING AMOUNTS FOR INTERIM EXPENSES OF SELECT COMMITTEE ON HOMELAND SECURITY IN FIRST SESSION OF 108TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 77) providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. FROST. Mr. Speaker, reserving the right to object, I would just like to ask the gentleman what the House is being asked to consider.

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

Mr. FROST. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, the gentleman asks a very appropriate question. House Resolution 77 is necessary to provide the Select Committee on Homeland Security with the necessary funding to organize the committee.

□ 1630

House Resolution 77 authorizes $700,000 for use by the Select Committee on Homeland Security. Also know that we have communicated with the distinguished gentleman from Connecticut. It is interim funding.

Consistent with my discussions with the Ranking Minority Member, it is my understanding that the funds provided by H. Res. 77 will be distributed in a manner consistent with the "Two-thirds, One-third" goal for division of resources. I expect the Chairman and Ranking Member of the Select Committee to reach agreement on a division of the resources provided by this resolution that will reflect this goal and be to their mutual satisfaction.

Mr. FROST. Mr. Speaker, I thank the gentleman.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to compliment Chairman NEY for bringing this important resolution to the Floor so expeditiously. I am also pleased that the Majority has agreed that the right of the minority members to control one-third of the select committee's staff and resources will be protected throughout the funding process.

I am pleased that we can act today to provide interim funding for this new select committee, which was created as a separate order of the House attached to the rules resolution, H. Res. 5, adopted on January 7.

The Select Committee on Homeland Security is charged with developing recommendations and reporting to the House by bill or otherwise on matters relating to the Homeland Security Act of 2002 (P.L. 107–296). In other words, it is a legislative committee of the House for matters which fall within its sphere, with referral of legislation to be decided by the Speaker.

The resolution before us today would provide interim funding through March 31, 2003, to get it off the ground and running for a short time, by which time the House Administration Committee will have reported and the House adopted the biennial primary expense resolution providing funding for all committees and select committees of the House for the 108th Congress.

Both sides of the aisle have now named their members of the new select committee, to join the chairman, Rep. COX, and the ranking member, Rep. TURNER of Texas, so it is now ready to conduct business.

I also look forward to seeing the new chairman and ranking member appear in a few weeks to testify before the House Administration Committee about the committee's agenda for the next two years, as we prepare the biennial resolution.

Mr. Speaker, I am especially pleased that the Democratic Leader as appointed my good fried the gentleman from Texas, Mr. TURNER, as the ranking member of this new committee. I serve with Rep. TURNER on the Armed Services Committee, and am delighted that he will have the opportunity to lead our party in rising to the challenges of providing effective homeland security against the international threats facing us today and to expand on his past legislative accomplishments in the field of national defense. He is clearly the right person for a job like this.

Ths is a tremendous challenge. We must protect America from terrorism while defending the freedoms and liberties which are the foundation of our democracy. We must help organize and supervise a major new government department of historic size and responsibility. The House has made a good start with this select committee and its distinguished leadership on both sides of the aisle.

Mr. Speaker, creation of the select committee will expand the House's ability to deal with these critical issues, but, as with any new entity in a legislative body, it may take some time to fully define its role and what its inter-relationships with the regular standing committees of the House will be. I and the other members of the House Administration Committee look forward to working on a bipartisan basis with the members of the select committee to help make that effort a success.

Mr. FROST. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 77

Resolved,

SECTION 1. INTERIM EXPENSES OF THE SELECT COMMITTEE ON HOMELAND SECURITY.

For interim expenses of the Select Committee on Homeland Security, there shall be paid out of the applicable accounts of the House of Representatives not more than $700,000.

SEC. 2. LIMITATION.

Amounts shall be available under this resolution for expenses incurred during the period beginning at noon on January 3, 2003, and ending at midnight on March 31, 2003.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Select Committee on Homeland Security, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill just passed.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.J. RES. 2, CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 71 waives all points of order against the conference report and against its consideration. The resolution also provides that the conference report shall be considered as read and provides that upon adoption of the conference report the House shall be considered to have adopted H. Con. Res. 35.

Mr. Speaker, this day has been a long time coming. The omnibus appropriations measure that we will take up in a few minutes has followed a long and torturous path to enactment. But rather than point fingers and try to assign blame for months of delay, I hope my colleagues will instead focus on moving this important legislation forward as expeditiously as possible.

In this difficult budget climate, cuts have been made in a number of popular programs. However, at the same time the Committee on Appropriations has recommended increases in quite a few other important areas. In other words, Mr. Speaker, they have prioritized the spending in these difficult times. It is simply not possible in a bill this large to list all of the major provisions, but I would like to highlight several that may be of general interest to the Members.

The bill includes an increase of $79 million for the Drug Enforcement Administration and more than $6 billion for immigration enforcement activities to strengthen our borders against terrorists and facilitate border crossings for legitimate travelers and workers. NASA funding has been increased by $513 million over last year and an additional $50 million is provided to investigate the recent Space Shuttle Columbia tragedy.

The National Science Foundation will receive $536 million over last year's level, and the largest programmatic increase in the entire budget will go to the National Institutes of Health, which will receive a $3.8 billion increase.

I am pleased to report that the Department of Energy has received increases in several important areas. This bill boosts DOE science programs by $72 million and the Department's environmental cleanup programs, including the one in the Hanford reservation in my district, will increase by $310 million above the current level. At the Interior Department I am pleased that the National Park Service budget will be increased by $78 million, much of it for badly needed maintenance of existing facilities. Funding for wildlife refuges and related programs will be increased by $53 million, and the National Forest System will receive a $31 million increase. Furthermore, I am pleased that funding for Veterans Administration medical care has been increased by $2.5 billion.

Finally, in these difficult economic times, it is important to provide for the truly needy. In that regard this bill increases homeless assistance by $102 million and provides for an increase of $348 million in the special supplemental nutrition program for Women, Infants and Children or the WIC program.

Mr. Speaker, no Member ever gets everything that they want in a massive appropriations bill, which inevitably includes certain items opposed by various Members. It is the nature of the appropriation process. And that is as true in this omnibus bill as in any other. It is not a perfect bill, as I am sure we will hear as we debate this bill, but I commend the chairman and the ranking minority member and their fellow conferees for making the best of an extraordinarily difficult situation. Accordingly, Mr. Speaker, I encourage my colleagues to support both the rule and the underlying bill.

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

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

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

Mr. FROST. Mr. Speaker, normally, when I speak on legislation, I use a podium. This time we have a piece of legislation that is higher than my podium; so I am using the legislation. The podium is over here to the side.

Mr. Speaker, when a bill comes before the House, the normal process is for members of the committee of jurisdiction to come to the floor and explain the details of what is in their legislation. Unfortunately, that is simply not possible today.

Certainly the newspapers have reported on a few of the most egregious proposals in this conference report. For instance, Republicans inserted several sweeping anti-environmental provisions and severely shortchanged conservation resources. Democrats will try to fix these problems in the motion to recommit, which I urge Members to support. But an attack on the environment is just the tip of the iceberg with this bill, Mr. Speaker. Republican leaders did not file this conference report until six o'clock this morning, and they provided at that time only one copy for the more than 200 Democrats in the House. Even the chairman of the Committee on Appropriations, who has worked very hard under the very difficult constraints imposed upon him by his own leadership, candidly and honestly admitted this morning before the Committee on Rules that he could not answer questions about all of the contents of this bill. So if the Committee on Appropriations chairman cannot tell us what is in some of this bill, it is obvious that the public and the members of the House have no way of knowing what is in this 3,000-page legislative monstrosity.

All we really know is this: while Republicans are hurting the economy by driving America deeper in debt, they still shortchanged homeland security. The Republican failure to address homeland security right now is particularly disturbing, Mr. Speaker. As we speak, the Bush administration is urging Americans to buy duct tape and stock up on bottled water to prepare for another potential terrorist attack. They are urging the public to be on alert for suspicious activity; but while the public is on alert, the Republican Congress is asleep at the wheel. Even in this bill today, they still refuse to adequately support the firefighters and police who would actually respond to a terrorist attack.

Republicans will say that they are doing all that they can afford. That is simply ridiculous, Mr. Speaker. Republicans may not be funding homeland security needs, but they are still driving America deeper and deeper into debt by their tax cuts.

Why has Republican control of the government brought America such massive and dangerous deficits? I would submit that the dots are not too hard to connect here. Less than 2 years ago, Republicans forced through the Bush tax plan, a tax plan which gutted the budget to give tax breaks to the wealthiest. At that time Democrats and many economists and nonpartisan experts asked, Now that you have given away the store to pay for tax breaks for the few, how are you going to address national priorities like national defense and education? Unfortunately, the Republicans' response was

as reckless as it was simple. They ignored the problem. The fiscal year started October 1. That was 1, 2, 3, 4, 4½ months ago. Republican leaders simply refused to bring up difficult appropriations bills last year prior to the beginning of the fiscal year.

Let us look at the record. Five of the normal 13 appropriation bills passed the House. Two actually became law. Six other appropriation bills were reported out of the House Committee on Appropriations but were never brought to the House floor because Republican leaders did not want their Members to have to cast tough votes on painful spending cuts before the election, and of course two bills were never even reported out of the committee. The Republican leaders' timidity last fall directly contributed to the $300 billion fiscal year 2003 deficit we face today. That is why we are here today, with just 60 minutes to consider this rule and just 60 minutes to debate this massive 3,000-page conference report that the vast majority of Members have never read.

Mr. Speaker, there is no way that considering 11 of the 13 appropriation bills in 1 hour, a half hour on each side, can provide the public with an honest assessment of the budget, 4½ months later of course. Normally each appropriation bill would get at least a day of discussion and Members would have the opportunity to offer amendments. But today the vast, vast majority of Members will have no opportunity to even read the budget for this year.

Mr. Speaker, that is a definition of fiscal irresponsibility, and it is how Republicans have burdened our children with the crushing deficits we face today. Even the Bush administration is projecting deficits as far as the eye can see, over $300 billion this year, over $300 billion next year, and more than $1 trillion over the next 5 years. That is why even Alan Greenspan, the chairman of the Federal Reserve, was forced to sound the deficit alarm earlier this week. He pointed out that huge long-term deficits, the type Republicans have created in just the past 2 years, will hurt Americans by driving up interest rates and increasing families' home mortgage and credit card payments. Why is the American economy facing this harmful burden especially now when families are struggling with the weakest economy in a generation? Because the Republican House leadership refused to do its job last year. The chickens are coming home to roost today, and it is not a pretty sight.

Mr. Speaker, this omnibus appropriations bill, 4½ months late, is an admission that the Republican Congress has failed in its most fundamental responsibility, addressing national priorities from homeland security and the economy to education and health care. That is why I urge my colleagues to vote ''no'' on this rule. Let us take some time to find out what is really in this 3,000-page bill and then let us sit down and honestly address the economic and homeland security needs that it ignores.

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

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Democrat for yielding me this time.

I want to ask any Member in the House of Representatives to please tell me what is in that thing. I rise today in strong opposition to the closed rule and underlying bill. When Democrats were in the majority, I cannot tell everyone the number of times Republicans complained about closed rules. They swore that a Republican majority would mean the end of closed rules. Today's rule, like so many rules of the last 8 years, is proof that closed rules have a permanent seat in the Republican Caucus, and the Republican Committee on Rules shows this 3,000-page monstrosity as a work in progress. It evidently is. During the normal appropriations process, open rules are the custom of this body. An open rule allows all Members the opportunity to improve the legislation on the floor and ensure that the dollars spent by Congress are utilized to their fullest potential.

□ 1645

There is no requirement for an open rule. However, when Democrats were in the majority, the Committee on Rules always allowed for an open rule during the appropriations process as a common courtesy to all Members.

As the gentleman from Texas (Mr. FROST) said, we saw this monstrosity for the first time at 7 o'clock this morning in the Committee on Rules. However, we come down here, we cannot amend it, and we do not even know what is in it. An initial, cursory review has environmental rollbacks and inadequate agricultural disaster assistance in the conference report. I ask farmers to look at their future with reference to funding cuts.

Across-the-board cuts in domestic spending leave this country inadequately prepared to deal with the problems of unemployment, education, public housing, job training, Social Security, prescription drugs and fighting a global war on terrorism and, potentially, two and maybe three fronts in a war.

How could the majority bring a bill like this to the to the floor without some type of kickback to the wealthiest?

I thank the gentleman for yielding, and I will try to walk this monstrosity back.

Mr. Speaker, I thank the Ranking Democrat of the Committee, my good friend from Texas, Mr. FROST, for the time.

I rise today in strong opposition to the closed rule and the underlying bill.

When Democrats were in the Majority, I cannot tell you the number of times Republicans complained about closed rules. They swore that a Republican majority would mean the end of closed rules. Today's rule, like so many rules of the last eight years, is proof that the closed rule has a permanent seat in the Republican Caucus.

During the normal appropriations process, open rules are the custom of this body. An open rule allows all Members the opportunity to improve the legislation on the floor and ensure that the dollars spent by Congress are utilized to their fullest potential. There is no requirement for an open rule. However, when Democrats were in the majority, the Rules Committee always allowed for an open rule during the appropriations process as a common courtesy to all Members.

At 7:00 this morning, the Rules Committee met to pass a rule on a ten-thousand page Omnibus Appropriations Conference Report that non of us had seen. My Republican colleagues on the Committee challenged Democrats to offer a specific amendment to the Conference Report. However, how can we amend what have not seen? How can we change what we don't know?

An initial, though cursory review, has indicated that environmental rollbacks that this body approved more than a decade ago are buried in this morass available for discovery three months from now; the offsets for the inadequate agriculture disaster assistance in the conference report hold the potential to open up assistance programs for farmers to future funding cuts; and across the board cuts in domestic spending leave this country inadequately prepared to deal with the problems of unemployment, education, public housing, job training, Social Security, prescription drugs, and fighting a war on two, possibly three, fronts.

And how could the Majority bring a bill like this to the floor without some type of kickback to the wealthiest of Americans? It can't.

The report includes a $40 million down payment of a $120 million deal to acquire the oil drilling rights in three of Florida's national preserves and wildlife refuges. Yet, I can't seem to figure out if the down payment for the drilling rights is a proenvironmental gesture by the Administration or another Bush-sponsored corporate subsidy. I should also mention that the drilling rights are currently owned by the Collier Family, a family that contributed more than $100,000 to Republican reelection campaigns.

The buying of the rights is necessary, and I indeed support it. But appropriating $120 million without prior Congressional approval? Do you know what $120 million can buy us? We can spend it on job training centers, public housing, or fully funding the Help America Vote Act. I should note that election reform is grossly under-funded by more than $600,000.

The President has threatened to veto a bill that costs more than he wants to spend. However, let me share with you the lead headline from today's Congress Daily. ''As Omnibus Heads for Floors, fiscal year 2003 Supplemental Starts Up.''

Tell me, Mr. Speaker, is this omnibus report not fiscal year 2003 spending? And if Congress passes a supplemental for fiscal year 2003, will that not be 2003 spending as well? So, why not take the recess, give Members a

chance to review the report, and include the Supplemental spending priorities in the Omnibus report? Wouldn't that be a more accurate account of how much we're spending this year?

What we see in the spending cuts of the Omnibus bill is the residual effect of the Republican tax cuts and economic plan. Cut taxes to the wealthy while eliminating domestic spending on the neediest. It's the reverse Robin Hood syndrome, Mr. Speaker. Take from the poor to give to the rich.

After months of negotiations and delay, to bring the Fiscal Year 2003 appropriations process to an end without debate or opportunity to amend is a disservice to the millions of Americans who will benefit from this conference report.

I urge my colleagues to oppose the rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just remind my colleagues that conference reports are never amendable. They always come to the floor in this fashion.

But I also would like to remind my colleagues that in the time that our distinguished chairman of the Committee on Appropriations has been chairman, he has always brought and asked for open rules on the appropriation bills. So I just wanted to clarify that for my colleagues.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Florida, the chairman of the Committee on Appropriations, is an honorable man. Unfortunately, he has been strangled by his own leadership. His committee did their work and reported a number of appropriation bills out of committee prior to the beginning of the fiscal year, and his leadership prohibited him from bringing those appropriation bills to the floor where we could have an open rule and could offer amendments.

Now, if the other side had really wanted us to have an open procedure, they should have permitted their own chairman to bring the bills to the floor after they had been reported out of his committee. But they prevented him from doing that. That is why we have this particular bill today in an unamendable form.

I find it difficult to understand why it makes sense to run the House in the way that their leadership, the Republican leadership, has run it. They have always said they want open procedures, but in the most important matter facing this Congress in a way, the appropriations process, they have denied this House an open procedure, denied this House the opportunity to vote. Even though their own chairman and their own committee did their work, their leadership refused to permit their chairman and their committee to bring bills to the floor where they could be amended. And now we have this, 4½ months after the beginning of the fiscal year.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

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

Mr. RUPPERSBERGER. Mr. Speaker, I thank the ranking member from Texas for yielding me time.

Mr. Speaker, I rise in favor of the omnibus conference report, but I do so with serious reservations about how this conference report was brought to the floor.

It is only with the knowledge that this bill will keep afloat programs important to the American family that I feel my vote today means something. But I think the American family would be outraged to know that actual debate over the funding of their government lasted just 1 hour. The American family would be outraged to learn that minority points of view concerning the health, well-being and security of this country were given just 1 hour for debate.

The process in which this conference has been brought to the floor goes against the American democratic process. The issues at stake here are too important, some life and death, not to be thoroughly debated. The fact that we did not get the chance to debate the homeland security needs of our first responders is almost unthinkable. Simply put, the issues at stake here are too important to be mired in the blatant partisanship of House rules.

Mr. Speaker, in the spirit of the American way of life, I urge the majority to give the voice of the American family a chance to be heard.

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

Mr. Speaker, I thought it might be interesting to the House and to people watching this proceeding to know what we are talking about, what bills we are mentioning. I said earlier that six appropriations bills were reported from the Committee on Appropriations but not brought to the floor, that the leadership on the other side refused to bring those to the floor. What were those six appropriations bills? Well, let us review that.

The agriculture appropriations bill, vitally important to the farmers of this Nation, reported out of the House Committee on Appropriations on July 11, 2002, never brought to the floor of the House; the District of Columbia appropriations bill, reported out of the Committee on Appropriations on September 26, 2002, never brought to the floor of the House; the energy and water appropriations bill, reported out of the House Committee on Appropriations September 5, 2002, never brought to this Chamber for a vote; the foreign operations appropriations bill, reported out of the House Committee on Appropriations September 19, 2002, never brought to this House for a vote; the transportation appropriations bill, vitally important to people all over this Nation, reported out of the House Committee on Appropriations October 7, never brought to the floor for a vote; and the VA–HUD, Veterans Department, reported out of the committee October 9, not brought to this House for a vote.

Now, Mr. Speaker, I would suggest this is a terrible way to run a railroad or to run a House of Representatives. Because those six bills were reported from the committee, but never brought to this Chamber, they now are contained in this pile before me.

Also in this pile before me are two other bills that were never even reported out of the Committee on Appropriations, and three other bills, of course, reported and passed the House but, of course, that never became law. So we are at this point today.

Now, we never did this when we were in the majority. We never brought an omnibus appropriations bill 4½ months after the beginning of the appropriations fiscal year and refused to bring individual appropriations bills to the floor for a vote. That was not something that was done by the Democrats when we were in the majority.

The other side does not care about the rights of the American people. Four hundred thirty-five of us were elected from districts. This a representative democracy. I represent 651,000 people, as does every other Member from the State of Texas, Republican or Democrat. The 651,000 people in my district and in the other, at that time, 29 districts, now 32 districts from the State of Texas, were denied the right to have their representative offer and consider amendments on the appropriation bills that fund this government.

Mr. Speaker, that is wrong. It should never have been done. It is the reason that we are here today, and it is one of the major reasons why we have the size deficit we do. If we had been able to offer those bills and vote on amendments, perhaps the House, in working its will, would have made some cuts, and perhaps the deficit would have been smaller. But the other side did not care.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I rise today on the rule for the omnibus appropriations bill to support the motion to recommit that will be offered by the gentleman from Wisconsin (Mr. OBEY).

The motion to recommit would direct the conferees to strip three controversial provisions added to the Interior section of the omnibus during conference negotiations and ask that certain critical natural resource programs are increased to levels requested by the President.

The three legislative provisions include section 335, which exempts the Tongass National Forest plan from all administrative or judicial review; section 323, which significantly expands the Forest Service's stewardship contracting project to a permanent program with little agency oversight of

private-contract timber harvest; and language that removes the House provision restricting funds for activities related to oil drilling in ANWR.

Additionally, the motion to recommit would direct the conferees to add back funding to key programs in the Interior title to bring them up to the level requested by the President in his request for fiscal year 2003. This motion would direct the conferees to add not less than $193 million above the level provided in this agreement for key natural and cultural resources programs funding through the Interior appropriations bill.

The current conference agreement provides $110 million less than the President requested for the National Park Service, $30 million less than the President requested for the Fish and Wildlife Service, and it completely eliminates the Urban Parks Program, which is a very good program.

In short, the conference agreement fails to honor the Conservation Trust Fund agreement made 3 years ago that conservation spending would be a priority.

Mr. Speaker, I urge my colleagues today to vote for the Obey motion to recommit. I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. FROST).

I have been on the committee for 26 years. Not bringing these bills to the floor is a failure of the Republican leadership. I do not blame the gentleman from Florida (Mr. YOUNG), our good and decent chairman, for that. It was the powers over him that made it impossible to get these bills to the floor.

I hope that they will keep the word they are putting out on the street that that will not happen this year. I think they owe it not only to the Congress, to all of us, but they owe it to the American people to get this train back on the track and to do the regular procedure.

I know the gentleman from Florida (Mr. YOUNG) wants to do that, I want to do it, and the gentleman from Wisconsin (Mr. OBEY) wants to do it. This year really was a disgrace for the American people, and this should never have happened. I hope that it will not happen in the future.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think everybody here remembers this fellow, President Reagan. He once stood before this body. This is a picture of him doing it. He pointed to an appropriations conference report and he said this: ''This is the conference report, a 1,053-page report weighing 14 pounds.'' Then he said, ''Congress should never send me another one of these.''

Do you know how much this thing weighs today? Do you know how much this weighs? This is over 3,000 pages, and it weighs over 32 pounds. Now, President Reagan was talking about how bad it was when he had a 14-pound document. This is 2½ times as big.

And then we have another outrage. I will get into the rest of the substance later, but I want to mention one thing especially. This bill, for first responders, this bill in terms of the aid we provide to firemen and policemen across the country, is $456 million below even President Bush's request. Does this House really want to vote to cut it that low?

Now we are being told that the answer to our security problems is duct tape and plastic sheeting.

□ 1700

With all due respect, rather than duct tape and plastic sheeting, I think our firemen would rather have more aid so they can buy the protective equipment that they need to protect their communities. That is just one of the shortcomings of this bill.

There is another provision in this bill that gives one chicken farm operation in Georgia the opportunity to put labels on their products calling them organic, even though they are not. There is another provision in this bill which gives 10 farmers in Texas $15 million in special benefits because they cannot quite qualify for a tax provision in the Tax Code. And then we have some other lollapalooza, which I will discuss a little bit later.

Now, my colleagues cannot convince me that those provisions would have survived if this bill had gone through the normal debate that normally accompanies appropriation bills. But 90 percent of the dollars, 90 percent of the dollars that we are going to spend as a result of this package have never been debated for one moment on the floor of the House of Representatives. All of the money that is in here is the result of a back-room deal. This is what ought to happen to back-room deals: we ought to leave them on the floor and go back to the drawing board.

Mr. FROST. Mr. Speaker, my wife often watches these proceedings; and she always tells me to make it simple, make it so that a person out there in my district can understand what is going on. I will try to do that.

What we have here is a situation where 2 years ago, the Republicans ate dessert with their tax bill, with their big tax cut; but they have refused to eat their vegetables. They would not consider the appropriation bills. They would not give the people's representatives the opportunity to vote on the appropriations process. So I am glad they enjoyed their dessert. I wish they would have given us the opportunity to take part in the rest of the meal.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

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

We are not here by mistake. We are not here because we could not get our work done. As a matter of fact, the month of September I think this House worked less than any September that I have been in this House in the last 21 years.

We are here because the Republicans did not want to put their bills on the floor and have their Members vote for it. I am a member of the Subcommittee on Labor, Health and Human Services and Education. We did not have 1 minute of consideration on a $130 billion-plus bill, not 1 minute of consideration in subcommittee. Not 1 minute of consideration in the full committee. Not 1 minute of debate and consideration on the floor of this House. Yet, behind me is a bill of over 3,000 pages. It was written last night. Not all of it; it is cumulative. But it was not finished until early this morning.

Mr. Speaker, we are going to have to pass a CR. Why are we going to pass a CR? Because as President Reagan also said, we needed time for OMB to read the bill. So we are going to have a CR so that the President can read this bill. But there is no time for the 435 Members of this body elected by 280 million Americans, no time for us to read this time. No time for us to digest what is in this bill. No time to have amendments on this floor so that we can strike egregious environmental provisions put in in the dark of night. No time to bring to this House the considered judgment that the Founding Fathers thought the people's House would give to legislation.

Luckily, Mr. Speaker, we are not all held to our comments that we might make. Some have made an analogy to making sausage. We defame the sausage industry in that analogy.

I want to join my colleague in saying that this is not the responsibility of the gentleman from Florida (Mr. YOUNG). The gentleman from Washington (Mr. DICKS) said that. The gentleman from Florida (Mr. YOUNG) is one of the fairest, most open, most democratic Chairs in this House and, indeed, under whom I have served during my tenure. It is not the responsibility of the majority party in the Committee on Appropriations. If it were their choice, they would have brought bills to the floor, bills that they felt were responsible, and we would have considered them. I will lament the fact that there are 54 Members of this House, all representing over 600,000 people, 30 million people, who have not had 1 minute to consider this legislation, because they were not here last year.

So we consider a bill. I am going to vote for this bill. I am going to vote for this bill because it has some very good things in it. As the gentleman from Wisconsin (Mr. OBEY) says, some of this money comes way too late. First responders, homeland security, frontline defense, Customs agents, FBI technology and capability have all been shortchanged for the last 5 months since the beginning of this fiscal year. That is not, in my opinion, being on high alert, on red-orange or whatever color now confronts us. I am going to vote for this bill because this bill will,

in fact, fund some of the critical things that America needs. NIH research has been on hold for the last 5 months. Extramural grants have not been given. But this is the worst process I have seen an appropriation bill put to in my 22 years in this House.

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

People listening to this proceeding, watching this proceeding may be kind of scratching their heads and saying, well, why are the Republicans not saying anything about this bill? Why are they just sitting over there? Could it be that they are ashamed of this process? Could it be that they have no way of defending what has happened here?

Normally, on a major piece of legislation, each side takes its 30 minutes. Apparently the Republicans simply want this to slip as quietly through as possible, knowing that this is an indefensible process and that they have done things that no one has done in the past, and I hope that even they will not do in the future.

Mr. Speaker, I urge Members to vote against the rule. I will join Members on our side who will be voting ''yes'' on final passage, because we do need to make sure the government can operate, and there are important things in this bill. It is just regrettable that the House was denied the opportunity to work its will on so many pieces of the appropriations legislation during this fiscal year.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I find that the arguments that my colleagues on the other side of the aisle were using were interesting arguments. They were based on the whole process of what we are supposed to do here in the House, or in the Congress. They, of course, only mentioned what they wanted to mention that would enhance, presumably, their position; but they forgot one very, very important part, step in this whole process, and that is the adoption of a budget which, of course, is a blueprint that all of our appropriators have to go through on all of the 13 spending bills.

Now, by law, by law, that budget has to be passed by both Houses in the spring, which meant that the budget should have been passed last spring. We did pass it in the House. The other body, with the same majority here as our minority, did not pass the budget. So we had no blueprint. And we know that we have to give and take as we go through this whole thing. So that was never mentioned whatsoever on the other side about the process. That made it very difficult; it would have made it very difficult had we passed appropriation bills over to the other body to try to reconcile when we have no blueprint as to where we are supposed to be spending.

So that was left out conveniently by my colleagues when they were talking.

So, Mr. Speaker, as I said in my opening remarks, this has been a long, difficult process. I said in my opening remarks that there are some good things in it, a lot of good things in it; and there are a lot of bad things, and we will hear about that. But in the end, we have to get on with the business of the people; we have to put '03 behind us so that we can start with '04. And I am certainly going to be one Member who is going to work as hard as I can with both sides of the aisle to make sure that we have a budget this year. I hope the other body has a budget. And I hope that we can pass the appropriation bills in a timely manner, because we do not know what is going to be ahead of us in this year with all of the challenges that face us.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG 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.J. Res. 2, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.J. RES. 2, CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 12, 2002, Part II.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

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

Mr. Speaker, I want to start my brief comments on this bill to say, ''wow.'' We are finally here. And some of the complaints that we heard about how we got here are very legitimate, and the process was not the best, but we are finally here, and it is important that we get this bill off the deck, because fiscal year '04 is already descending upon us.

Secondly, Mr. Speaker, I want to pay a strong compliment and tribute to the members of the Committee on Appropriations on both sides of the aisle who really worked hard to get us where we are today, and so we can conclude our work for fiscal year '03. All of the members of the subcommittees were involved at their levels, we had a very open process, we exchanged information and ideas and facts and details with each other as we went through the process. I would compliment the staff who worked many, many long hours; and as it was suggested, some of this bill was not written until 5 o'clock this morning, and I know that, because I was here at 6 o'clock this morning to file the bill, and joined my colleagues on the Committee on Rules at 7 o'clock to get a rule on this bill.

So what led us up to here, we should all be happy that it is behind us. Now we are in a position to close out fiscal year 2003, and I hope that is what we will do.

Mr. Speaker, I am pleased to bring this conference report on the consolidated appropriations bill for fiscal year 2003 to the House. This is an important appropriations bill. It not only includes 11 appropriations bills, and that is why the stack is so high and it weighs so much, but it also adds additional funding for national defense, national security, homeland security, intelligence activities, and support of our troops in Afghanistan.

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It is an important defense bill, a homeland defense bill, and an antiterrorism bill. It is a must-pass bill. It includes funds for our troops in Afghanistan, our intelligence agencies, homeland security, law enforcement, first responders, education programs and many other important operations of our government. It includes money for election reform, something that has been very important to the Members of the House.

I am sure this bill will not please everyone in all respects, and I do not know of any bill that we bring to the floor that does. But it does address many important needs of our country. Most importantly for the Congress, it preserves one of our most basic and important responsibilities under the Constitution: to appropriate funds from the Treasury. The passage of this bill will allow us to focus on the year ahead as we begin to provide funds for the government for the next fiscal year.

We have already received the President's budget request for fiscal year 2004, and we expect that very shortly, within the next 10 days to 2 weeks, we will receive a supplemental appropriations request dealing with national security, national defense. I think we have done a good job in holding down spending to appropriate levels.

When the chairman of the Senate committee and myself met with the

President and we discussed what the top number should be, we agreed on a top number. We have stuck to that top number with the only exception being when the President either agreed with, or requested additional funding for important matters. This bill includes $397.4 billion in discretionary funding. This is discretionary money that pales in comparison to how much money is spent through mandatory programs; and that is something you will hear me say often, that the biggest spending for the government comes from mandatory spending programs, not the discretionary accounts that we are dealing with today. This is a fiscally responsible bill and it does comply with the fiscal parameters described by the President.

Let me highlight just a few items that I think should be of interest to the Members. On homeland security, the bill provides record levels of resources to defend our homeland, something that we have all sworn that we would do with whatever resources were necessary. This bill includes $3.5 billion in assistance to State and local first responders. It includes $6.1 billion for the Coast Guard and $4.3 billion for the FBI, including new investments in information technology, something that many of us have discussed here on the floor numerous times as a serious requirement.

In the global war on terrorism there is $10 billion in this bill included to support our military and intelligence activities. For the veterans, Veterans Administration and veterans medical care, we have included a $2.5 billion increase for medical care over last year and $1.1 billion over the President's budget request.

On education funding, we provided educational assistance to needy and disadvantaged students through the Title I program. It has been increased by $1.4 billion. Special education State grants are increased $1.4 billion over last year and $400 million over the President's request.

On funding for space programs, something that has been called to our attention in our minds and in our hearts since the disaster with the shuttle Columbia, NASA funding is increased by $513 million over last year bringing the fiscal year 2003 funding to $15.4 billion; that is $414 million above the President's budget request. $50 million is provided to NASA to investigate the recent *Columbia* tragedy, so that we can do everything possible to prevent any further or future tragedies of a like nature. Additional flexibility is provided to the administrator of NASA to utilize resources where they are most needed.

Election reform is funded at$1.5 billion, something that has been very important to the Members of this House. There is $1.5 billion to help the States meet new standards under the Help America Vote Act, including over $1.4 billion in direct assistance to our States for the improvements of administration, the buy-out of antiquated equipment and new safeguards for voting rights. Also there is funding for programs to ensure that disabled voters have access and programs to encourage young Americans to participate in the electoral process.

I think we have reached a point of no return on this bill, Mr. Speaker. This is a must-pass bill. I hope we can get this important bill on the President's desk as soon as possible so that our soldiers, diplomats, law enforcement, intelligence officers can have the resources they need to protect our country.

While some may complain that potential operations in Iraq have diverted our attention from the threat of terrorism, funding in this bill for the intelligence activities proves that we will not and have not directed our attention away from that important subject.

The bill includes about $4 billion in funding for intelligence-related activities in support of the war on terrorism. This $4 billion, among other things, funds ongoing counterterrorism operations of the Central Intelligence Agency, funds the intelligence community's Counter-Terrorism Center, directly supports the intelligence requirements of counterterrorism activities of the Central Command and the Special Operations Command, funds the increased cost of maintaining 24-hour operations of intelligence collection and processing system, funds overtime costs for analysts and dissemination of imagery and signals intelligence.

Mr. Speaker, I think if anyone wants to look at this bill and find a reason why they should vote against it, they can do that. They can do that with any bill that is put on this floor, I believe. But this is a national defense bill. It provides for needs of our country and it provides some fiscal restraints that I think that most all of us have talked about and promised our constituents we would deal with over the years. So this is a good bill. It could have been really worse, but it is a good bill.

Many people worked long and hard to get us where we are so I just hope we can pass it so that our Committee on Appropriations can begin its 2004 responsibilities.

Mr. Speaker, at this point I would like to insert into the RECORD a series of tables that provide more detail on this bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,992	36,667	31,629	3,412	3,412	+420
Emergency appropriations (P.L. 107-117)	80,919	---	---	---	---	-80,919
Total, Office of the Secretary	83,911	36,667	31,629	3,412	3,412	-80,499
Executive Operations:						
Chief Economist	7,704	12,117	8,566	12,016	8,566	+862
National Appeals Division	12,869	14,334	13,759	13,759	13,759	+890
Office of Budget and Program Analysis	7,041	7,358	7,358	7,358	7,358	+317
Office of the Chief Information Officer	10,029	31,277	15,251	31,275	15,251	+5,222
Common computing environment	59,369	133,155	133,155	133,155	133,155	+73,786
Office of the Chief Financial Officer	5,384	7,918	5,572	7,877	5,572	+188
Working capital fund	---	21,000	41,000	---	12,000	+12,000
Total, Executive Operations	102,396	227,159	224,661	205,440	195,661	+93,265
Office of the Assistant Secretary for Civil Rights	---	---	---	400	400	+400
Office of the Assistant Secretary for Administration	647	780	664	780	664	+17
Agriculture buildings and facilities and rental payments	(187,647)	(70,499)	(195,900)	(197,662)	(196,781)	(+9,134)
Payments to GSA	130,266	---	130,266	130,266	130,266	---
Building operations and maintenance	31,438	36,522	31,657	33,419	32,538	+1,100
Repairs, renovations, and construction	25,943	33,977	33,977	33,977	33,977	+8,034
Hazardous materials management	15,665	15,685	15,685	15,685	15,685	+20
Departmental administration	37,079	46,398	38,095	42,479	38,095	+1,016
Office of the Assistant Secretary for Congressional Relations	3,718	4,157	3,821	4,157	3,821	+103
Office of Communications	8,894	9,637	9,140	9,637	9,140	+246
Office of the Inspector General	70,839	82,231	74,097	78,127	74,097	+3,258
Office of the General Counsel	32,627	37,287	34,446	35,588	35,017	+2,390
Office of the Under Secretary for Research, Education and Economics	573	780	588	780	588	+15
Economic Research Service	67,200	79,243	73,329	65,123	69,123	+1,923
National Agricultural Statistics Service	113,786	143,659	137,858	140,854	139,354	+25,568
Census of Agriculture	(25,350)	(41,274)	(41,274)	(41,274)	(41,274)	(+15,924)
Agricultural Research Service:						
Salaries and expenses	979,464	971,445	1,002,193	1,053,597	1,052,770	+73,306
Emergency appropriations (P.L. 107-117)	40,000	---	---	---	---	-40,000
Buildings and facilities	118,987	16,580	95,280	100,955	119,480	+493
Emergency appropriations (P.L. 107-117)	73,000	---	---	---	---	-73,000
Regular appropriations (P.L. 107-206)	25,000	---	---	---	---	-25,000
Total, Agricultural Research Service	1,236,451	988,025	1,097,473	1,154,552	1,172,250	-64,201

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Cooperative State Research, Education, and Extension Service:						
Research and education activities	542,062	552,549	572,616	651,411	620,827	+78,765
Native American Institutions Endowment Fund	(7,100)	(7,100)	(9,000)	(7,100)	(7,100)	---
Extension activities	439,473	419,989	441,821	452,767	453,468	+13,995
Integrated activities	42,853	44,865	47,868	48,218	46,743	+3,890
Outreach for socially disadvantaged farmers	3,243	3,243	8,243	3,493	3,493	+250
Total, Cooperative State Research, Education, and Extension Service	1,027,631	1,020,646	1,070,548	1,155,889	1,124,531	+96,900
Office of the Under Secretary for Marketing and Regulatory Programs	654	780	730	780	730	+76
Animal and Plant Health Inspection Service:						
Salaries and expenses	620,490	767,119	735,937	735,673	725,502	+105,012
Emergency appropriations (P.L. 107-117)	105,000	---	---	---	---	-105,000
AQI user fees	(84,813)	(275,000)	(275,000)	---	---	(-84,813)
Animal welfare user fees (proposed)	---	-5,000	---	---	---	---
Buildings and facilities	7,189	13,189	13,189	13,189	9,989	+2,800
Emergency appropriations (P.L. 107-117)	14,081	---	---	---	---	-14,081
Total, Animal and Plant Health Inspection Service	746,760	775,308	749,126	748,862	735,491	-11,269
Agricultural Marketing Service:						
Marketing Services	71,430	75,411	75,702	75,411	75,702	+4,272
Standardization user fees	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
(Limitation on administrative expenses, from fees collected)	(60,596)	(61,619)	(61,619)	(61,619)	(61,619)	(+1,023)
Funds for strengthening markets, income, and supply (transfer from section 32)	13,995	14,910	14,910	14,910	14,910	+915
Payments to states and possessions	1,347	1,347	1,347	1,347	1,347	---
Total, Agricultural Marketing Service	86,772	91,668	91,959	91,668	91,959	+5,187
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	33,117	41,164	44,746	44,475	39,950	+6,833
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	---
Inspection and licensing user fees (proposed)	---	-29,000	---	---	---	---
Total, Grain Inspection, Packers and Stockyards	33,117	12,164	44,746	44,475	39,950	+6,833
Office of the Under Secretary for Food Safety	476	780	603	780	603	+127
Food Safety and Inspection Service	715,642	763,049	755,793	759,759	759,759	+44,117
Emergency appropriations (P.L. 107-117)	15,000	---	---	---	---	-15,000
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	4,587,485	4,406,602	4,650,891	4,756,889	4,707,111	+119,626

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	606	899	622	899	622	+16
Farm Service Agency:						
Salaries and expenses	939,030	993,620	976,738	986,913	976,738	+37,708
(Transfer from export loans)	(790)	(834)	(834)	(834)	(834)	(+44)
(Transfer from P.L. 480)	(972)	(1,026)	(1,026)	(1,026)	(1,026)	(+54)
(Transfer from ACIF)	(272,595)	(279,176)	(279,176)	(279,176)	(279,176)	(+6,581)
Subtotal, transfers from program accounts	(274,357)	(281,036)	(281,036)	(281,036)	(281,036)	(+6,679)
Total, Salaries and expenses	(1,213,387)	(1,274,656)	(1,257,774)	(1,267,949)	(1,257,774)	(+44,387)
Emergency conservation program	---	48,700	---	---	---	---
State mediation grants	3,493	4,000	4,000	4,000	4,000	+507
Dairy indemnity program	100	100	100	100	100	---
Subtotal, Farm Service Agency	942,623	1,046,420	980,838	991,013	980,838	+38,215
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(146,996)	(100,000)	(100,000)	(146,996)	(130,000)	(-16,996)
Guaranteed	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	---
Subtotal	(1,146,996)	(1,100,000)	(1,100,000)	(1,146,996)	(1,130,000)	(-16,996)
Farm operating loans:						
Direct	(611,198)	(600,000)	(600,000)	(611,198)	(605,000)	(-6,198)
Unsubsidized guaranteed	(1,500,000)	(1,700,000)	(1,700,000)	(1,700,000)	(1,700,000)	(+200,000)
Subsidized guaranteed	(505,531)	(300,000)	(300,000)	(505,531)	(400,000)	(-105,531)
Subtotal	(2,616,729)	(2,600,000)	(2,600,000)	(2,816,729)	(2,705,000)	(+88,271)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	---
Emergency disaster loans	(25,000)	---	---	---	---	(-25,000)
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
Total, Loan authorizations	(3,890,725)	(3,802,000)	(3,802,000)	(4,065,725)	(3,937,000)	(+46,275)
Loan subsidies:						
Farm ownership loans:						
Direct	3,866	11,610	11,610	17,066	15,093	+11,227
Guaranteed	4,500	7,500	7,500	7,500	7,500	+3,000
Subtotal	8,366	19,110	19,110	24,566	22,593	+14,227

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Farm operating loans:						
Direct	54,580	103,560	103,560	105,493	104,423	+49,843
Unsubsidized guaranteed	52,650	53,890	53,890	53,890	53,890	+1,240
Subsidized guaranteed	68,550	35,400	35,400	59,653	47,200	-21,350
Subtotal	175,780	192,850	192,850	219,036	205,513	+29,733
Indian tribe land acquisition	118	179	179	179	179	+61
Emergency disaster loans	3,363	---	---	---	---	-3,363
Total, Loan subsidies	187,627	212,139	212,139	243,781	228,285	+40,658
ACIF expenses:						
Salaries and expense (transfer to FSA)	272,595	279,176	279,176	279,176	279,176	+6,581
Administrative expenses	8,000	8,000	8,000	8,000	8,000	---
Total, ACIF expenses	280,595	287,176	287,176	287,176	287,176	+6,581
Total, Agricultural Credit Insurance Fund	468,222	499,315	499,315	530,957	515,461	+47,239
(Loan authorization)	(3,890,725)	(3,802,000)	(3,802,000)	(4,065,725)	(3,937,000)	(+46,275)
Total, Farm Service Agency	1,410,845	1,545,735	1,480,153	1,521,970	1,496,299	+85,454
Risk Management Agency	74,752	72,771	70,726	70,708	70,708	-4,044
Total, Farm Assistance Programs	1,486,203	1,619,405	1,551,501	1,593,577	1,567,629	+81,426
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	2,900,000	2,886,000	2,886,000	2,886,000	2,886,000	-14,000
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	20,279,000	16,285,000	16,285,000	16,285,000	16,285,000	-3,994,000
Hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	23,179,000	19,171,000	19,171,000	19,171,000	19,171,000	-4,008,000
Total, title I, Agricultural Programs	29,252,688	25,197,007	25,373,392	25,521,466	25,445,740	-3,806,948
(By transfer)	(274,357)	(281,036)	(281,036)	(281,036)	(281,036)	(+6,679)
(Loan authorization)	(3,890,725)	(3,802,000)	(3,802,000)	(4,065,725)	(3,937,000)	(+46,275)
(Limitation on administrative expenses)	(108,059)	(109,082)	(109,082)	(109,082)	(109,082)	(+1,023)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	730	902	750	902	750	+20
Natural Resources Conservation Service:						
Conservation operations	779,000	840,963	843,553	840,002	825,004	+46,004
Watershed surveys and planning	10,960	---	11,197	10,960	11,197	+237
Watershed and flood prevention operations	106,590	---	110,000	105,000	110,000	+3,410
Regular appropriations (P.L. 107-206)	94,000	---	---	---	---	-94,000
Emergency watershed protection	---	110,000	---	---	---	---
Watershed rehabilitation program	10,000	---	---	30,000	30,000	+20,000
Resource conservation and development	48,048	49,079	55,079	50,000	51,000	+2,952
Forestry incentives program	6,811	---	---	---	---	-6,811
Total, Natural Resources Conservation Service	1,055,409	1,000,042	1,019,829	1,035,962	1,027,201	-28,208
Total, title II, Conservation Programs	1,056,139	1,000,944	1,020,579	1,036,864	1,027,951	-28,188
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	623	898	640	898	640	+17
Rural Development:						
Rural community advancement program	806,557	791,499	950,198	867,176	907,737	+101,180
(Transfer out)	(-24,000)	---	---	(-30,000)	(-30,000)	(-6,000)
RD expenses:						
Salaries and expenses	133,722	145,736	145,736	127,502	145,736	+12,014
(Transfer from RHIF)	(422,241)	(455,630)	(434,980)	(455,630)	(432,374)	(+10,133)
(Transfer from RDLFP)	(3,733)	(4,290)	(4,190)	(4,290)	(4,190)	(+457)
(Transfer from RETLP)	(36,000)	(38,035)	(37,833)	(38,035)	(37,833)	(+1,833)
(Transfer from RTB)	(3,082)	(3,082)	(3,082)	(3,082)	(3,082)	---
(Transfer from TLP)	(2,000)	---	---	---	---	(-2,000)
Subtotal, Transfers from program accounts	(467,056)	(501,037)	(480,085)	(501,037)	(477,479)	(+10,423)
Total, RD expenses	(600,778)	(646,773)	(625,821)	(628,539)	(623,215)	(+22,437)
Total, Rural Development	940,279	937,235	1,096,034	994,678	1,053,473	+113,194

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,079,848)	(957,300)	(1,084,151)	(1,005,162)	(1,044,000)	(-35,848)
Unsubsidized guaranteed	(3,137,968)	(2,750,000)	(3,194,444)	(2,750,000)	(4,528,000)	(+1,390,032)
Subtotal, Single family	(4,217,816)	(3,707,300)	(4,278,595)	(3,755,162)	(5,572,000)	(+1,354,184)
Housing repair (sec. 504)	(32,324)	(35,000)	(35,000)	(35,000)	(35,000)	(+2,676)
Rental housing (sec. 515)	(114,068)	(60,000)	(115,805)	(120,000)	(115,805)	(+1,737)
Site loans (sec. 524)	(5,090)	(5,000)	(5,046)	(5,000)	(5,046)	(-44)
Multi-family housing guarantees (sec. 538)	(99,770)	(100,000)	(100,000)	---	(100,000)	(+230)
Multi-family housing credit sales	(1,778)	(2,000)	(2,000)	(2,000)	(2,000)	(+222)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---
Self-help housing land development fund	(5,000)	(5,011)	(5,011)	(5,011)	(5,011)	(+11)
Total, Loan authorizations	(4,485,846)	(3,924,311)	(4,551,457)	(3,932,173)	(5,844,862)	(+1,359,016)
Loan subsidies:						
Single family (sec. 502)	142,108	185,429	210,000	194,700	202,350	+60,242
Unsubsidized guaranteed	40,166	19,800	23,000	19,800	32,600	-7,566
Subtotal, Single family	182,274	205,229	233,000	214,500	234,950	+52,676
Housing repair (sec. 504)	10,386	10,857	10,857	10,857	10,857	+471
Rental housing (sec. 515)	48,274	27,978	54,000	55,956	54,000	+5,726
Site loans (sec. 524)	28	55	55	55	55	+27
Multi-family housing guarantees (sec. 538)	3,921	4,500	4,500	---	4,500	+579
Multi-family housing credit sales	750	934	934	934	934	+184
Single family housing credit sales	---	---	---	---	---	---
Self-help housing land development fund	254	221	221	221	221	-33
Total, Loan subsidies	245,887	249,774	303,567	282,523	305,517	+59,630
RHIF administrative expenses (transfer to RD)	422,241	455,630	434,980	455,630	432,374	+10,133
Rental assistance program:						
(Sec. 521)	695,104	706,100	716,100	724,100	720,100	+24,996
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	---
Total, Rental assistance program	701,004	712,000	722,000	730,000	726,000	+24,996
Total, Rural Housing Insurance Fund	1,369,132	1,417,404	1,460,547	1,468,153	1,463,891	+94,759
(Loan authorization)	(4,485,846)	(3,924,311)	(4,551,457)	(3,932,173)	(5,844,862)	(+1,359,016)
Mutual and self-help housing grants	35,000	34,000	35,000	35,000	35,000	---
Rural housing assistance grants	38,914	42,498	42,498	47,498	42,498	+3,584

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Farm labor program account	31,431	34,615	38,000	34,615	36,307	+4,876
Subtotal, grants and payments	105,345	111,113	115,498	117,113	113,805	+8,460
Total, Rural Housing Service	1,474,477	1,528,517	1,576,045	1,585,266	1,577,696	+103,219
(Loan authorization)	(4,485,846)	(3,924,311)	(4,551,457)	(3,932,173)	(5,844,862)	(+1,359,016)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(38,171)	(40,000)	(40,000)	(40,000)	(40,000)	(+1,829)
Loan subsidy	16,494	19,304	19,304	19,304	19,304	+2,810
Administrative expenses (transfer to RD)	3,733	4,290	4,190	4,290	4,190	+457
Total, Rural Development Loan Fund	20,227	23,594	23,494	23,594	23,494	+3,267
Rural Economic Development Loans Program Account:						
(Loan authorization)	(14,966)	(14,967)	(14,967)	(14,967)	(14,967)	(+1)
Direct subsidy	3,616	3,197	3,197	3,197	3,197	-419
Rural cooperative development grants	7,750	9,000	9,000	9,000	9,000	+1,250
Rural empowerment zones and enterprise communities grants	14,967	---	14,967	14,967	14,967	---
Total, Rural Business-Cooperative Service	46,560	35,791	50,658	50,758	50,658	+4,098
(Loan authorization)	(53,137)	(54,967)	(54,967)	(54,967)	(54,967)	(+1,830)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(121,107)	(121,103)	(121,107)	(121,103)	(121,103)	(-4)
Direct, Municipal rate	(500,000)	(100,000)	(100,000)	(100,000)	(100,000)	(-400,000)
Direct, FFB	(2,600,000)	(1,600,000)	(2,600,000)	(2,600,000)	(2,600,000)	---
Direct, Treasury rate	(750,000)	(700,000)	(1,100,000)	(1,150,000)	(1,150,000)	(+400,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
Guaranteed underwriting	---	---	---	(1,000,000)	(1,000,000)	(+1,000,000)
Subtotal, Electric	(4,071,107)	(2,621,103)	(4,021,107)	(5,071,103)	(5,071,103)	(+999,996)
Telecommunications:						
Direct, 5%	(74,827)	(75,029)	(75,029)	(75,029)	(75,029)	(+202)
Direct, Treasury rate	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	---
Direct, FFB	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	---
Subtotal, Telecommunications	(494,827)	(495,029)	(495,029)	(495,029)	(495,029)	(+202)
Total, Loan authorizations	(4,565,934)	(3,116,132)	(4,516,136)	(5,566,132)	(5,566,132)	(+1,000,198)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Electric:						
Direct, 5%	3,609	6,915	6,915	6,915	6,915	+3,306
Direct, Municipal rate	---	4,030	4,030	4,030	4,030	+4,030
Guaranteed electric	80	80	80	80	80	---
Subtotal, Electric	3,689	11,025	11,025	11,025	11,025	+7,336
Telecommunications:						
Direct, 5%	1,736	1,283	1,283	1,283	1,283	-453
Direct, Treasury rate	300	150	150	150	150	-150
Subtotal, Telecommunications	2,036	1,433	1,433	1,433	1,433	-603
Total, Loan subsidies	5,725	12,458	12,458	12,458	12,458	+6,733
RETLP administrative expenses (transfer to RD)	36,000	38,035	37,833	38,035	37,833	+1,833
Total, Rural Electrification and Telecommunications Loans Program Account	41,725	50,493	50,291	50,493	50,291	+8,566
(Loan authorization)	(4,565,934)	(3,116,132)	(4,516,136)	(5,566,132)	(5,566,132)	(+1,000,198)
Rural Telephone Bank Program Account:						
(Loan authorization)	(174,615)	---	(174,638)	(174,615)	(174,615)	---
Direct loan subsidy	3,737	---	2,410	2,410	2,410	-1,327
RTB administrative expenses (transfer to RD)	3,082	3,082	3,082	3,082	3,082	---
Total, Rural Telephone Bank Program Account	6,819	3,082	5,492	5,492	5,492	-1,327
High energy costs grants (by transfer)	(24,000)	---	---	(30,000)	(30,000)	(+6,000)
Distance learning and telemedicine program:						
(Loan authorization)	(380,000)	(156,480)	(380,000)	(129,535)	(380,000)	---
Grants/loans subsidy costs	49,441	31,049	44,128	51,941	56,941	+7,500
Local Television Loan Guarantee Program Account:						
(Loan authorization)	(258,065)	---	---	---	---	(-258,065)
Direct loan subsidy	20,000	---	---	---	---	-20,000
Regular appropriations (P.L. 107-206)	8,000	---	---	---	---	-8,000
Rescission (P.L. 107-206)	-20,000	---	---	---	---	+20,000
LTLP administration expenses (transfer to RD)	2,000	---	---	---	---	-2,000
Total, Local Television Loan Program Account	10,000	---	---	---	---	-10,000
Total, Rural Utilities Service	107,985	84,624	99,911	107,926	112,724	+4,739
(Loan authorization)	(5,378,614)	(3,272,612)	(5,070,774)	(5,870,282)	(6,120,747)	(+742,133)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Total, title III, Rural Economic and Community Development Programs	2,569,924	2,587,065	2,823,288	2,739,526	2,795,191	+225,267
(By transfer)	(491,056)	(501,037)	(480,085)	(531,037)	(507,479)	(+16,423)
(Loan authorization)	(9,917,597)	(7,251,890)	(9,677,198)	(9,857,422)	(12,020,576)	(+2,102,979)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	587	774	603	774	603	+16
Food and Nutrition Service:						
Child nutrition programs	4,914,288	5,382,179	5,830,506	5,830,506	5,830,506	+916,218
Transfer from section 32	5,172,458	5,193,990	4,745,663	4,745,663	4,745,663	-426,795
Discretionary spending	500	---	---	4,000	4,000	+3,500
Total, Child nutrition programs	10,087,246	10,576,169	10,576,169	10,580,169	10,580,169	+492,923
Special supplemental nutrition program for women, infants, and children (WIC)	4,348,000	4,751,000	4,776,000	4,751,000	4,696,000	+348,000
Emergency appropriations (P.L. 107-117)	39,000	---	---	---	---	-39,000
Regular appropriations (P.L. 107-206)	75,000	---	---	---	---	-75,000
Food stamp program:						
Expenses	19,556,436	22,772,692	22,772,692	22,772,692	22,772,692	+3,216,256
Reserve	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	---
Nutrition assistance for Puerto Rico and Samoa	1,335,550	1,377,000	1,401,000	1,377,000	1,401,000	+65,450
The emergency food assistance program	100,000	100,000	140,000	140,000	140,000	+40,000
Rescission (P.L. 107-206)	-24,000	---	---	---	---	+24,000
Total, Food stamp program	22,967,986	26,249,692	26,313,692	26,289,692	26,313,692	+3,345,706
Commodity assistance program	152,813	144,991	170,000	167,000	164,500	+11,687
Rescission	-3,300	---	---	---	---	+3,300
Total, Commodity assistance program	149,513	144,991	170,000	167,000	164,500	+14,987
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	---
Elderly feeding program	149,668	---	---	---	---	-149,668
Total, Food donations programs	150,749	1,081	1,081	1,081	1,081	-149,668
Food program administration	127,546	147,944	134,397	136,865	136,560	+9,014
Total, Food and Nutrition Service	37,945,040	41,870,877	41,971,339	41,925,807	41,892,002	+3,946,962
Total, title IV, Domestic Food Programs	37,945,627	41,871,651	41,971,942	41,926,581	41,892,605	+3,946,978

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation.....	121,813	131,570	129,964	131,198	129,948	+8,135
(Transfer from export loans).....	(3,224)	(3,224)	(3,224)	(3,224)	(3,224)	---
(Transfer from P.L. 480).....	(1,033)	(1,033)	(1,033)	(1,033)	(1,033)	---
Total, Salaries and expenses program level.....	(126,070)	(135,827)	(134,221)	(135,455)	(134,205)	(+8,135)
Public Law 480 Program and Grant Accounts:						
Program account:						
Loan authorization, direct.....	(154,664)	(131,676)	(169,085)	(154,664)	(154,664)	---
Loan subsidies.....	126,409	98,904	127,000	116,171	116,171	-10,238
Ocean freight differential grants.....	20,277	28,000	28,000	25,159	25,159	+4,882
Title II - Commodities for disposition abroad:						
Program level.....	(850,000)	(1,185,000)	(1,200,000)	(1,185,000)	(1,200,000)	(+350,000)
Appropriation.....	850,000	1,185,000	1,200,000	1,185,000	1,200,000	+350,000
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,033	1,033	1,033	1,033	1,033	---
Farm Service Agency (transfer to FSA).....	972	1,026	1,026	1,026	1,026	+54
Subtotal.....	2,005	2,059	2,059	2,059	2,059	+54
Total, Public Law 480:						
Program level.....	(850,000)	(1,185,000)	(1,200,000)	(1,185,000)	(1,200,000)	(+350,000)
Appropriation.....	998,691	1,313,963	1,357,059	1,328,389	1,343,389	+344,698
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS).....	3,224	3,224	3,224	3,224	3,224	---
Farm Service Agency (transfer to FSA).....	790	834	834	834	834	+44
Total, CCC Export Loans Program Account.....	4,014	4,058	4,058	4,058	4,058	+44
Total, title V, Foreign Assistance and Related Programs.....	1,124,518	1,449,591	1,491,081	1,463,645	1,477,395	+352,877
(By transfer).....	(4,257)	(4,257)	(4,257)	(4,257)	(4,257)	---

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,183,670	1,369,385	1,376,702	1,383,505	1,382,702	+199,032
Emergency appropriations (P.L. 107-117)	151,100	---	---	---	---	-151,100
Prescription drug user fee act	(161,716)	(264,220)	(222,900)	(222,900)	(222,900)	(+61,184)
Medical device user fee act	---	---	---	(25,125)	(25,125)	(+25,125)
Subtotal	(1,496,486)	(1,633,605)	(1,599,602)	(1,631,530)	(1,630,727)	(+134,241)
Mammography clinics user fee (outlay savings)	(15,590)	(16,612)	(16,612)	(16,112)	(16,112)	(+522)
Export certification	(6,181)	(6,378)	(6,378)	(6,378)	(6,378)	(+197)
Payments to GSA	(105,116)	(98,556)	(106,678)	(98,556)	(108,269)	(+3,153)
Buildings and facilities	34,281	8,000	8,000	11,000	8,000	-26,281
Total, Food and Drug Administration	1,369,051	1,377,385	1,384,702	1,394,505	1,390,702	+21,651
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	70,700	79,884	79,884	93,985	85,985	+15,285
Emergency appropriations (P.L. 107-117)	16,900	---	---	---	---	-16,900
Transaction fee (proposed)	---	-33,000	---	---	---	---
Total, Commodity Futures Trading Commission	87,600	46,884	79,884	93,985	85,985	-1,615
Farm Credit Administration (limitation on administrative expenses)	(36,700)	(36,700)	(38,400)	(38,404)	(38,400)	(+1,700)
Total, title VI, Related Agencies and Food and Drug Administration	1,456,651	1,424,269	1,464,586	1,488,490	1,476,687	+20,036
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	2,496	---	4,000	2,496	3,000	+504
National Sheep Industry Improvement Center revolving fund	1,000	---	1,000	---	499	-501
Limit crop insurance education	-6,000	---	---	---	---	+6,000
Mallard Pointe conservation	150	---	---	---	---	-150
Jamestown conservation	250	---	---	---	---	-250
Child and adult care feeding program	10,000	---	---	22,000	22,000	+12,000
CCC Apple market loss	75,000	---	---	---	---	-75,000
Dairy price support extension	15,000	---	---	---	---	-15,000
Sugar beets	5,000	---	---	---	---	-5,000
Tobacco	5,000	---	---	---	---	-5,000
Citrus canker compensation	---	---	18,200	---	---	---

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Livestock assistance program	---	---	100,000	---	---	---
Rural clean water program (rescission)	---	---	-5,000	---	---	---
Export enhancement program (sec. 101) (P.L. 107-206)	-445,000	---	---	---	---	+445,000
Agriculture assistance (P.L. 107-206)	10,000	---	---	---	---	-10,000
P.L. 480 Title II	---	---	---	500,000	250,000	+250,000
Total, title VII, General provisions	-327,104	---	118,200	524,496	275,499	+602,603
Grand total:						
New budget (obligational) authority	73,078,443	73,530,527	74,263,068	74,701,068	74,391,068	+1,312,625
Appropriations	(72,590,743)	(73,530,527)	(74,268,068)	(74,701,068)	(74,391,068)	(+1,800,325)
Rescission	(-47,300)	---	(-5,000)	---	---	(+47,300)
Emergency appropriations	535,000	---	---	---	---	-535,000
(By transfer)	(769,670)	(786,330)	(765,378)	(816,330)	(792,772)	(+23,102)
(Loan authorization)	(13,962,986)	(11,185,566)	(13,648,283)	(14,077,811)	(16,112,240)	(+2,149,254)
(Limitation on administrative expenses)	(144,759)	(145,782)	(147,482)	(147,486)	(147,482)	(+2,723)

1/ In addition to appropriation.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	91,668	114,579	103,579	99,696	100,579	+8,911
Emergency appropriations (P.L. 107-206)	5,750	---	---	---	---	-5,750
USA Patriot Act activities (emergency)	5,000	---	---	---	---	-5,000
Anti-terrorism task forces	---	---	---	63,700	---	---
Joint terrorism task forces	---	---	---	158,547	---	---
Foreign terrorist tracking task force	---	---	---	62,000	---	---
Joint automated booking system	1,000	---	---	15,973	15,973	+14,973
Automated Biometric Identification System-Integrated Identification system integration	---	---	---	9,000	9,000	+9,000
Chimera	---	---	---	83,400	---	---
Identification systems integration	---	24,478	24,478	---	---	---
Narrowband communications	94,615	149,254	81,354	149,254	81,354	-13,261
Deputy Attorney General for Combating Terrorism	1,000	---	---	---	---	-1,000
Counterterrorism fund	4,989	---	4,100	---	1,000	-3,989
Administrative review and appeals:						
Direct appropriation	173,647	193,535	193,535	180,466	191,535	+17,888
Emergency appropriations (P.L. 107-117)	3,500	---	---	---	---	-3,500
Subtotal	177,147	193,535	193,535	180,466	191,535	+14,388
Detention trustee	1,000	1,388,566	1,347,216	1,385,966	1,366,591	+1,365,591
Office of Inspector General	50,735	63,937	59,937	54,825	57,937	+7,202
Total, General administration	432,904	1,934,349	1,814,199	2,262,827	1,823,969	+1,391,065
United States Parole Commission						
Salaries and expenses	9,876	10,862	10,862	10,114	10,488	+612
Legal Activities						
General legal activities:						
Direct appropriation	549,176	645,299	612,849	537,502	609,329	+60,153
Radiation exposure compensation act	---	---	1,996	---	1,996	+1,996
Emergency appropriations (P.L. 107-117)	12,500	---	---	---	---	-12,500
Subtotal	561,676	645,299	614,845	537,502	611,325	+49,649
Vaccine injury compensation trust fund (permanent)	4,028	4,028	4,028	4,028	4,028	---
Legal activities office automation	15,765	15,942	15,942	77,127	15,942	+177
Antitrust Division	130,791	137,799	134,295	133,133	133,133	+2,342
Offsetting fee collections - carryover	---	---	---	---	---	---
Offsetting fee collections - current year	-130,791	-137,799	-134,295	-133,133	-133,133	-2,342
Direct appropriation	---	---	---	---	---	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
United States Attorneys:						
Direct appropriation	1,353,968	1,506,373	1,502,767	1,320,160	1,503,767	+149,799
Emergency appropriations (P.L. 107-117)	56,370	---	---	---	---	-56,370
Rescission (P.L. 107-206)	-7,000	---	---	---	---	+7,000
Subtotal	1,403,338	1,506,373	1,502,767	1,320,160	1,503,767	+100,429
United States Trustee System Fund	147,000	167,510	159,161	150,381	155,736	+8,736
Offsetting fee collections	-140,000	-161,510	-153,161	-144,381	-149,736	-9,736
Interest on U.S. securities	-7,000	-6,000	-6,000	-6,000	-6,000	+1,000
Direct appropriation	---	---	---	---	---	---
Foreign Claims Settlement Commission	1,136	1,136	1,136	1,136	1,136	---
United States Marshals Service:						
Salaries and expenses (non-CSE)	619,429	691,343	684,174	661,085	680,474	+61,045
Emergency appropriations (P.L. 107-117)	10,200	---	---	---	---	-10,200
Courthouse security equipment	14,267	---	---	12,061	---	-14,267
Construction	15,000	15,126	15,126	17,378	15,126	+126
Emergency appropriations (P.L. 107-117)	9,125	---	---	---	---	-9,125
Justice Prisoner & Alien Transportation system	---	---	---	77,694	---	---
Total, United States Marshals Service	668,021	706,469	699,300	768,218	695,600	+27,579
Federal prisoner detention	706,182	---	---	---	---	-706,182
Rescission (P.L. 107-206)	-30,000	---	---	---	---	+30,000
Fees and expenses of witnesses	156,145	156,145	156,145	156,145	175,645	+19,500
Community Relations Service	9,269	9,364	9,364	9,474	9,474	+205
Assets forfeiture fund	22,949	22,949	22,949	22,949	21,901	-1,048
Rescission (P.L. 107-206)	-5,000	---	---	---	---	+5,000
Total, Legal activities	3,513,509	3,067,705	3,026,476	2,896,739	3,038,818	-474,691
Radiation Exposure Compensation						
Radiation exposure compensation act	1,996	1,996	---	---	---	-1,996
Interagency Law Enforcement						
Interagency crime and drug enforcement	338,577	362,131	365,131	400,102	372,131	+33,554
Federal Bureau of Investigation						
Salaries and expenses	3,031,830	3,778,838	3,823,838	3,452,287	3,759,287	+727,457
Emergency appropriations (P.L. 107-117)	745,000	---	---	---	---	-745,000
Emergency appropriations (P.L. 107-206)	10,000	---	---	---	---	-10,000
Counterintelligence and national security	459,243	472,749	472,749	475,300	475,300	+16,057
Direct appropriation	4,246,073	4,251,587	4,296,587	3,927,587	4,234,587	-11,486

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Foreign terrorist tracking task force	---	---	---	---	62,000	+62,000
Construction	33,791	1,250	1,250	1,250	1,250	-32,541
Total, Federal Bureau of Investigation	4,279,864	4,252,837	4,297,837	3,928,837	4,297,837	+17,973
Drug Enforcement Administration						
Salaries and expenses	1,567,804	1,659,564	1,704,564	1,566,491	1,649,948	+82,144
Diversion control fund	-86,021	-113,645	-113,645	-89,021	-89,029	-3,008
Total, Drug Enforcement Administration	1,481,783	1,545,919	1,590,919	1,477,470	1,560,919	+79,136
Immigration and Naturalization Service						
Salaries and expenses	3,371,440	3,241,787	3,049,929	3,241,787	3,589,819	+218,379
Emergency appropriations (P.L. 107-117)	449,800	---	---	---	---	-449,800
Emergency appropriations (P.L. 107-206)	35,000	---	---	---	---	-35,000
Immigration enforcement and border affairs	(2,739,695)	(3,153,183)	(2,961,325)	---	(2,880,819)	(+141,124)
Immigration services	(631,745)	(88,604)	(88,604)	---	(709,000)	(+77,255)
Fee accounts:						
Immigration user fee	(591,866)	(658,295)	(658,295)	(658,295)	(658,295)	(+66,429)
Land border inspection fund	(4,490)	(2,700)	(2,700)	(2,700)	(21,700)	(+17,210)
Immigration examinations fund	(1,376,871)	(1,462,803)	(1,462,803)	(1,462,803)	(1,443,803)	(+66,932)
Breached bond fund	(120,763)	(171,275)	(171,275)	(171,275)	(171,275)	(+50,512)
Immigration enforcement fines	(22,664)	(6,000)	(6,000)	(6,000)	(6,000)	(-16,664)
H-1b Visa fees	(26,272)	(10,000)	(10,000)	(10,000)	(10,000)	(-16,272)
Subtotal, Fee accounts	2,142,926	2,311,073	2,311,073	2,311,073	2,311,073	+168,147
Construction	128,454	---	267,137	267,138	258,637	+130,183
Emergency appropriations (P.L. 107-117)	99,600	---	---	---	---	-99,600
Support and administration	---	785,598	681,072	---	---	---
Total, Immigration and Naturalization Service	(6,227,220)	(6,338,458)	(6,309,211)	(5,819,998)	(6,159,529)	(-67,691)
Appropriations	(3,499,894)	(4,027,385)	(3,998,138)	(3,508,925)	(3,848,456)	(+348,562)
Emergency appropriations	(584,400)	---	---	---	---	(-584,400)
(Fee accounts)	(2,142,926)	(2,311,073)	(2,311,073)	(2,311,073)	(2,311,073)	(+168,147)
Federal Prison System						
Salaries and expenses	3,808,600	4,081,765	4,074,265	4,068,237	4,071,251	+262,651
Buildings and facilities	813,552	395,243	395,243	460,221	399,227	-414,325
Rescission (P.L. 107-206)	-5,000	---	---	---	---	+5,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,429	3,429	3,429	3,429	3,429	---
Total, Federal Prison System	4,620,581	4,480,437	4,472,937	4,531,887	4,473,907	-146,674

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of Justice Programs						
Justice assistance	437,008	214,024	210,049	2,232,057	201,291	-235,717
(By transfer)	(6,632)	(6,632)	(6,632)	(6,632)	(6,632)	---
Emergency appropriations (P.L. 107-117)	400,000	---	---	---	---	-400,000
Rescission (P.L. 107-206)	-600	---	---	---	---	+600
Domestic preparedness	---	---	307,610	---	1,000,000	+1,000,000
Communications and interoperability	---	---	200,000	---	---	---
Total, Office of Justice Programs	836,408	214,024	717,659	2,232,057	1,201,291	+364,883
State and local law enforcement assistance:						
Local law enforcement block grant	400,000	---	400,000	400,000	400,000	---
Boys and Girls clubs (earmark)	(70,000)	---	(70,000)	(90,000)	(80,000)	(+10,000)
National Institute of Justice (earmark)	(19,956)	---	(19,956)	(20,000)	(20,000)	(+44)
Citizen corps (earmark)	---	---	(7,500)	---	(3,000)	(+3,000)
Indian assistance	48,162	12,971	12,971	48,000	18,000	-30,162
Tribal prison construction	(35,191)	---	---	(35,000)	(5,000)	(-30,191)
Indian tribal courts program	(7,982)	(7,982)	(7,982)	(8,000)	(8,000)	(+18)
Indian grants	(4,989)	(4,989)	(4,989)	(5,000)	(5,000)	(+11)
State criminal alien assistance program	565,000	---	500,000	---	250,000	-315,000
Cooperative agreement program	20,000	---	5,000	20,000	5,000	-15,000
Byrne grants (formula)	500,000	---	500,000	---	500,000	---
Byrne grants (discretionary)	94,489	---	94,489	134,700	150,914	+56,425
Juvenile crime block grant	249,450	215,000	215,000	249,450	190,000	-59,450
Drug courts	50,000	52,000	50,000	50,000	45,000	-5,000
Violence Against Women grants	390,565	390,165	390,565	390,565	390,165	-400
State prison drug treatment	70,000	77,000	70,000	70,000	65,000	-5,000
Other crime control programs	5,688	4,742	5,000	5,700	5,690	+2
Assistance for victims of trafficking	10,000	---	10,000	---	10,000	---
Prescription drug monitoring	---	---	10,000	---	7,500	+7,500
Prison rape prevention	---	---	18,000	---	13,000	+13,000
Terrorism prevention and response training	---	---	---	---	15,000	+15,000
Emergency appropriations (P.L. 107-117)	251,100	---	---	---	---	-251,100
Prior year unobligated balances	---	---	---	---	-20,990	-20,990
Total, State and local law enforcement	2,654,454	751,878	2,281,025	1,368,415	2,044,279	-610,175
Weed and seed program fund	58,925	58,925	58,925	58,925	58,925	---
Community oriented policing services:						
Public safety and community policing grants	496,014	126,106	376,106	492,000	353,238	-142,776
Hiring	(330,000)	---	(200,000)	(330,000)	(200,000)	(-130,000)
Methamphetamine	(70,473)	(20,000)	(75,000)	(50,000)	(57,132)	(-13,341)
Management administration	32,812	25,685	32,812	35,000	33,000	+188

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Crime fighting technologies	351,632	282,500	357,287	426,215	400,567	+48,935
Safe schools initiative	(17,000)	(17,000)	(17,000)	(17,000)	(17,000)	---
Upgrade criminal history records	(35,000)	(60,000)	(60,000)	(35,000)	(40,000)	(+5,000)
DNA identification/crime lab	(75,000)	(75,000)	(80,000)	(80,000)	(81,538)	(+6,538)
COPS technology	(154,345)	(50,000)	(130,000)	(158,815)	(189,954)	(+35,609)
COPS Interoperability	---	---	---	(100,000)	(20,000)	(+20,000)
Community prosecutors	99,780	99,780	59,780	100,000	85,000	-14,780
Crime prevention	70,202	46,963	70,235	67,013	57,107	-13,095
Justice assistance grants program	---	800,000	---	---	---	---
Total, Community oriented policing services	1,050,440	1,381,034	896,220	1,120,228	928,912	-121,528
Juvenile justice programs	305,860	257,801	257,801	315,425	275,306	-30,554
(Transfer out)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	---
Election reform grants	---	400,000	---	31,000	---	---
Public safety officers benefits:						
Death benefits	33,224	49,054	49,054	49,054	49,054	+15,830
Disability benefits	4,500	4,000	---	4,000	4,000	-500
Education benefits	---	---	2,500	---	---	---
Total, Public safety officers benefits program	37,724	53,054	51,554	53,054	53,054	+15,330
Total, Office of Justice Programs	4,943,811	3,116,716	4,263,184	5,179,104	4,561,767	-382,044
Crime free rural state program (sec. 110)	---	---	---	10,000	---	---
Total, title I, Department of Justice	23,707,195	22,800,337	23,839,683	24,206,005	23,988,292	+281,097
(Transfer out)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	(-6,632)	---
(By transfer)	(6,632)	(6,632)	(6,632)	(6,632)	(6,632)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
RELATED AGENCIES						
Office of the United States Trade Representative						
Salaries and expenses	30,097	32,299	32,000	33,000	34,999	+4,902
International Trade Commission						
Salaries and expenses	51,440	54,000	53,000	54,600	54,000	+2,560
Total, Related agencies	81,537	86,299	85,000	87,600	88,999	+7,462

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	347,547	376,678	373,807	353,242	370,192	+22,645
Emergency appropriations (P.L. 107-117)	1,000	---	---	---	---	-1,000
Offsetting fee collections	-3,000	-13,000	-13,000	-3,000	-8,000	-5,000
Direct appropriation	345,547	363,678	360,807	350,242	362,192	+16,645
Bureau of Industry and Security						
Operations and administration	61,643	100,198	62,643	100,198	67,403	+5,760
Emergency appropriations (P.L. 107-117)	1,756	---	---	---	---	-1,756
CWC enforcement	7,250	---	7,250	---	7,250	---
Total, Bureau of Industry and Security	70,649	100,198	69,893	100,198	74,653	+4,004
Economic Development Administration						
Economic development assistance programs	335,000	317,235	317,235	257,886	290,000	-45,000
Salaries and expenses	30,557	30,765	30,765	30,765	30,765	+208
Total, Economic Development Administration	365,557	348,000	348,000	288,651	320,765	-44,792
Minority Business Development Agency						
Minority business development	28,381	28,906	28,906	28,906	28,906	+525
Total, Trade and Infrastructure Development	891,671	927,081	892,606	855,597	875,515	-16,156
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	62,515	73,220	73,220	72,158	72,158	+9,643
Bureau of the Census						
Salaries and expenses	169,424	204,996	189,181	173,223	183,000	+13,576
Periodic censuses and programs	321,376	500,320	368,482	385,696	371,482	+50,106
Rescission (P.L. 107-206)	-11,300	---	---	---	---	+11,300
Total, Bureau of the Census	479,500	705,316	557,663	558,919	554,482	+74,982
National Telecommunications and Information Administration						
Salaries and expenses	14,054	16,581	16,153	14,352	14,700	+646

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Public telecommunications facilities, planning and construction	43,466	43,556	43,556	43,616	43,556	+90
Emergency appropriations (P.L. 107-206)	8,250	---	---	---	---	-8,250
Information infrastructure grants	15,503	212	15,503	15,560	15,503	---
Total, National Telecommunications and Information Administration	81,273	60,349	75,212	73,528	73,759	-7,514
United States Patent and Trademark Office						
Current year fee funding	843,701	1,204,357	1,156,000	1,038,800	1,015,229	+171,528
Emergency appropriations (P.L. 107-117)	1,500	---	---	---	---	-1,500
Prior year carryover	282,300	100,000	100,000	166,771	166,771	-115,529
Total, Patent and Trademark Office	1,127,501	1,304,357	1,256,000	1,205,571	1,182,000	+54,499
Offsetting fee collections	-843,701	-1,204,357	-1,156,000	-1,038,800	-1,015,229	-171,528
Total, Economic and Information Infrastructure	907,088	938,885	806,095	871,376	867,170	-39,918
SCIENCE AND TECHNOLOGY						
Technology Administration						
Office of Technology Policy						
Salaries and expenses	8,238	7,886	7,886	7,886	9,886	+1,648
National Institute of Standards and Technology						
Scientific and technical research and services	321,111	384,809	351,296	363,433	359,411	+38,300
Emergency appropriations (P.L. 107-117)	5,000	---	---	---	---	-5,000
Emergency appropriations (P.L. 107-206)	4,000	---	---	---	---	-4,000
Industrial technology services	291,022	119,607	110,000	291,976	286,623	-4,399
Construction of research facilities	62,393	54,212	54,212	65,460	66,100	+3,707
Emergency appropriations (P.L. 107-117)	1,225	---	---	---	---	-1,225
Working capital fund	---	4,482	---	281	---	---
Total, National Institute of Standards and Technology	684,751	563,110	515,508	721,150	712,134	+27,383
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	2,027,424	1,991,722	1,832,598	2,349,301	2,040,497	+13,073
Emergency appropriations (P.L. 107-117)	2,750	---	---	---	---	-2,750
Regular appropriations (P.L. 107-206)	2,000	---	---	---	---	-2,000
Rescission (P.L. 107-206)	-8,100	---	---	---	---	+8,100
Conservation	223,273	219,360	305,016	---	273,022	+49,749

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
(By transfer from Promote and Develop Fund)	(68,000)	(75,000)	(75,000)	(55,000)	(65,000)	(-3,000)
(By transfer from Coastal zone management)	3,000	3,000	3,000	3,000	3,000	---
Total, Operations, research, and facilities	2,250,347	2,214,082	2,140,614	2,352,301	2,316,519	+66,172
Procurement, acquisition and construction	778,065	791,375	656,298	903,410	682,851	-95,214
Conservation	58,487	20,012	44,984	---	76,179	+17,692
Total, Procurement, acquisition and construction	836,552	811,387	701,282	903,410	759,030	-77,522
Pacific coastal salmon recovery	---	---	---	98,650	---	---
Conservation	157,419	110,000	130,000	---	130,000	-27,419
Coastal zone management fund	-3,000	-3,000	-3,000	-3,000	-3,000	---
Fishermen's contingency fund	952	954	---	954	1	-951
Foreign fishing observer fund	191	191	---	191	1	-190
Fisheries finance program account	287	-3,000	-3,000	-3,000	-8,000	-8,287
Negative subsidy (P.L. 107-206)	-3,000	---	---	---	---	+3,000
Environmental improvement and restoration fund	10,000	---	---	---	---	-10,000
Total, National Oceanic and Atmospheric Administration	3,249,748	3,130,614	2,965,896	3,349,506	3,194,551	-55,197
Total, Science and Technology	3,942,737	3,701,610	3,489,290	4,078,542	3,916,571	-26,166
Appropriations	(3,498,683)	(3,352,238)	(3,009,290)	(4,078,542)	(3,437,370)	(-61,313)
Conservation	(439,179)	(349,372)	(480,000)	---	(479,201)	(+40,022)
Emergency appropriations	(12,975)	---	---	---	---	(-12,975)
Departmental Management						
Salaries and expenses	37,652	48,254	46,254	41,494	44,954	+7,302
Emergency appropriations (P.L. 107-117)	4,776	---	---	---	---	-4,776
Emergency appropriations (P.L. 107-206)	400	---	---	---	---	-400
Office of Inspector General	20,176	22,670	22,670	20,635	20,635	+459
Total, Departmental management	63,004	70,924	68,924	62,129	65,589	+2,585
Tourism promotion (sec. 210)	---	---	---	50,000	50,000	+50,000
Total, Department of Commerce	5,722,963	5,552,201	5,171,915	5,830,044	5,685,846	-37,117
Total, title II, Department of Commerce and related agencies	5,804,500	5,638,500	5,256,915	5,917,644	5,774,845	-29,655
Appropriations	(5,354,064)	(5,289,128)	(4,776,915)	(5,917,644)	(5,295,644)	(-58,420)
Conservation	(439,179)	(349,372)	(480,000)	---	(479,201)	(+40,022)
Emergency appropriations	(30,657)	---	---	---	---	(-30,657)
(By transfer)	(68,000)	(75,000)	(75,000)	(55,000)	(65,000)	(-3,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,808	1,872	1,872	1,872	1,872	+64
Other salaries and expenses	38,180	44,452	43,871	42,527	43,871	+5,691
Total, Salaries and expenses	39,988	46,324	45,743	44,399	45,743	+5,755
Care of the building and grounds	37,530	53,626	41,626	53,304	41,626	+4,096
Emergency appropriations (P.L. 107-117)	30,000	---	---	---	---	-30,000
Emergency appropriations (P.L. 107-206)	10,000	---	---	---	---	-10,000
Total, Supreme Court of the United States	117,518	99,950	87,369	97,703	87,369	-30,149
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	2,079	2,225	2,225	2,225	2,225	+146
Other salaries and expenses	17,208	19,668	18,265	17,911	18,088	+880
Total, Salaries and expenses	19,287	21,893	20,490	20,136	20,313	+1,026
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,633	1,678	1,678	1,678	1,678	+45
Other salaries and expenses	11,431	12,099	12,009	11,851	12,009	+578
Total, Salaries and expenses	13,064	13,777	13,687	13,529	13,687	+623
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	250,434	263,854	263,854	---	263,854	+13,420
Other salaries and expenses	3,340,682	3,750,253	3,555,265	---	3,536,146	+195,464
Emergency appropriations (P.L. 107-117)	5,000	---	---	---	---	-5,000
Emergency appropriations (P.L. 107-206)	3,143	---	---	---	---	-3,143
Direct appropriation	3,599,259	4,014,107	3,819,119	---	3,800,000	+200,741

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Courts of Appeals, District, Magistrate, and Bankruptcy Court Judges and Staff						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	---	---	---	263,854	---	---
Other salaries and expenses	---	---	---	454,882	---	---
Total, Salaries and expenses	---	---	---	718,736	---	---
Court Support						
Salaries and expenses	---	---	---	1,048,877	---	---
Court Services						
Salaries and expenses	---	---	---	1,394,039	---	---
Probation and Pretrial Services						
Salaries and expenses	---	---	---	717,214	---	---
Vaccine Injury Compensation Trust Fund	2,692	2,784	2,784	2,784	2,784	+92
Defender services	500,671	588,741	545,129	531,792	538,461	+37,790
Fees of jurors and commissioners	48,131	57,826	54,636	54,636	54,636	+6,505
Court security	220,677	298,235	286,200	276,342	268,400	+47,723
Emergency appropriations (P.L. 107-117)	57,521	---	---	---	---	-57,521
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,428,951	4,961,693	4,707,868	4,744,420	4,664,281	+235,330
Administrative Office of the United States Courts						
Salaries and expenses	61,664	66,912	64,913	---	63,500	+1,836
Emergency appropriations (P.L. 107-117)	2,879	---	---	---	---	-2,879
Federal Judicial Center						
Salaries and expenses	19,735	21,885	20,856	20,156	20,856	+1,121
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	37,000	35,300	35,300	35,300	35,300	-1,700
United States Sentencing Commission						
Salaries and expenses	11,575	13,200	12,344	11,835	12,090	+515

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
General Provisions						
Judges pay raise (sec. 304)	8,625	7,000	7,878	7,972	---	-8,625
Total, title III, the Judiciary	4,720,298	5,241,610	4,970,705	4,951,051	4,917,396	+197,098
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY						
Administration of Foreign Affairs						
Diplomatic and consular programs	3,142,277	3,384,179	3,269,258	3,042,096	3,269,258	+126,981
Emergency appropriations (P.L. 107-206)	47,450	---	---	---	---	-47,450
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	(-4,000)	(-4,000)	---
Worldwide security upgrades	487,735	553,000	553,000	579,086	553,000	+65,265
Total, Diplomatic and consular programs	3,677,462	3,937,179	3,822,258	3,621,182	3,822,258	+144,796
Capital investment fund	203,000	177,000	177,000	210,000	183,311	-19,689
Office of Inspector General	29,000	29,264	29,264	30,844	29,264	+264
Educational and cultural exchange programs	237,000	245,306	250,306	237,881	245,306	+8,306
Emergency appropriations (P.L. 107-206)	10,000	---	---	---	---	-10,000
Representation allowances	6,485	9,000	6,485	6,485	6,485	---
Protection of foreign missions and officials	9,400	11,000	11,000	9,400	11,000	+1,600
Embassy security, construction, and maintenance	458,000	550,000	500,000	523,000	508,500	+50,500
Worldwide security upgrades	815,960	755,000	755,000	732,700	755,000	-60,960
Emergency appropriations (P.L. 107-206)	200,516	---	---	---	---	-200,516
Emergencies in the diplomatic and consular service	6,500	15,000	10,500	6,500	6,500	---
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	---
Repatriation Loans Program Account:						
Direct loans subsidy	612	612	612	612	612	---
Administrative expenses	607	607	607	607	607	---
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Repatriation loans program account	1,219	1,219	1,219	1,219	1,219	---
Payment to the American Institute in Taiwan	17,044	18,817	18,450	17,044	18,450	+1,406
Payment to the Foreign Service Retirement and Disability Fund	135,629	138,200	138,200	138,200	138,200	+2,571
Total, Administration of Foreign Affairs	5,807,215	5,886,985	5,719,682	5,534,455	5,725,493	-81,722
International Organizations and Conferences						
Contributions to international organizations, current year assessment	850,000	891,378	858,000	866,000	866,000	+16,000
Emergency appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Contributions for international peacekeeping activities, current year	844,139	725,981	725,981	673,710	673,710	-170,429
Emergency appropriations (P.L. 107-206)	23,034	---	---	---	---	-23,034
Total, International Organizations and Conferences	1,724,173	1,617,359	1,583,981	1,539,710	1,539,710	-184,463
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	24,705	27,404	25,808	25,155	25,482	+777
Construction	5,450	9,401	5,450	5,488	5,450	---
American sections, international commissions	9,911	10,682	9,472	10,023	9,472	-439
International fisheries commissions	20,480	19,780	16,348	20,480	17,100	-3,380
Total, International commissions	60,546	67,267	57,078	61,146	57,504	-3,042
Other						
Payment to the Asia Foundation	9,250	9,444	10,444	10,250	10,444	+1,194
Eisenhower Exchange Fellowship program	500	500	500	500	500	---
Israeli Arab scholarship program	375	375	375	375	375	---
East-West Center	14,000	14,280	6,000	18,000	18,000	+4,000
National Endowment for Democracy	33,500	36,000	36,000	46,500	42,000	+8,500
Total, Department of State	7,649,559	7,632,210	7,414,060	7,210,936	7,394,026	-255,533
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	428,234	467,898	495,760	431,456	468,898	+40,664
Emergency appropriations (P.L. 107-117)	9,200	---	---	---	---	-9,200
Emergency appropriations (P.L. 107-206)	7,400	---	---	---	---	-7,400
Broadcasting to Cuba	24,872	25,362	---	24,996	24,996	+124
Broadcasting capital improvements	25,900	13,740	13,740	13,740	12,740	-13,160
Emergency appropriations (P.L. 107-117)	10,000	---	---	---	---	-10,000
Emergency appropriations (P.L. 107-206)	7,700	---	---	---	---	-7,700
Total, Broadcasting Board of Governors	513,306	507,000	509,500	470,192	506,634	-6,672
Total, title IV, Department of State	8,162,865	8,139,210	7,923,560	7,681,128	7,900,660	-262,205
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	(-5,000)	(-5,000)	---
(By transfer)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime security program	98,700	98,700	98,700	98,700	98,700	---
Operations and training	89,054	93,133	92,696	89,904	92,696	+3,642
Ship disposal	---	11,161	11,161	---	11,161	+11,161
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	33,000	---	---	32,852	---	-33,000
Administrative expenses	3,978	4,126	4,126	4,144	4,126	+148
Total, Maritime guaranteed loan program account	36,978	4,126	4,126	36,996	4,126	-32,852
Total, Maritime Administration	224,732	207,120	206,683	225,600	206,683	-18,049
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	489	499	499	659	499	+10
Commission on Civil Rights						
Salaries and expenses	9,096	9,096	9,096	9,096	9,096	---
Commission on International Religious Freedom						
Salaries and expenses	3,000	3,000	3,000	3,000	2,884	-116
Commission on Ocean Policy						
Salaries and expenses	3,000	---	---	3,000	2,000	-1,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,499	1,607	1,582	1,550	1,582	+83
Congressional-Executive Commission on the People's Republic of China						
Salaries and expenses	1,000	1,700	1,380	1,000	1,380	+380
Equal Employment Opportunity Commission						
Salaries and expenses	310,406	320,436	308,822	320,436	308,822	-1,584
Emergency appropriations (P.L. 107-117)	1,301	---	---	---	---	-1,301

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Communications Commission						
Salaries and expenses	245,071	268,327	256,376	275,400	271,000	+25,929
Offsetting fee collections - current year	-218,757	-248,194	-248,194	-275,400	-269,000	-50,243
Direct appropriation	26,314	20,133	8,182	---	2,000	-24,314
Federal Maritime Commission						
Salaries and expenses	16,458	17,440	16,458	16,795	16,700	+242
Federal Trade Commission						
Salaries and expenses	155,982	184,599	174,508	175,148	176,608	+20,626
Offsetting fee collections - current year	-155,982	-150,000	-150,000	-150,000	-150,000	+5,982
Offsetting fee collections, telephone database	---	-16,000	-16,000	-16,000	-18,100	-18,100
Direct appropriation	---	18,599	8,508	9,148	8,508	+8,508
Legal Services Corporation						
Payment to the Legal Services Corporation	329,300	329,300	329,300	348,397	338,848	+9,548
Marine Mammal Commission						
Salaries and expenses	1,957	1,856	1,856	2,050	3,050	+1,093
National Veterans Business Development Corporation						
Salaries and expenses	4,000	2,000	2,000	2,000	2,000	-2,000
Pacific Charter Commission						
Salaries and expenses	1,500	---	---	---	---	-1,500
Securities and Exchange Commission						
Salaries and expenses	437,900	566,900	776,000	656,700	745,789	+307,889
Prior year unobligated balances	---	---	---	---	-29,439	-29,439
Emergency appropriations (P.L. 107-117)	20,705	---	---	---	---	-20,705
Regular appropriations (P.L. 107-206)	30,900	---	---	---	---	-30,900
Direct appropriation	489,505	566,900	776,000	656,700	716,350	+226,845
Small Business Administration						
Salaries and expenses	308,476	352,968	317,357	364,357	314,457	+5,981
Office of Inspector General	11,464	14,500	12,626	11,600	12,422	+958

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Business Loans Program Account:						
Direct loans subsidy	1,860	3,726	3,726	3,726	3,726	+1,866
Guaranteed loans subsidy	78,000	85,360	85,360	85,360	85,360	+7,360
Administrative expenses	129,000	129,000	129,000	129,000	129,000	---
Emergency appropriations (P.L. 107-117)	75,000	---	---	---	---	-75,000
Total, Business loans program account	283,860	218,086	218,086	218,086	218,086	-65,774
Disaster Loans Program Account:						
Direct loans subsidy	87,360	76,140	76,140	76,140	73,140	-14,220
Administrative expenses	122,354	118,354	118,354	118,354	118,354	-4,000
Gainsharing	---	3,000	---	---	---	---
Emergency appropriations (P.L. 107-117)	75,000	---	---	---	---	-75,000
Total, Disaster loans program account	284,714	197,494	194,494	194,494	191,494	-93,220
Total, Small Business Administration	888,514	783,048	742,563	788,537	736,459	-152,055
State Justice Institute						
Salaries and expenses 1/	3,000	13,550	3,000	3,100	3,000	---
United States - Canada Alaska Rail Commission						
Salaries and expenses	2,000	---	---	---	---	-2,000
Total, title V, Related agencies	2,317,071	2,296,284	2,418,929	2,391,068	2,359,861	+42,790
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working Capital fund (rescission)	---	---	---	-36,230	-78,000	-78,000
Legal Activities						
Assets forfeiture fund (rescission)	-40,000	---	---	-50,874	-50,874	-10,874
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	---	---	---	---	-580	-580
DEPARTMENT OF COMMERCE						
United States Patent and Trademark Office						
Salaries and expenses (rescission)	---	---	---	-120,000	---	---

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Oceanic and Atmostpheric Administration						
Coastal impact assistance (rescission)	---	---	-7,000	---	-7,000	-7,000
Departmental Management						
Emergency oil and gas guaranteed loan program account (rescission)	-5,200	-920	-920	---	-920	+4,280
Emergency steel guaranteed loan program account (rescission)	---	-96,000	-49,000	---	---	---
RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Guaranteed Loan (Title XI) Program Account:						
Rescission (P.L. 107-206)	-5,000	---	---	---	---	+5,000
Ship construction (rescission)	-4,400	---	---	---	---	+4,400
Federal Communications Commission						
Salaries and expenses (rescission)	---	---	---	---	-5,700	-5,700
Securities and Exchange Commission						
Salaries and expenses (rescission)	-50,000	---	---	---	---	+50,000
Small Business Administration						
Salaries and expenses (rescission)	---	---	---	---	-13,750	-13,750
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)	-5,500	---	---	---	-10,500	-5,000
Total, title VII, Rescissions	-110,100	-96,920	-56,920	-207,104	-167,324	-57,224
Grand total:						
New budget (obligational) authority	44,601,829	44,019,021	44,352,872	44,939,792	44,773,730	+171,901
Appropriations	(41,613,299)	(43,766,569)	(43,929,792)	(45,146,896)	(44,461,853)	(+2,848,554)
Conservation	(439,179)	(349,372)	(480,000)	---	(479,201)	(+40,022)
Emergency appropriations	(2,726,451)	---	---	---	---	(-2,726,451)
Rescissions	(-177,100)	(-96,920)	(-56,920)	(-207,104)	(-167,324)	(+9,776)
(Transfer out)	(-11,632)	(-11,632)	(-11,632)	(-11,632)	(-11,632)	---
(By transfer)	(79,632)	(86,632)	(86,632)	(66,632)	(76,632)	(-3,000)

1/ The President's budget proposed nothing for the State Justice Institute.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
FEDERAL FUNDS						
Federal payment for Resident Tuition Support.....	17,000	17,000	17,000	17,000	17,000	---
Federal payment for Emergency Planning and Security Costs in the District of Columbia.....	16,058	15,000	15,000	15,000	15,000	-1,058
Federal payment for Hospital Bioterrorism Preparedness in the District of Columbia.....	---	---	---	10,000	10,000	+10,000
Federal payment to the District of Columbia Courts....	112,180	159,045	160,545	166,193	161,943	+49,763
Defender Services in District of Columbia Courts.....	34,311	32,000	32,000	34,000	17,100	-17,211
Unobligated Balance	---	---	---	---	(16,400)	(+16,400)
Defender Services program level.....	---	---	---	---	(33,500)	(+33,500)
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia..... the District of Columbia.	147,300	154,707	154,707	154,707	154,707	+7,407
Federal payment to the District of Columbia Department of Transportation.....	---	1,000	1,000	1,000	1,000	+1,000
Federal Payment to the Chief Financial Officer of the District of Columbia.....	8,300	---	23,450	15,000	40,300	+32,000
Federal payment for Waterfront Improvements.....	---	---	1,000	---	2,800	+2,800
Federal payment for Asbestos Remediation.....	---	---	1,000	---	1,000	+1,000
Federal payment to the Fire and Emergency Medical Services Department.....	---	---	2,000	---	2,000	+2,000
Federal payment for Special Education.....	---	---	14,000	---	3,000	+3,000
Federal payment for the Family Literacy Program.....	---	---	5,000	4,000	4,000	+4,000
Federal payment to the District of Columbia Water and Sewer Authority 1/.....	---	---	50,000	50,000	50,000	+50,000
Federal payment for the Anacostia Waterfront Initiative in the District of Columbia.....	---	---	---	5,000	5,000	+5,000
Federal payment to the District of Columbia for Capital Development.....	---	---	24,298	13,100	10,150	+10,150
Federal payment to the District of Columbia for Public Charter School Facilities.....	---	---	---	20,000	17,000	+17,000
Federal payment to the Credit Enhancement Revolving Fund 2/.....	---	---	16,000	---	---	---

1/ The Senate bill includes $50 million under Federal payment for the Anacostia Waterfront Initiative in the District of Columbia

2/ The Senate bill includes $5 million under Federal payment to the District of Columbia for Public Charter School Facilities. The conference agreement includes $8 million for this program.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal payment to the Children's National Medical Medical Center 3/	5,500	---	---	5,000	---	-5,500
St. Coletta of Greater Washington 3/	2,000	---	---	2,000	---	-2,000
Federal payment to the District of Columbia for Schools	2,500	---	---	---	---	-2,500
Federal payment to the Capitol City Career Development and Job Training Partnership	500	---	---	---	---	-500
Federal payment to the Capitol Education Fund	500	---	---	---	---	-500
Federal payment to the Metropolitan Kappa Youth Development Foundation, Inc	450	---	---	---	---	-450
Federal payment to the Fire and Emergency Medical Services Department	500	---	---	---	---	-500
Federal payment to the Youth Life Foundation	250	---	---	---	---	-250
Federal payment to Food and Friends	2,000	---	---	---	---	-2,000
Federal payment to the City Administrator	300	---	---	---	---	-300
Federal payment to Southeastern University	500	---	---	---	---	-500
Federal payments for District of Columbia and Federal Law Enforcement Mobile Wireless Interoperability Project	1,400	---	---	---	---	-1,400
Federal payment to the District of Columbia Corrections Trustee Operations	30,200	---	---	---	---	-30,200
Federal payment for Family Court Act	24,016	---	---	---	---	-24,016
Federal payment to Faith and Politics Institute	50	---	---	---	---	-50
Federal payment to the Thurgood Marshall Academy Charter School	1,000	---	---	---	---	-1,000
Federal payment to the George Washington University Center for Excellence in Municipal Management	250	---	---	---	---	-250
Court Appointed Special Advocates	250	---	---	---	---	-250
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (sec. 130)	100	---	---	---	---	-100
Supplemental appropriations (P.L. 107-117)	200,000	---	---	---	---	-200,000
Total, Federal funds to the District of Columbia	607,415	378,752	517,000	512,000	512,000	-95,415

3/ The House and the conferene report includes $5 million and $2 million, respectively, for these programs under Federal payment to the Chief Financial Officer of the District of Columbia.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(286,138)	(262,873)	(303,586)	(295,136)	(307,173)	(+21,035)
Economic development and regulation	(230,878)	(244,358)	(258,539)	(258,539)	(244,358)	(+13,480)
Public safety and justice	(633,853)	(622,531)	(639,892)	(639,892)	(622,531)	(-11,322)
Public education system	(1,108,665)	(1,159,169)	(1,257,201)	(1,220,201)	(1,206,169)	(+97,504)
Human support services	(1,803,923)	(2,478,818)	(2,474,297)	(2,500,297)	(2,451,818)	(+647,895)
Public works	(300,151)	(319,357)	(324,828)	(324,828)	(320,357)	(+20,206)
Reserve	(120,000)	(70,000)	(70,000)	(70,000)	(70,000)	(-50,000)
Reserve Relief	(30,000)	---	---	---	---	(-30,000)
Repayment of Loans and Interest	(247,902)	(260,951)	(267,451)	(267,451)	(260,951)	(+13,049)
Repayment of General Fund Recovery Debt	(39,300)	(39,300)	(39,300)	(39,300)	(39,300)	---
Payment of Interest on Short-Term Borrowing	(500)	(1,000)	(1,000)	(1,000)	(1,000)	(+500)
Certificates of Participation	---	(7,950)	(7,950)	(7,950)	(7,950)	(+7,950)
Settlements and Judgments	---	(22,822)	(22,822)	(22,822)	(22,822)	(+22,822)
Wilson Building	(8,859)	(4,194)	(4,194)	(4,194)	(4,194)	(-4,665)
Workforce Investments	(42,896)	(48,186)	(54,186)	(54,186)	(48,186)	(+5,290)
Tobacco Settlement Trust Fund Transfer	---	---	(10,000)	(10,000)	---	---
Non-Departmental Agency	(5,799)	(5,799)	(5,799)	(5,799)	(5,799)	---
Emergency Planning and Security Costs	(16,058)	(15,000)	(15,000)	(15,000)	(15,000)	(-1,058)
Pay-As-You-Go Capital	---	---	(16,750)	(16,750)	---	---
Capital Infrastructure development	---	---	---	(13,100)	---	---
Emergency Reserve Fund Transfer	(33,254)	---	---	---	---	(-33,254)
Receivership Program	(403,868)	---	---	---	---	(-403,868)
Total, operating expenses, general fund	(5,312,044)	(5,562,308)	(5,772,795)	(5,766,445)	(5,627,608)	(+315,564)
Enterprise and Other Funds						
Water and Sewer Authority	(244,978)	(253,743)	(253,743)	(253,743)	(253,743)	(+8,765)
Washington Aqueduct	(46,510)	(57,847)	(57,847)	(57,847)	(57,847)	(+11,337)
Stormwater Permit Compliance enterprise fund	(3,100)	(3,100)	(3,100)	(3,100)	(3,100)	---
Lottery and Charitable Games enterprise fund	(229,688)	(232,881)	(232,881)	(232,881)	(232,881)	(+3,193)
Sports and Entertainment Commission	(9,627)	(15,510)	(15,510)	(20,510)	(20,510)	(+10,883)
District of Columbia Retirement Board	(13,388)	(13,388)	(13,388)	(13,388)	(13,388)	---
Washington Convention Center enterprise fund	(57,278)	(78,700)	(78,700)	(78,700)	(78,700)	(+21,422)
National Capital Revitalization Corporation	(2,673)	(6,745)	(6,745)	(6,745)	(6,745)	(+4,072)
Housing Finance Agency	(4,711)	---	---	---	---	(-4,711)
Total, Enterprise Funds	(611,953)	(661,914)	(661,914)	(666,914)	(666,914)	(+54,961)
Total, operating expenses	(5,923,997)	(6,224,222)	(6,434,709)	(6,433,359)	(6,294,522)	(+370,525)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Capital Outlay						
General fund 4/	(1,074,605)	(656,070)	(666,368)	(666,368)	(671,020)	(-403,585)
Water and Sewer Fund	(152,114)	(292,458)	(342,458)	(342,458)	(392,458)	(+240,344)
Total, Capital Outlay	(1,226,719)	(948,528)	(1,008,826)	(1,008,826)	(1,063,478)	(-163,241)
Emergency supplemental	(155,900)	---	---	---	---	(-155,900)
Total, District of Columbia funds	(7,306,616)	(7,172,750)	(7,443,535)	(7,442,185)	(7,358,000)	(+51,384)
Grand total:						
Federal Funds to the District of Columbia	607,415	378,752	517,000	512,000	512,000	-95,415
District of Columbia funds	(7,306,616)	(7,172,750)	(7,443,535)	(7,442,185)	(7,358,000)	(+51,384)

4/ Rounded

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	154,350	102,483	143,680	148,304	135,019	-19,331
Construction, general	1,715,951	1,415,612	1,831,030	1,636,602	1,756,012	+40,061
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	345,992	280,671	342,071	346,437	344,574	-1,418
Operation and maintenance, general	1,874,803	1,913,760	1,990,280	1,956,182	1,940,167	+65,364
Emergency appropriations (P.L. 107-117)	139,000	---	---	---	---	-139,000
Regular appropriations (P.L. 107-206)	32,000	---	---	---	---	-32,000
Regulatory program	127,000	144,252	134,000	144,252	139,000	+12,000
FUSRAP	140,000	140,298	150,000	140,298	145,000	+5,000
Flood control and coastal emergencies	---	20,227	20,000	20,227	15,000	+15,000
Rescission	-25,000	---	---	---	---	+25,000
General expenses	153,000	155,651	154,651	155,651	155,151	+2,151
Total, title I, Department of Defense - Civil	4,657,096	4,172,954	4,765,712	4,547,953	4,629,923	-27,173
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	24,169	23,643	23,643	23,643	23,643	-526
Fish, wildlife, and recreation mitigation and conservation	10,749	11,259	11,259	11,259	11,259	+510
Subtotal	34,918	34,902	34,902	34,902	34,902	-16
Program oversight and administration	1,310	1,326	1,326	1,326	1,326	+16
Total, Central Utah project completion account	36,228	36,228	36,228	36,228	36,228	---
Bureau of Reclamation						
Water and related resources	762,531	726,147	807,518	816,147	813,491	+50,960
Emergency appropriations (P.L. 107-117)	30,259	---	---	---	---	-30,259
Regular appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000
Loan program	7,495	---	---	---	---	-7,495
(Limitation on direct loans)	(26,000)	---	---	---	---	(-26,000)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Central Valley project restoration fund	55,039	48,904	48,904	48,904	48,904	-6,135
California Bay-Delta restoration	---	15,000	---	---	---	---
Policy and administration	52,968	54,870	54,870	54,870	54,870	+1,902
Total, Bureau of Reclamation	915,292	844,921	911,292	919,921	917,265	+1,973
Total, title II, Department of the Interior	951,520	881,149	947,520	956,149	953,493	+1,973
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	666,726	693,934	633,909	815,306	701,477	+34,751
Non-defense environmental management	236,372	166,000	213,259	176,000	215,100	-21,272
Uranium facilities maintenance and remediation	418,425	382,154	382,154	471,154	456,539	+38,114
Science	3,233,100	3,279,456	3,271,233	3,329,456	3,305,894	+72,794
Nuclear Waste Disposal	95,000	275,802	209,702	56,000	145,000	+50,000
Departmental administration	210,853	299,220	208,672	235,000	207,404	-3,449
Miscellaneous revenues	-137,810	-137,524	-80,000	-137,524	-120,000	+17,810
Net appropriation	73,043	161,696	128,672	97,476	87,404	+14,361
Office of the Inspector General	32,430	37,671	37,671	37,671	37,671	+5,241
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	5,429,238	5,867,000	5,772,068	6,108,959	5,954,204	+524,966
Emergency appropriations (P.L. 107-117)	131,000	---	---	---	---	-131,000
Emergency appropriations (P.L. 107-206)	19,400	---	---	---	---	-19,400
Rescission (P.L. 107-206)	-14,460	---	---	---	---	+14,460
Defense nuclear nonproliferation	803,586	1,113,630	1,167,630	1,115,630	1,113,630	+310,044
Emergency appropriations (P.L. 107-117)	226,000	---	---	---	---	-226,000
Regular appropriations (P.L. 107-206)	100,000	---	---	---	---	-100,000
Naval reactors	688,045	706,790	706,790	706,790	706,790	+18,745
Office of the Administrator	312,596	335,929	261,929	335,929	330,929	+18,333
Subtotal, National Nuclear Security Administration	7,695,405	8,023,349	7,908,417	8,267,308	8,105,553	+410,148
Defense environmental restoration and waste management	5,234,576	4,544,133	4,543,661	5,370,532	5,470,180	+235,604
Emergency appropriations (P.L. 107-117)	8,200	---	---	---	---	-8,200
Rescission (P.L. 107-206)	-15,540	---	---	---	---	+15,540
Defense environmental management cleanup reform	---	1,100,000	1,100,000	---	---	---
Defense facilities closure projects	1,092,878	1,091,314	1,091,314	1,125,314	1,138,314	+45,436
Defense environmental management privatization	153,537	158,399	158,399	158,399	158,399	+4,862
Subtotal, Defense environmental management	6,473,651	6,893,846	6,893,374	6,654,245	6,766,893	+293,242

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Other defense activities	544,044	468,664	485,076	537,664	546,554	+2,510
Emergency appropriations (P.L. 107-117)	3,500	---	---	---	---	-3,500
Emergency appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000
Defense nuclear waste disposal	280,000	315,000	315,000	280,000	315,000	+35,000
Total, Atomic Energy Defense Activities	15,003,600	15,700,859	15,601,867	15,739,217	15,734,000	+730,400
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	4,891	4,534	4,534	4,534	4,534	-357
Operation and maintenance, Southwestern Power Administration	28,038	27,378	27,378	27,378	27,378	-660
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	171,938	162,758	162,758	168,858	168,858	-3,080
Falcon and Amistad operating and maintenance fund	2,663	2,734	2,734	2,734	2,734	+71
Total, Power Marketing Administrations	207,530	197,404	197,404	203,504	203,504	-4,026
Federal Energy Regulatory Commission						
Salaries and expenses	184,155	192,000	192,000	192,000	192,000	+7,845
Revenues applied	-184,155	-192,000	-192,000	-192,000	-192,000	-7,845
Total, title III, Department of Energy	19,966,226	20,894,976	20,675,871	20,925,784	20,886,589	+920,363
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	71,290	66,290	71,290	74,400	71,290	---
Defense Nuclear Facilities Safety Board	18,500	19,000	19,000	19,000	19,000	+500
Delta Regional Authority	10,000	10,000	---	15,000	8,000	-2,000
Denali Commission	38,000	29,939	---	50,000	48,000	+10,000
Nuclear Regulatory Commission:						
Salaries and expenses	516,900	578,184	578,184	578,184	578,184	+61,284
Emergency appropriations (P.L. 107-117)	36,000	---	---	---	---	-36,000
Revenues	-473,520	-492,545	-520,087	-520,087	-520,087	-46,567
Subtotal	79,380	85,639	58,097	58,097	58,097	-21,283
Office of Inspector General	6,180	6,800	6,800	6,800	6,800	+620
Revenues	-5,933	-6,392	-6,392	-6,392	-6,392	-459
Subtotal	247	408	408	408	408	+161
Total, Nuclear Regulatory Commission	79,627	86,047	58,505	58,505	58,505	-21,122

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Nuclear Waste Technical Review Board	3,100	3,102	3,102	3,200	3,200	+100
Total, title IV, Independent agencies	220,517	214,378	151,897	220,105	207,995	-12,522
Grand total:						
New budget (obligational) authority	25,795,359	26,163,457	26,541,000	26,649,991	26,678,000	+882,641
Appropriations	(25,250,000)	(26,163,457)	(26,541,000)	(26,649,991)	(26,678,000)	(+1,428,000)
Emergency appropriations	(600,359)	---	---	---	---	(-600,359)
Rescissions	(-55,000)	---	---	---	---	(+55,000)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	727,323	541,400	541,400	541,400	512,900	-214,423
Administrative expenses	63,000	68,372	68,300	68,300	68,300	+5,300
Negative subsidy	-11,000	-13,000	-13,000	-13,000	-13,000	-2,000
Rescission (P.L. 107-206)	-50,000	---	---	---	---	+50,000
Total, Export-Import Bank of the United States	729,323	596,772	596,700	596,700	568,200	-161,123
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	38,608	39,885	39,885	39,885	39,885	+1,277
Insurance fees and other offsetting collections	-290,000	-306,000	-306,000	-306,000	-306,000	-16,000
Subsidy appropriation	---	24,000	24,000	24,000	24,000	+24,000
Total, Overseas Private Investment Corporation	-251,392	-242,115	-242,115	-242,115	-242,115	+9,277
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and development agency	50,024	44,512	49,512	44,696	47,012	-3,012
Total, title I, Export and investment assistance	527,955	399,169	404,097	399,281	373,097	-154,858
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
Child survival and health programs fund	1,433,500	---	1,710,000	1,970,000	1,836,500	+403,000
UNICEF	(120,000)	---	(120,000)	(120,000)	(120,000)	---
(Transfer out)	---	---	(-6,000)	---	(-6,000)	(-6,000)
Development assistance	1,178,000	2,839,500	1,398,000	1,365,500	1,389,000	+211,000
(Transfer out)	(-18,500)	---	---	---	---	(+18,500)
International disaster assistance	235,500	285,500	315,500	290,000	290,000	+54,500
Emergency supplemental	50,000	---	---	---	---	-50,000
Emergency appropriations (P.L. 107-206)	40,000	---	---	---	---	-40,000
Transition Initiatives	50,000	55,000	40,000	55,000	50,000	---
Development Credit Program:						
(By transfer)	(18,500)	---	---	---	---	(-18,500)
(Guaranteed loan authorization)	(267,500)	---	---	---	---	(-267,500)
Administrative expenses	7,500	7,591	7,591	7,591	7,591	+91
Subtotal, development assistance	2,994,500	3,187,591	3,471,091	3,688,091	3,573,091	+578,591

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Payment to the Foreign Service Retirement and Disability Fund	44,880	45,200	45,200	45,200	45,200	+320
Operating expenses of the U.S. Agency for International Development	549,000	572,200	572,200	571,087	572,000	+23,000
Emergency appropriations (P.L. 107-206)	7,000	---	---	---	---	-7,000
(By transfer)	(3,500)	---	(6,000)	---	(6,000)	(+2,500)
Capital Investment Fund	---	95,000	43,000	65,000	43,000	+43,000
Operating expenses of the U.S. Agency for International Development Office of Inspector General	31,500	32,700	33,700	33,046	33,300	+1,800
Total, U.S. Agency for International Development	3,626,880	3,932,691	4,165,191	4,402,424	4,266,591	+639,711
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	1,375,000	1,415,000	1,415,000	1,215,000	1,215,000	-160,000
Other	824,000	1,075,000	1,030,000	1,045,000	1,055,000	+231,000
(Transfer out)	(-3,500)	---	(-200,000)	---	---	(+3,500)
Emergency appropriations (P.L. 107-206)	465,000	---	---	---	---	-465,000
Subtotal, Economic support fund	2,664,000	2,490,000	2,445,000	2,260,000	2,270,000	-394,000
International Fund for Ireland	25,000	---	25,000	---	25,000	---
Assistance for Eastern Europe and the Baltic States	621,000	495,000	520,000	530,000	525,000	-96,000
Assistance for the Independent States of the former Soviet Union	784,000	755,000	755,000	765,000	760,000	-24,000
Emergency appropriations (P.L. 107-206)	110,000	---	---	---	---	-110,000
Total, Other Bilateral Economic Assistance	4,204,000	3,740,000	3,745,000	3,555,000	3,580,000	-624,000
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation	13,107	14,000	16,000	16,385	16,200	+3,093
African Development Foundation						
Appropriation	16,542	16,689	19,689	17,689	18,689	+2,147
Peace Corps						
Appropriation	275,000	317,000	317,000	285,000	297,000	+22,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Department of State						
International narcotics control and law enforcement...	217,000	197,000	197,000	196,713	197,000	-20,000
Emergency appropriations (P.L. 107-206).....	114,000	---	---	---	---	-114,000
(By transfer).....	---	---	(98,000)	---	---	---
Andean Counterdrug Initiative.....	625,000	731,000	731,000	650,000	700,000	+75,000
(By transfer).....	---	---	---	(88,000)	(93,000)	(+93,000)
Migration and refugee assistance.....	705,000	705,000	800,000	787,000	787,000	+82,000
United States Emergency Refugee and Migration Assistance Fund.....	15,000	15,000	20,000	32,000	26,000	+11,000
Nonproliferation, anti-terrorism, demining and related programs.....	313,500	372,400	347,400	306,400	306,400	-7,100
Emergency appropriations (P.L. 107-206).....	83,000	---	---	---	---	-83,000
(By transfer).....	---	---	(200,000)	---	---	---
Subtotal, Department of State.....	2,072,500	2,020,400	2,095,400	1,972,113	2,016,400	-56,100
Department of the Treasury						
International Affairs Technical Assistance.....	6,500	10,000	11,000	10,500	10,800	+4,300
Debt restructuring.....	229,000	---	---	---	---	-229,000
Subtotal, Department of the Treasury.....	235,500	10,000	11,000	10,500	10,800	-224,700
Total, title II, Bilateral economic assistance..	10,443,529	10,050,780	10,369,280	10,259,111	10,205,680	-237,849
Appropriations.....	(9,574,529)	(10,050,780)	(10,369,280)	(10,259,111)	(10,205,680)	(+631,151)
Emergency appropriations.....	(869,000)	---	---	---	---	(-869,000)
(By transfer).....	(22,000)	---	(304,000)	(88,000)	(99,000)	(+77,000)
(Transfer out).....	(-22,000)	---	(-206,000)	---	(-6,000)	(+16,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training.....	70,000	80,000	80,000	80,000	80,000	+10,000
Foreign Military Financing Program:						
Grants:						
Camp David countries.....	3,340,000	3,400,000	3,400,000	3,400,000	3,400,000	+60,000
Other.....	310,000	707,200	680,200	672,000	672,000	+362,000
Subtotal, grants.....	3,650,000	4,107,200	4,080,200	4,072,000	4,072,000	+422,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(38,000)	(38,000)	(+3,000)
Emergency appropriations (P.L. 107-206)	357,000	---	---	---	---	-357,000
(Transfer out)	---	---	(-98,000)	(-88,000)	(-93,000)	(-93,000)
Total, Foreign Military Financing	4,007,000	4,107,200	4,080,200	4,072,000	4,072,000	+65,000
Peacekeeping operations	135,000	108,250	125,000	120,250	115,000	-20,000
Emergency appropriations (P.L. 107-206)	20,000	---	---	---	---	-20,000
Total, title III, Military assistance	4,232,000	4,295,450	4,285,200	4,272,250	4,267,000	+35,000
Appropriations	(3,855,000)	(4,295,450)	(4,285,200)	(4,272,250)	(4,267,000)	(+412,000)
Emergency appropriations	(377,000)	---	---	---	---	(-377,000)
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(38,000)	(38,000)	(+3,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility	100,500	177,813	147,813	177,813	147,813	+47,313
Contribution to the International Development Association	792,400	874,338	874,338	837,338	850,000	+57,600
Contribution to Multilateral Investment Guarantee Agency	5,000	3,631	1,631	1,631	1,631	-3,369
(Limitation on callable capital subscriptions)	(25,000)	(14,825)	(14,825)	(14,825)	(7,610)	(-17,390)
Total, World Bank Group	897,900	1,055,782	1,023,782	1,016,782	999,444	+101,544
Contribution to the Inter-American Development Bank:						
Contribution to the Inter-American Investment Corporation	18,000	30,352	30,352	18,352	18,352	+352
Contribution to the Enterprise for the Americas Multilateral Investment Fund	---	29,591	24,591	29,591	24,591	+24,591
Total, Inter-American Development Bank	18,000	59,943	54,943	47,943	42,943	+24,943
Contribution to the Asian Development Bank:						
Contribution to the Asian Development Fund	98,017	147,386	97,886	100,386	97,886	-131

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Contribution to the African Development Bank:						
Paid-in capital	5,100	5,104	5,104	5,104	5,104	+4
(Limitation on callable capital subscriptions)	(79,992)	(79,603)	(79,603)	(79,603)	(79,603)	(-389)
Contribution to the African Development Fund	100,000	118,073	113,073	108,073	108,073	+8,073
Total, African Development Bank	105,100	123,177	118,177	113,177	113,177	+8,077
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,779	35,805	35,805	35,805	35,805	+26
(Limitation on callable capital subscriptions)	(123,238)	(123,328)	(123,328)	(123,328)	(123,328)	(+90)
Contribution to the International Fund for Agricultural Development	20,000	15,004	15,004	15,004	15,004	-4,996
Total, International Financial Institutions	1,174,796	1,437,097	1,345,597	1,329,097	1,304,259	+129,463
International Organizations and Programs						
Appropriation	208,500	310,400	190,400	215,000	195,150	-13,350
Total, title IV, Multilateral economic assistance	1,383,296	1,747,497	1,535,997	1,544,097	1,499,409	+116,113
(Limitation on callable capital subscript)	(228,230)	(217,756)	(217,756)	(217,756)	(210,541)	(-17,689)
Grand total	16,586,780	16,492,896	16,594,574	16,474,739	16,345,186	-241,594
Appropriations	(15,390,780)	(16,492,896)	(16,594,574)	(16,474,739)	(16,345,186)	(+954,406)
Rescissions	(-50,000)	---	---	---	---	(+50,000)
Emergency appropriations	(1,246,000)	---	---	---	---	(-1,246,000)
(By transfer)	(22,000)	---	(304,000)	(88,000)	(99,000)	(+77,000)
(Transfer out)	(-22,000)	---	(-304,000)	(-88,000)	(-99,000)	(-77,000)
(Limitation on administrative expenses)	(35,000)	(37,000)	(38,000)	(38,000)	(38,000)	(+3,000)
(Limitation on callable capital subscript)	(228,230)	(217,756)	(217,756)	(217,756)	(210,541)	(-17,689)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	746,632	772,962	782,904	816,062	825,712	+79,080
Conservation	29,000	40,028	44,028	---	---	-29,000
Subtotal	775,632	812,990	826,932	816,062	825,712	+50,080
Wildland fire management:						
Preparedness	280,807	277,213	278,639	277,213	277,213	-3,594
Fire suppression operations	127,424	160,351	160,351	160,351	160,351	+32,927
Other operations	216,190	216,190	216,342	216,690	216,842	+652
Suppression (contingent emergency appropriations)	34,000	---	---	---	---	-34,000
Fiscal year 2002 supplemental	---	---	200,000	---	---	---
Other operations (contingent emergency appropriations)	20,000	---	---	---	---	-20,000
Subtotal	678,421	653,754	855,332	654,254	654,406	-24,015
Central hazardous materials fund	9,978	9,978	9,978	9,978	9,978	---
Construction	13,076	10,976	10,976	12,976	11,976	-1,100
Payments in lieu of taxes	160,000	150,000	160,000	210,000	220,000	+60,000
Conservation	50,000	15,000	70,000	---	---	-50,000
Subtotal	210,000	165,000	230,000	210,000	220,000	+10,000
Land acquisition	---	---	---	30,150	33,450	+33,450
Conservation	49,920	44,686	47,486	---	---	-49,920
Oregon and California grant lands	105,165	105,633	105,633	105,633	105,633	+468
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	---
Service charges, deposits, & forfeitures (indefinite)	8,000	7,900	7,900	7,900	7,900	-100
Offsetting fee collections	---	-7,900	-7,900	-7,900	-7,900	-7,900
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405	---
Total, Bureau of Land Management	1,872,597	1,825,422	2,108,742	1,861,458	1,883,560	+10,963
Appropriations	(1,689,677)	(1,725,708)	(1,747,228)	(1,861,458)	(1,883,560)	(+193,883)
Conservation	(128,920)	(99,714)	(161,514)	---	---	(-128,920)
Contingent emergency appropriations	(54,000)	---	(200,000)	---	---	(-54,000)
United States Fish and Wildlife Service						
Resource management	819,597	825,598	847,353	902,697	917,429	+97,832
Conservation	31,000	78,006	71,006	---	---	-31,000
Subtotal	850,597	903,604	918,359	902,697	917,429	+66,832
Construction	55,543	35,402	53,108	42,882	54,427	-1,116
Land acquisition	---	---	---	81,555	73,370	+73,370
Conservation	99,135	70,384	82,250	---	---	-99,135

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Landowner incentive program	---	---	---	600	40,000	+40,000
Conservation	40,000	50,000	40,000	---	---	-40,000
Rescission	---	---	---	---	-40,000	-40,000
Subtotal	40,000	50,000	40,000	600	---	-40,000
Private stewardship grants	---	---	---	200	10,000	+10,000
Conservation	10,000	10,000	10,000	---	---	-10,000
Rescission	---	---	---	---	-10,000	-10,000
Subtotal	10,000	10,000	10,000	200	---	-10,000
Cooperative endangered species conservation fund	---	---	---	81,000	81,000	+81,000
Conservation	96,235	91,000	121,400	---	---	-96,235
National wildlife refuge fund	14,414	14,414	14,414	14,414	14,414	---
Conservation	---	---	5,000	---	---	---
Subtotal	14,414	14,414	19,414	14,414	14,414	---
North American wetlands conservation fund	---	---	---	38,560	38,560	+38,560
Conservation	43,500	43,560	43,560	---	---	-43,500
Neotropical migratory birds conservation fund	3,000	---	---	2,000	3,000	---
Conservation	---	---	5,000	---	---	---
Multinational species conservation fund	4,000	5,000	---	4,200	4,800	+800
Conservation	---	---	4,800	---	---	---
State wildlife grants	---	---	---	45,000	65,000	+65,000
Conservation	85,000	60,000	100,000	---	---	-85,000
Rescission	-25,000	---	---	---	---	+25,000
Subtotal	60,000	60,000	100,000	45,000	65,000	+5,000
Total, United States Fish and Wildlife Service	1,276,424	1,283,364	1,397,891	1,213,108	1,252,000	-24,424
Appropriations	(896,554)	(880,414)	(914,875)	(1,213,108)	(1,302,000)	(+405,446)
Conservation	(404,870)	(402,950)	(483,016)	---	---	(-404,870)
Rescission	(-25,000)	---	---	---	(-50,000)	(-25,000)
National Park Service						
Operation of the national park system	1,474,977	1,560,565	1,596,593	1,571,065	1,565,565	+90,588
Conservation	2,000	24,000	9,000	---	---	-2,000
Emergency appropriations (P.L. 107-117)	10,098	---	---	---	---	-10,098
Subtotal	1,487,075	1,584,565	1,605,593	1,571,065	1,565,565	+78,490

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
United States Park Police	65,260	78,431	78,431	78,431	78,431	+13,171
Emergency appropriations (P.L. 107-117)	25,295	---	---	---	---	-25,295
Subtotal	90,555	78,431	78,431	78,431	78,431	-12,124
National recreation and preservation	66,159	46,824	56,330	62,978	61,667	-4,492
Urban park and recreation fund	---	---	---	10,000	300	+300
Conservation	30,000	300	30,000	---	---	-30,000
Historic preservation fund	---	---	---	67,000	69,000	+69,000
Conservation	74,500	67,000	76,500	---	---	-74,500
Construction	299,193	240,182	271,450	322,826	327,843	+28,650
Conservation	66,851	82,202	53,736	---	---	-66,851
Emergency appropriations (P.L. 107-117)	21,624	---	---	---	---	-21,624
Subtotal	387,668	322,384	325,186	322,826	327,843	-59,825
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	---
Land acquisition and state assistance	---	---	---	204,005	172,468	+172,468
Conservation	274,117	286,057	253,099	---	---	-274,117
Total, National Park Service (net)	2,380,074	2,355,561	2,395,139	2,286,305	2,245,274	-134,800
Appropriations	(1,905,589)	(1,926,002)	(2,002,804)	(2,316,305)	(2,275,274)	(+369,685)
Conservation	(447,468)	(459,559)	(422,335)	---	---	(-447,468)
Emergency appropriations	(57,017)	---	---	---	---	(-57,017)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	---
United States Geological Survey						
Surveys, investigations, and research	889,002	853,760	903,405	914,617	925,287	+36,285
Conservation	25,000	13,578	25,000	---	---	-25,000
Total, United States Geological Survey	914,002	867,338	928,405	914,617	925,287	+11,285
Minerals Management Service						
Royalty and offshore minerals management	253,397	264,452	264,951	264,552	265,551	+12,154
Use of receipts	-102,730	-100,230	-100,230	-100,230	-100,230	+2,500
Oil spill research	6,105	6,105	6,105	6,105	6,105	---
Total, Minerals Management Service	156,772	170,327	170,826	170,427	171,426	+14,654
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	102,800	105,092	105,092	105,092	105,092	+2,292
Receipts from performance bond forfeitures (indefinite)	275	275	275	275	275	---
Subtotal	103,075	105,367	105,367	105,367	105,367	+2,292

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Abandoned mine reclamation fund (definite, trust fund)	203,455	174,035	184,745	191,745	191,745	-11,710
Total, Office of Surface Mining Reclamation and Enforcement	306,530	279,402	290,112	297,112	297,112	-9,418
Bureau of Indian Affairs						
Operation of Indian programs	1,799,809	1,837,110	1,859,064	1,855,635	1,857,319	+57,510
Rescission (P.L. 107-206)	-10,000	---	---	---	---	+10,000
Construction	357,132	345,252	345,252	348,252	348,252	-8,880
Indian land and water claim settlements and miscellaneous payments to Indians	60,949	57,949	60,949	57,949	60,949	---
Indian guaranteed loan program account	4,986	5,493	5,493	5,493	5,493	+507
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(72,424)	---	(-75,000)
Total, Bureau of Indian Affairs	2,212,876	2,245,804	2,270,758	2,267,329	2,272,013	+59,137
Departmental Offices						
Insular Affairs:						
Assistance to Territories	51,230	42,497	45,497	47,497	48,497	-2,733
Northern Marianas	27,720	27,720	27,720	27,720	27,720	---
Subtotal	78,950	70,217	73,217	75,217	76,217	-2,733
Compact of Free Association	8,745	8,745	9,045	8,925	8,985	+240
Mandatory payments	14,500	12,000	12,000	12,000	12,000	-2,500
Subtotal	23,245	20,745	21,045	20,925	20,985	-2,260
Total, Insular Affairs	102,195	90,962	94,262	96,142	97,202	-4,993
Departmental management	67,741	78,596	57,533	72,427	72,427	+4,686
Emergency appropriations (P.L. 107-117)	2,205	---	---	---	---	-2,205
Subtotal	69,946	78,596	57,533	72,427	72,427	+2,481
Office of the Solicitor	45,000	47,773	47,473	47,773	47,773	+2,773
Office of Inspector General	34,302	36,659	36,239	36,239	36,239	+1,937
National Indian Gaming Commission	---	2,000	2,000	---	---	---
Office of Special Trustee for American Indians						
Federal trust programs	99,224	151,027	141,277	151,027	141,277	+42,053
Indian land consolidation	10,980	7,980	7,980	10,980	7,980	-3,000
Total, Office of Special Trustee for American Indians	110,204	159,007	149,257	162,007	149,257	+39,053

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Natural resource damage assessment fund	5,497	5,538	5,538	5,538	5,538	+41
Federal priority land acquisitions and exchanges	---	3,000	---	---	---	---
Total, Departmental Offices	367,144	423,535	392,302	420,126	408,436	+41,292
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	9,486,419	9,450,753	9,954,175	9,430,482	9,455,108	-31,311
Appropriations	(8,431,939)	(8,501,952)	(8,692,310)	(9,460,482)	(9,535,108)	(+1,103,169)
Conservation	(1,006,258)	(978,801)	(1,091,865)	---	---	(-1,006,258)
Emergency appropriations	(59,222)	---	---	---	---	(-59,222)
Contingent emergency appropriations	(54,000)	---	(200,000)	---	---	(-54,000)
Rescissions	(-65,000)	(-30,000)	(-30,000)	(-30,000)	(-80,000)	(-15,000)
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(72,424)	---	(-75,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	241,304	242,798	252,000	247,804	251,685	+10,381
State and private forestry	190,221	121,805	146,695	297,472	286,574	+96,353
Conservation	101,000	155,558	133,133	---	---	-101,000
Subtotal	291,221	277,363	279,828	297,472	286,574	-4,647
National forest system	1,331,439	1,366,475	1,370,567	1,352,999	1,362,299	+30,860
Wildland fire management:						
Preparedness	622,618	600,703	640,000	600,703	616,000	-6,618
Fire suppression operations	255,321	420,699	420,699	420,699	420,699	+165,378
Other operations	336,410	347,736	452,750	330,389	343,239	+6,829
Suppression (contingent emergency appropriations)	266,000	---	---	---	---	-266,000
Fiscal year 2002 supplemental	---	---	500,000	---	---	---
Other operations (contingent emergency appropriations)	80,000	---	---	---	---	-80,000
Subtotal	1,560,349	1,369,138	2,013,449	1,351,791	1,379,938	-180,411
Capital improvement and maintenance	485,188	501,222	507,865	543,656	552,039	+66,851
Conservation	61,000	50,866	64,866	---	---	-61,000
Subtotal	546,188	552,088	572,731	543,656	552,039	+5,851
Land acquisition	---	---	---	145,763	133,815	+133,815
Conservation	149,742	130,510	146,336	---	---	-149,742
Acquisition of lands for national forests, special acts	1,069	1,069	1,069	1,069	1,069	---
Acquisition of lands to complete land exchanges (indefinite)	234	234	234	234	234	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Range betterment fund (indefinite)	3,290	3,402	3,402	3,402	3,402	+112
Gifts, donations and bequests for forest and rangeland research	92	92	92	92	92	---
Management of national forest lands for subsistence uses	5,488	5,542	5,542	5,542	5,542	+54
Reduction for non-conservation funding	-2,000	-2,000	-2,000	---	---	+2,000
Conservation (Youth Conservation Corps)	2,000	2,000	2,000	---	---	-2,000
Total, Forest Service	4,130,416	3,948,711	4,645,250	3,949,824	3,976,689	-153,727
Appropriations	(3,470,674)	(3,609,777)	(3,798,915)	(3,949,824)	(3,976,689)	(+506,015)
Conservation	(313,742)	(338,934)	(346,335)	---	---	(-313,742)
Contingent emergency appropriations	(346,000)	---	(500,000)	---	---	(-346,000)
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-40,000	---	-50,000	-70,000	-87,000	-47,000
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
Fossil energy research and development	582,790	489,305	664,205	625,665	624,900	+42,110
Clean coal technology (by transfer)	(33,700)	(40,000)	---	---	---	(-33,700)
Alternative fuels production (rescission)	-2,000	---	---	---	---	+2,000
Naval petroleum and oil shale reserves	17,371	20,831	20,831	20,831	17,831	+460
Elk Hills School lands fund	---	36,000	---	---	---	---
Advance appropriations, FY 2004	36,000	---	36,000	36,000	36,000	---
Energy conservation	912,805	901,651	984,653	884,293	897,603	-15,202
Economic regulation	1,996	1,487	1,487	1,487	1,487	-509
Strategic petroleum reserve	179,009	168,856	175,856	172,856	172,856	-6,153
SPR petroleum account	---	11,000	7,000	7,000	7,000	+7,000
Rescission	---	---	---	---	-5,000	-5,000
Subtotal	---	11,000	7,000	7,000	2,000	+2,000
Northeast home heating oil reserve	---	8,000	8,000	6,000	6,000	+6,000
Energy Information Administration	78,499	80,111	80,611	80,111	80,611	+2,112
Total, Department of Energy:						
New budget (obligational) authority (net)	1,766,470	1,717,241	1,928,643	1,764,243	1,752,288	-14,182
Appropriations	(1,772,470)	(1,717,241)	(1,942,643)	(1,798,243)	(1,808,288)	(+35,818)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	---
Rescissions	(-2,000)	---	---	---	(-5,000)	(-3,000)
Deferral	(-40,000)	---	(-50,000)	(-70,000)	(-87,000)	(-47,000)
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
(By transfer)	(33,700)	(40,000)	---	---	---	(-33,700)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	2,389,614	2,452,997	2,508,756	2,455,881	2,492,115	+102,501
Indian health facilities	369,487	362,571	391,865	365,390	376,190	+6,703
Total, Indian Health Service	2,759,101	2,815,568	2,900,621	2,821,271	2,868,305	+109,204
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	15,148	14,491	14,491	14,491	14,491	-657
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,490	5,130	5,130	5,130	5,490	+1,000
Smithsonian Institution						
Salaries and expenses	399,253	448,760	450,760	450,760	463,205	+63,952
Rescission	---	-14,100	-14,100	-14,100	-14,100	-14,100
Emergency appropriations (P.L. 107-117)	21,707	---	---	---	---	-21,707
Subtotal	420,960	434,660	436,660	436,660	449,105	+28,145
Repair, restoration and alteration of facilities	67,900	81,300	81,300	78,300	83,425	+15,525
Construction	30,000	12,000	10,000	16,000	16,000	-14,000
Total, Smithsonian Institution	518,860	527,960	527,960	530,960	548,530	+29,670
National Gallery of Art						
Salaries and expenses	68,967	78,219	78,219	77,219	77,219	+8,252
Emergency appropriations (P.L. 107-117)	2,148	---	---	---	---	-2,148
Subtotal	71,115	78,219	78,219	77,219	77,219	+6,104
Repair, restoration and renovation of buildings	14,220	16,230	16,230	16,230	16,230	+2,010
Total, National Gallery of Art	85,335	94,449	94,449	93,449	93,449	+8,114

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	15,000	16,310	16,310	16,310	16,310	+1,310
Emergency appropriations (P.L. 107-117)	4,310	---	---	---	---	-4,310
Subtotal	19,310	16,310	16,310	16,310	16,310	-3,000
Construction	19,000	17,600	17,600	17,600	17,600	-1,400
Total, John F. Kennedy Center for the Performing Arts	38,310	33,910	33,910	33,910	33,910	-4,400
Woodrow Wilson International Center for Scholars						
Salaries and expenses	7,796	8,488	8,488	8,488	8,488	+692
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	98,234	99,489	99,489	116,489	116,489	+18,255
National Endowment for the Humanities						
Grants and administration	108,382	109,632	114,932	109,632	109,632	+1,250
Matching grants	16,122	16,122	16,122	16,122	16,122	---
Total, National Endowment for the Humanities	124,504	125,754	131,054	125,754	125,754	+1,250
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration 1/	26,899	---	---	---	---	-26,899
Challenge America Arts Fund						
Challenge America grants	17,000	17,000	27,000	---	---	-17,000
Total, National Foundation on the Arts and the Humanities	266,637	242,243	257,543	242,243	242,243	-24,394
Commission of Fine Arts						
Salaries and expenses	1,224	1,224	1,255	1,224	1,224	---
National Capital Arts and Cultural Affairs						
Grants	7,000	7,000	7,000	7,000	7,000	---

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Advisory Council on Historic Preservation						
Salaries and expenses	3,400	3,667	3,667	3,667	3,667	+267
National Capital Planning Commission						
Salaries and expenses	7,253	7,253	7,553	7,253	7,253	---
Emergency appropriations (P.L. 107-117)	758	---	---	---	---	-758
Total, National Capital Planning Commission	8,011	7,253	7,553	7,253	7,253	-758
United States Holocaust Memorial Museum						
Holocaust Memorial Museum	36,028	38,663	38,663	38,663	38,663	+2,635
Presidio Trust						
Presidio trust fund	23,125	21,327	21,327	21,327	21,327	-1,798
Total, title II, related agencies:						
New budget (obligational) authority (net)	9,671,351	9,487,325	10,495,950	9,543,143	9,623,017	-48,334
Appropriations	(8,988,686)	(9,162,491)	(9,677,715)	(9,591,243)	(9,693,117)	(+704,431)
Conservation	(313,742)	(338,934)	(346,335)	---	---	(-313,742)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	---
Emergency appropriations	(28,923)	---	---	---	---	(-28,923)
Contingent emergency appropriations	(346,000)	---	(500,000)	---	---	(-346,000)
Rescissions	(-2,000)	(-14,100)	(-14,100)	(-14,100)	(-19,100)	(-17,100)
Deferral	(-40,000)	---	(-50,000)	(-70,000)	(-87,000)	(-47,000)
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
(By transfer)	(33,700)	(40,000)	---	---	---	(-33,700)
Grand total:						
New budget (obligational) authority (net)	19,157,770	18,938,078	20,450,125	18,973,625	19,078,125	-79,645
Fiscal year 2002 (contingent emergency)	---	---	(700,000)	---	---	---
Fiscal year 2003 (net)	(19,157,770)	(18,938,078)	(19,750,125)	(18,973,625)	(19,078,125)	(-79,645)
Appropriations	(17,420,625)	(17,664,443)	(18,370,025)	(19,051,725)	(19,228,225)	(+1,807,600)
Conservation	(1,320,000)	(1,317,735)	(1,438,200)	---	---	(-1,320,000)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	---
Emergency appropriations	(88,145)	---	---	---	---	(-88,145)
Contingent emergency appropriations	(400,000)	---	---	---	---	(-400,000)
Rescissions	(-67,000)	(-44,100)	(-44,100)	(-44,100)	(-99,100)	(-32,100)
Deferral	(-40,000)	---	(-50,000)	(-70,000)	(-87,000)	(-47,000)
(Transfer out)	(-33,700)	(-40,000)	---	---	---	(+33,700)
(By transfer)	(33,700)	(40,000)	---	---	---	(-33,700)
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(72,424)	---	(-75,000)

1/ Funded in the Labor HHS bill for FY 2003.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF LABOR						
Employment and Training Administration						
Training and employment services	3,021,814	2,573,228	2,675,513	2,657,084	2,755,070	-266,744
Advance appropriation, FY 2004	2,463,000	2,463,000	2,463,000	2,463,000	2,463,000	---
Total	5,484,814	5,036,228	5,138,513	5,120,084	5,218,070	-266,744
Community service employment for older Americans	445,100	440,200	440,200	440,200	445,200	+100
Workers compensation programs	175,000	---	---	---	---	-175,000
Federal unemployment benefits and allowances (indefinite)	415,650	871,250	972,200	972,200	972,200	+556,550
State unemployment insurance and employment service operations	167,552	156,452	143,452	143,452	143,452	-24,100
Trust funds	3,237,282	3,470,691	3,475,451	3,475,451	3,475,451	+238,169
Total	3,404,834	3,627,143	3,618,903	3,618,903	3,618,903	+214,069
Advances to the Unemployment Trust Fund and other funds	464,000	463,000	463,000	463,000	463,000	-1,000
Program administration	112,381	115,921	121,451	121,032	121,424	+9,043
Trust funds	48,507	55,075	50,610	56,610	54,228	+5,721
Total	160,888	170,996	172,061	177,642	175,652	+14,764
Total, Employment and Training Administration	10,550,286	10,608,817	10,804,877	10,792,029	10,893,025	+342,739
Pension and Welfare Benefits Administration						
Salaries and expenses	110,470	117,044	117,044	117,044	117,044	+6,574
Pension Benefit Guaranty Corporation						
Pension Benefit Guaranty Corporation fund: Trust funds	11,567	13,050	13,050	13,050	13,050	+1,483
Employment Standards Administration						
Salaries and expenses	367,811	292,286	378,728	383,428	381,578	+13,767
Trust funds	1,970	2,029	2,029	2,029	2,029	+59
Total	369,781	294,315	380,757	385,457	383,607	+13,826
Special benefits	121,000	163,000	163,000	163,000	163,000	+42,000
Energy employees occupational illness compensation fund	130,665	104,867	104,867	104,867	104,867	-25,798

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Black Lung Disability Trust Fund:						
Definite	1,035,522	1,034,644	1,034,644	1,034,644	1,034,644	-878
Indefinite	356	356	356	356	356	---
Total	1,035,878	1,035,000	1,035,000	1,035,000	1,035,000	-878
Total, Employment Standards Administration	1,657,324	1,597,182	1,683,624	1,688,324	1,686,474	+29,150
Occupational Safety and Health Administration						
Salaries and expenses	443,498	437,019	444,194	462,314	453,256	+9,758
Mine Safety and Health Administration						
Salaries and expenses	252,976	254,323	254,323	271,841	274,741	+21,765
Bureau of Labor Statistics						
Salaries and expenses	405,349	426,135	426,135	425,025	423,425	+18,076
Trust funds	69,132	72,029	72,029	72,029	72,029	+2,897
Total	474,481	498,164	498,164	497,054	495,454	+20,973
Office of Disability Employment Policy	37,688	47,015	42,500	47,015	47,487	+9,799
Departmental Management						
Salaries and expenses	384,233	317,624	294,103	396,313	390,069	+5,836
Trust funds	310	310	310	310	310	---
Total	384,543	317,934	294,413	396,623	390,379	+5,836
Veterans Employment and Training	25,800	24,800	24,800	26,550	25,675	-125
Trust funds	186,716	185,537	185,537	191,537	188,537	+1,821
Total	212,516	210,337	210,337	218,087	214,212	+1,696
Office of Inspector General	51,807	56,659	56,659	56,659	56,659	+4,852
Trust funds	4,951	5,597	5,597	5,597	5,597	+646
Total	56,758	62,256	62,256	62,256	62,256	+5,498
Total, Departmental Management	653,817	590,527	567,006	676,966	666,847	+13,030
Total, Title I, Department of Labor	14,192,107	14,163,141	14,424,782	14,565,637	14,647,378	+455,271
Appropriations, fiscal year 2003	(11,729,107)	(11,700,141)	(11,961,782)	(12,102,637)	(12,184,378)	(+455,271)
Advance appropriations, FY 2004	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Health Resources and Services Administration						
Health resources and services	6,075,449	5,365,404	5,885,497	6,255,681	6,472,630	+397,181
Health education assistance loans program:						
Administrative expenses	3,791	3,914	3,914	3,914	3,914	+123
Vaccine injury compensation program trust fund	81,704	85,918	85,918	85,918	85,918	+4,214
HRSA administration	2,992	2,991	2,991	2,991	2,991	-1
Total, HRSA	6,163,936	5,458,227	5,978,320	6,348,504	6,565,453	+401,517
Centers for Disease Control and Prevention						
Disease control, research, and training	4,364,089	3,974,444	4,288,857	4,317,749	4,296,566	-67,523
Evaluation tap funding (non-add)	(23,286)	(46,982)	(46,982)	(84,500)	(210,399)	(+187,113)
National Institutes of Health						
National Cancer Institute	4,176,709	5,071,116	4,299,493	4,642,394	4,622,394	+445,685
National Heart, Lung, and Blood Institute	2,569,885	2,726,830	2,698,391	2,820,011	2,812,011	+242,126
National Institute of Dental and Craniofacial Research	342,293	362,029	360,528	374,067	374,067	+31,774
National Institute of Diabetes and Digestive and Kidney Diseases	1,463,560	1,573,847	1,532,394	1,637,347	1,633,347	+169,787
National Institute of Neurological Disorders and Stroke	1,325,232	1,405,693	1,372,256	1,466,005	1,466,005	+140,773
National Institute of Allergy and Infectious Diseases	2,528,279	3,943,368	2,674,213	3,727,473	3,730,973	+1,202,694
National Institute of General Medical Sciences	1,722,936	1,835,269	1,742,596	1,853,584	1,859,084	+136,148
National Institute of Child Health and Human Development	1,110,472	1,169,412	1,159,405	1,213,817	1,213,817	+103,345
National Eye Institute	580,085	613,931	600,796	634,290	637,290	+57,205
National Institute of Environmental Health Sciences	564,086	596,898	589,701	617,258	618,258	+54,172
National Institute on Aging	891,302	939,606	939,608	1,000,099	1,000,099	+108,797
National Institute of Arthritis and Musculoskeletal and Skin Diseases	447,763	475,708	474,392	489,324	489,324	+41,561
National Institute on Deafness and Other Communication Disorders	341,306	358,164	351,376	372,805	372,805	+31,499
National Institute of Nursing Research	120,236	127,117	130,044	131,438	131,438	+11,202
National Institute on Alcohol Abuse and Alcoholism	383,200	406,783	401,933	418,773	418,773	+35,573
National Institute on Drug Abuse	885,759	941,136	912,489	968,013	968,013	+82,254
National Institute of Mental Health	1,245,292	1,316,885	1,290,274	1,350,788	1,349,788	+104,496
National Human Genome Research Institute	428,294	448,519	431,985	468,037	468,037	+39,743
National Institute for Biomedical Imaging and Bioengineering	111,740	117,966	140,973	283,100	280,100	+168,360
National Center for Research Resources	1,010,169	1,071,424	1,015,395	1,161,272	1,146,272	+136,103
National Center for Complementary and Alternative Medicine	104,338	110,218	105,212	114,149	114,149	+9,811
National Center on Minority Health and Health Disparities	157,393	177,285	151,062	186,929	186,929	+29,536

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
John E. Fogarty International Center	56,798	62,188	57,064	60,880	63,880	+7,082
National Library of Medicine	275,792	301,380	277,273	302,099	302,099	+26,307
Evaluation tap funding (non-add)	---	---	---	(8,200)	(8,200)	(+8,200)
Office of the Director	234,859	247,957	2,476,111	257,974	267,974	+33,115
Buildings and facilities	295,879	769,100	296,100	607,800	632,800	+336,921
Total, N.I.H.	23,373,657	27,169,829	26,481,064	27,159,726	27,159,726	+3,786,069
Substance Abuse and Mental Health Services Administration						
Substance abuse and mental health services	3,134,174	3,193,086	3,167,897	3,129,717	3,158,068	+23,894
Evaluation tap funding (non-add)	---	---	---	(74,200)	(74,200)	(+74,200)
Agency for Healthcare Research and Quality						
Healthcare research and quality	2,585	---	2,600	308,645	---	-2,585
Evaluation tap funding (non-add)	(296,145)	(250,000)	(296,145)	---	(303,695)	(+7,550)
Total, Public Health Service	37,038,441	39,795,586	39,918,738	41,264,341	41,179,813	+4,141,372
Center for Medicare and Medicaid Services						
Grants to States for Medicaid	143,396,949	158,692,155	158,692,155	158,692,155	158,692,155	+15,295,206
Medicare transfer (P.L. 105-33)	-70,000	---	---	---	---	+70,000
Appropriation available from prior year advance	-36,207,551	-46,601,937	-46,601,937	-46,601,937	-46,601,937	-10,394,386
Total, adjusted appropriation	107,119,398	112,090,218	112,090,218	112,090,218	112,090,218	+4,970,820
New advance, 1st quarter, FY 2004	46,601,937	51,861,386	51,861,386	51,861,386	51,861,386	+5,259,449
Total, grants to States for Medicaid	153,721,335	163,951,604	163,951,604	163,951,604	163,951,604	+10,230,269
Payments to health care trust funds	81,979,200	81,462,700	81,462,700	81,462,700	81,462,700	-516,500
Program management (trust funds)	2,427,248	2,507,914	2,550,488	2,559,664	2,581,672	+154,424
Total, Center for Medicare & Medicaid Services	238,127,783	247,922,218	247,964,792	247,973,968	247,995,976	+9,868,193
Appropriations, fiscal year 2003	191,525,846	196,060,832	196,103,406	196,112,582	196,134,590	+4,608,744
Advance appropriations, FY 2004	46,601,937	51,861,386	51,861,386	51,861,386	51,861,386	+5,259,449

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Administration for Children and Families						
Payments to States for Child Support Enforcement and Family Support Programs	3,996,313	4,036,800	4,036,800	4,036,800	4,036,800	+40,487
Less funds advanced in previous years	-1,000,000	-1,100,000	-1,100,000	-1,100,000	-1,100,000	-100,000
Total, adjusted appropriation	2,996,313	2,936,800	2,936,800	2,936,800	2,936,800	-59,513
New advance, 1st quarter, FY 2004	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	---
Total	4,096,313	4,036,800	4,036,800	4,036,800	4,036,800	-59,513
Low income home energy assistance:						
Emergency allocation:						
Non-emergency funding	---	300,000	---	---	---	---
Contingent emergency funding	300,000	---	---	---	---	-300,000
Current appropriation	1,700,000	1,400,000	1,700,000	1,700,000	1,700,000	---
Total	2,000,000	1,700,000	1,700,000	1,700,000	1,700,000	-300,000
Refugee and entrant assistance	460,155	452,724	446,724	442,724	446,724	-13,431
Payments to States for the Child Care and Development Block Grant	2,099,942	2,099,994	2,099,994	2,099,994	2,099,994	+52
Social Services Block Grant	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---
Children and families services programs	7,025,911	7,193,364	7,067,062	7,248,884	7,243,117	+217,206
Advance appropriation, FY 2004	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---
Evaluation tap funding (non-add)	---	---	---	(6,000)	(6,000)	(+6,000)
Total	8,425,911	8,593,364	8,467,062	8,648,884	8,643,117	+217,206
Rescission of permanent appropriations	-21,000	---	---	---	---	+21,000
Promoting Safe and Stable Families	304,989	305,000	305,000	305,000	305,000	+11
Discretionary portion	69,997	200,000	70,000	200,000	100,000	+30,003
Payments to States for foster care and adoption assistance	6,621,492	6,609,000	6,609,000	6,609,000	6,609,000	-12,492
Less funds advanced in previous years	-1,735,900	-1,754,000	-1,754,000	-1,754,000	-1,754,000	-18,100
Total, adjusted appropriation	4,885,592	4,855,000	4,855,000	4,855,000	4,855,000	-30,592
New advance, 1st quarter, FY 2004	1,754,000	1,745,600	1,745,600	1,745,600	1,745,600	-8,400
Total, Payments to States for foster care	6,639,592	6,600,600	6,600,600	6,600,600	6,600,600	-38,992
Total, Administration for Children and Families	25,775,899	25,688,482	25,426,180	25,734,002	25,632,235	-143,664

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Administration on Aging						
Aging services program	1,347,395	1,341,344	1,355,844	1,369,290	1,376,001	+28,606
Office of the Secretary						
General departmental management	367,512	378,544	352,600	368,535	361,364	-6,148
Trust funds	5,851	5,851	5,851	5,851	5,851	---
Total	373,363	384,395	358,451	374,386	367,215	-6,148
Office of Inspector General	35,558	39,747	37,300	39,747	37,300	+1,742
Office for Civil Rights	28,492	30,328	30,328	30,328	30,328	+1,836
Trust funds	3,314	3,314	3,314	3,314	3,314	---
Total	31,806	33,642	33,642	33,642	33,642	+1,836
Policy research	2,494	2,499	2,499	2,499	2,499	+5
Medical Benefits for Commissioned Officers:						
Expenses (indefinite)	262,075	251,039	251,039	251,039	251,039	-11,036
Health facilities construction and management fund	---	184,000	---	---	---	---
Public Health and Social Services Emergency Fund	242,643	2,295,184	2,507,184	2,255,980	2,246,680	+2,004,037
Additional authorization required	2,418,314	---	---	---	---	-2,418,314
Total	2,660,957	2,295,184	2,507,184	2,255,980	2,246,680	-414,277
Total, Office of the Secretary	3,366,253	3,190,506	3,190,115	2,957,293	2,938,375	-427,878
Net total, Title II, Department of Health and Human Services	305,655,771	317,938,136	317,855,669	319,298,894	319,122,400	+13,466,629
Appropriations, fiscal year 2003	(254,799,834)	(261,831,150)	(261,748,683)	(263,191,908)	(263,015,414)	(+8,215,580)
Appropriations	(252,084,421)	(259,314,071)	(259,189,030)	(260,623,079)	(260,424,577)	(+8,340,156)
Rescission	(-21,000)	---	---	---	---	(+21,000)
Advance appropriations, FY 2004	(50,855,937)	(56,106,986)	(56,106,986)	(56,106,986)	(56,106,986)	(+5,251,049)
Total, discretionary FY 2003	55,470,563	58,144,475	58,062,008	59,505,233	59,328,739	+3,858,176

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - DEPARTMENT OF EDUCATION						
Education for the disadvantaged	4,963,599	6,002,099	6,053,599	9,551,099	4,826,099	-137,500
Funding for Innovative Programs	---	---	---	(5,000,000)	---	---
Advance appropriation, FY 2004	7,383,301	7,383,301	6,883,301	8,627,301	9,027,301	+1,644,000
Total	12,346,900	13,385,400	12,936,900	18,178,400	13,853,400	+1,506,500
Impact aid	1,143,500	1,140,500	1,185,000	1,176,500	1,196,000	+52,500
School improvement programs	6,072,473	5,019,484	5,082,584	6,023,329	6,287,957	+215,484
Advance appropriation, FY 2004	1,765,000	1,765,000	2,265,000	1,765,000	1,765,000	---
Total	7,837,473	6,784,484	7,347,584	7,788,329	8,052,957	+215,484
Indian education	120,368	122,368	122,368	122,368	122,368	+2,000
English language acquisition	665,000	665,000	665,000	690,000	690,000	+25,000
Special education	3,600,804	4,615,804	4,115,804	3,619,424	4,423,639	+822,835
Advance appropriation, FY 2004	5,072,000	5,072,000	5,072,000	7,572,000	5,672,000	+600,000
Total	8,672,804	9,687,804	9,187,804	11,191,424	10,095,639	+1,422,835
Rehabilitation services and disability research	464,430	468,348	423,184	426,346	422,890	-41,540
Mandatory	2,481,383	2,533,492	2,533,492	2,533,492	2,533,492	+52,109
Total	2,945,813	3,001,840	2,956,676	2,959,838	2,956,382	+10,569
Special Institutions for Persons With Disabilities:						
American Printing House for the Blind	14,000	14,000	15,500	15,500	15,500	+1,500
National Technical Institute for the Deaf	55,376	52,014	53,500	54,600	54,050	-1,326
Gallaudet University	96,938	94,446	95,000	98,438	98,438	+1,500
Total	166,314	160,460	164,000	168,538	167,988	+1,674
Vocational and adult education	1,143,060	1,106,560	1,128,560	1,147,060	1,165,060	+22,000
Advance appropriation, FY 2004	791,000	791,000	791,000	791,000	791,000	---
Total	1,934,060	1,897,560	1,919,560	1,938,060	1,956,060	+22,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Student financial assistance	13,285,500	12,767,500	13,171,610	13,151,500	13,450,500	+165,000
Federal family education loan program account	48,836	---	---	---	---	-48,836
Higher education	2,031,048	1,883,053	1,903,553	2,047,640	2,100,701	+69,653
Howard University	237,474	237,474	240,000	239,974	240,000	+2,526
College housing and academic facilities loans program	762	762	762	762	762	---
Historically Black College and University capital financing, program account	208	208	208	208	208	---
Institute of Education Sciences	443,870	432,887	397,887	397,387	450,887	+7,017
Departmental Management:						
Program administration	418,798	411,795	411,795	412,093	412,545	-6,253
Office for Civil Rights	79,666	86,276	86,276	86,276	86,276	+6,610
Office of the Inspector General	38,588	41,000	41,000	41,000	41,000	+2,412
Total	537,052	539,071	539,071	539,369	539,821	+2,769
Student aid administration	---	932,000	105,388	105,388	105,388	+105,388
FDSL reclassification	---	-795,000	---	---	---	---
Total, Title III, Department of Education	52,416,982	52,843,371	52,843,371	60,695,685	55,979,061	+3,562,079
Appropriations, fiscal year 2003	(37,405,681)	(37,832,070)	(37,832,070)	(41,940,384)	(38,723,760)	(+1,318,079)
Advance appropriations, FY 2004	(15,011,301)	(15,011,301)	(15,011,301)	(18,755,301)	(17,255,301)	(+2,244,000)
Total, discretionary FY 2003	49,935,599	50,309,879	50,309,879	58,162,193	53,445,569	+3,509,970

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV - RELATED AGENCIES						
Armed Forces Retirement Home:						
Operation and maintenance	61,628	61,628	61,628	61,628	62,244	+616
Capital program	9,812	5,712	5,712	5,712	5,769	-4,043
Total, AFSH	71,440	67,340	67,340	67,340	68,013	-3,427
Corporation for National and Community Service:						
Domestic Volunteer Service Programs, operating expenses	328,895	396,063	350,331	351,063	356,205	+27,310
Corporation for Public Broadcasting:						
Advance appropriation, fiscal year 2005	380,000	---	380,000	395,000	390,000	+10,000
Digitalization	25,000	25,000	25,000	48,744	48,744	+23,744
Federal Mediation and Conciliation Service	39,982	40,718	40,718	40,718	41,425	+1,443
Federal Mine Safety and Health Review Commission	6,939	7,127	7,127	7,127	7,178	+239
Institute of Museum and Library Services	224,501	210,000	210,000	203,000	245,485	+20,984
Medicare payment advisory commission (trust funds)	8,250	8,500	8,250	8,250	8,585	+335
National Commission on Libraries & Information Science	1,000	---	1,000	1,000	1,010	+10
National Council on Disability	2,830	2,830	2,830	2,830	2,858	+28
National Education Goals Panel	400	---	---	---	---	-400
National Labor Relations Board	226,618	233,223	226,618	238,223	238,982	+12,364
National Mediation Board	10,635	11,203	11,203	11,203	11,315	+680
Occupational Safety and Health Review Commission	8,964	9,577	9,577	9,577	9,673	+709
Railroad Retirement Board:						
Dual benefits payments account	137,000	124,000	124,000	124,000	124,000	-13,000
Federal payments to the Railroad Retirement Accounts	150	150	150	150	150	---
Limitation on trust fund transfer:						
Administrative expenses	97,700	97,720	100,000	97,720	100,000	+2,300
Office of Inspector General	6,261	6,300	6,300	6,300	6,363	+102
Total	241,111	228,170	230,450	228,170	230,513	-10,598
Social Security Administration						
Payments to social security trust funds	434,400	20,400	20,400	20,400	20,400	-414,000
Special benefits for disabled coal miners:						
Direct appropriation	446,840	408,177	408,177	408,177	408,177	-38,663
Appropriation available from prior year advance	-114,000	-108,000	-108,000	-108,000	-108,000	+6,000
Total, fiscal year 2003 appropriation	332,840	300,177	300,177	300,177	300,177	-32,663
New advance, 1st quarter, FY 2004	108,000	97,000	97,000	97,000	97,000	-11,000
Total, special benefits for disabled coal miners	440,840	397,177	397,177	397,177	397,177	-43,663

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Supplemental security income program:						
Mandatory	29,120,412	31,871,392	31,871,392	31,879,392	31,879,392	+2,758,980
Discretionary	2,627,000	2,825,000	2,825,000	2,825,000	2,825,000	+198,000
Subtotal	31,747,412	34,696,392	34,696,392	34,704,392	34,704,392	+2,956,980
Appropriation available from prior year advance	-10,470,000	-10,790,000	-10,790,000	-10,790,000	-10,790,000	-320,000
Total, fiscal year 2003 appropriation	21,277,412	23,906,392	23,906,392	23,914,392	23,914,392	+2,636,980
Additional CDR funding	200,000	---	---	---	---	-200,000
User fee activities	100,000	111,000	111,000	111,000	111,000	+11,000
New advance, 1st quarter, FY 2003	10,790,000	11,080,000	11,080,000	11,080,000	11,080,000	+290,000
Total, supplemental security income program	32,367,412	35,097,392	35,097,392	35,105,392	35,105,392	+2,737,980
Limitation on administrative expenses: Trust funds	7,575,500	7,936,000	7,936,000	7,936,000	7,936,000	+360,500
Office of Inspector General	19,000	21,000	21,000	21,000	21,000	+2,000
Trust funds	56,000	62,000	62,000	62,000	62,000	+6,000
Total	75,000	83,000	83,000	83,000	83,000	+8,000
Adjustment: Trust fund transfers from general revenues	-2,927,000	-2,936,000	-2,936,000	-2,936,000	-2,936,000	-9,000
Total, Social Security Administration	37,966,152	40,597,969	40,597,969	40,605,969	40,605,969	+2,639,817
Appropriations, fiscal year 2003	(27,068,152)	(29,420,969)	(29,420,969)	(29,428,969)	(29,428,969)	(+2,360,817)
Advance appropriations, FY 2004	(10,898,000)	(11,177,000)	(11,177,000)	(11,177,000)	(11,177,000)	(+279,000)
United States Institute of Peace: Operating expenses	15,104	16,200	15,104	16,200	16,362	+1,258
Total, Title IV, Related agencies	39,557,821	41,853,920	42,183,517	42,234,414	42,282,317	+2,724,496
Appropriations, fiscal year 2003	(28,279,821)	(30,676,920)	(30,626,517)	(30,662,414)	(30,715,317)	(+2,435,496)
Advance appropriations, FY 2004	(10,898,000)	(11,177,000)	(11,177,000)	(11,177,000)	(11,177,000)	(+279,000)
Advance appropriations, FY 2005	(380,000)	---	(380,000)	(395,000)	(390,000)	(+10,000)
Total, discretionary FY 2003	9,242,019	9,274,801	9,604,398	9,647,295	9,695,198	+453,179
Grand total	411,822,681	426,798,568	427,307,339	436,794,630	432,031,156	+20,208,475
Appropriations, fiscal year 2003	(321,121,884)	(330,544,364)	(330,628,236)	(336,337,631)	(333,059,853)	(+11,937,969)
Emergency appropriations	(300,000)	---	---	---	---	(-300,000)
Rescission	(-21,000)	---	---	---	---	(+21,000)
Total, fiscal year 2003	(321,400,884)	(330,544,364)	(330,628,236)	(336,337,631)	(333,059,853)	(+11,658,969)
Advance appropriations, FY 2004	(79,228,238)	(84,758,287)	(84,758,287)	(88,502,287)	(87,002,287)	(+7,774,049)
Advance appropriations, FY 2005	(380,000)	---	(380,000)	(395,000)	(390,000)	(+10,000)

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	---	---	---	150	150	+150
Expense allowances:						
Vice President	10	10	---	20	20	+10
President Pro Tempore of the Senate	10	10	---	20	20	+10
Majority Leader of the Senate	10	10	---	20	20	+10
Minority Leader of the Senate	10	10	---	20	20	+10
Majority Whip of the Senate	5	5	---	10	10	+5
Minority Whip of the Senate	5	5	---	10	10	+5
President Pro Tempore Emeritus of the Senate	---	---	---	8	8	+8
Chairman of the Majority Conference Committee	3	3	---	5	5	+2
Chairman of the Minority Conference Committee	3	3	---	5	5	+2
Chairman of the Majority Policy Committee	3	3	---	5	5	+2
Chairman of the Minority Policy Committee	3	3	---	5	5	+2
Subtotal, expense allowances	62	62	---	128	128	+66
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	92	92	---	158	158	+66
Salaries, Officers and Employees						
Office of the Vice President	1,867	1,949	---	1,949	1,949	+82
Office of the President Pro Tempore	473	518	---	518	518	+45
Office of the President Pro Tempore Emeritus	---	---	---	150	150	+150
Offices of the Majority and Minority Leaders	2,868	3,094	---	3,094	3,094	+226
Offices of the Majority and Minority Whips	1,912	2,042	---	2,042	2,042	+130
Committee on Appropriations	9,875	11,266	---	11,266	11,266	+1,391
Conference committees	2,500	2,610	---	2,610	2,610	+110
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	618	648	---	648	648	+30
Policy Committees	2,550	2,724	---	2,724	2,724	+174
Office of the Chaplain	301	315	---	315	315	+14
Office of the Secretary	15,424	17,079	---	17,079	17,079	+1,655
Office of the Sergeant at Arms and Doorkeeper	39,082	45,941	---	43,161	43,161	+4,079
Offices of the Secretaries for the Majority and Minority	1,350	1,410	---	1,410	1,410	+60
Agency contributions and related expenses	25,219	30,075	---	30,075	30,075	+4,856
Total, Salaries, officers and employees	104,039	119,671	---	117,041	117,041	+13,002

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,306	4,581	---	4,581	4,581	+275
Office of Senate Legal Counsel						
Salaries and expenses	1,109	1,176	---	1,176	1,176	+67
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	---	12	12	---
Contingent Expenses of the Senate						
Inquiries and investigations	107,264	109,450	---	109,450	109,450	+2,186
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	8,571	7,077	---	7,077	7,077	-1,494
Sergeant at Arms and Doorkeeper of the Senate	95,904	117,133	---	114,423	114,423	+18,519
Emergency supplemental	34,500	---	---	---	---	-34,500
Miscellaneous items	14,274	19,409	---	18,355	18,355	+4,081
Senators' Official Personnel and Office Expense Account	270,494	303,879	---	294,545	294,545	+24,051
Official Mail Costs						
Expenses	300	300	---	300	300	---
Total, Contingent expenses of the Senate	531,827	557,768	---	544,670	544,670	+12,843
Total, Senate	641,385	683,300	---	667,788	667,788	+26,403
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	145	---	---	---	---	-145
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,866	1,979	1,979	1,979	1,979	+113
Office of the Majority Floor Leader	1,830	1,899	1,899	1,899	1,899	+69
Office of the Minority Floor Leader	2,224	2,309	2,309	2,309	2,309	+85
Office of the Majority Whip	1,562	1,624	1,624	1,624	1,624	+62
Office of the Minority Whip	1,168	1,214	1,214	1,214	1,214	+46
Speaker's Office for Legislative Floor Activities	431	446	446	446	446	+15

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Republican Steering Committee	806	834	834	834	834	+28
Republican Conference	1,342	1,397	1,397	1,397	1,397	+55
Democratic Steering and Policy Committee	1,435	1,490	1,490	1,490	1,490	+55
Democratic Caucus	713	741	741	741	741	+28
Nine minority employees	1,293	1,337	1,337	1,337	1,337	+44
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	330	340	340	340	340	+10
Minority	330	340	340	340	340	+10
Subtotal, House Leadership Offices	15,910	16,530	16,530	16,530	16,530	+620
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	479,472	483,536	476,536	476,536	476,536	-2,936
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	104,514	108,741	108,741	103,421	103,421	-1,093
2002 Supplemental (P.L. 107-206)	1,600	---	---	---	---	-1,600
Committee on Appropriations (including studies and investigations)	23,002	24,200	24,200	24,200	24,200	+1,198
Subtotal, Committee employees	129,116	132,941	132,941	127,621	127,621	-1,495
Salaries, Officers and Employees						
Office of the Clerk	15,408	17,530	20,032	20,032	20,032	+4,624
Office of the Sergeant at Arms	4,139	4,732	5,097	5,097	5,097	+958
Office of the Chief Administrative Officer	67,495	99,863	104,363	104,363	105,363	+37,868
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	41,712	---	---	---	---	-41,712
Office of Inspector General	3,756	3,947	3,947	3,947	3,947	+191
Office for Emergency Planning, Preparedness and Operations	---	2,603	6,000	6,000	6,000	+6,000
Office of General Counsel	894	894	894	894	894	---
Office of the Chaplain	144	149	149	149	149	+5
Office of the Parliamentarian	1,344	1,464	1,464	1,464	1,464	+120
Office of the Parliamentarian	(1,168)	(1,279)	(1,279)	(1,279)	(1,279)	(+111)
Compilation of precedents of the House of Representatives	(176)	(185)	(185)	(185)	(185)	(+9)
Office of the Law Revision Counsel of the House	2,107	2,168	2,168	2,168	2,168	+61
Office of the Legislative Counsel of the House	5,456	5,852	5,852	5,852	5,852	+396

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Corrections Calendar Office	883	915	915	915	915	+32
Other authorized employees	140	146	146	146	146	+6
Technical Assistants, Office of the Attending Physician	(140)	(146)	(146)	(146)	(146)	(+6)
Subtotal, Salaries, officers and employees	143,478	140,263	151,027	151,027	152,027	+8,549
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,379	3,384	3,384	3,384	3,384	+5
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	152,957	171,888	178,888	178,888	178,888	+25,931
Miscellaneous items	690	690	690	690	690	---
Subtotal, Allowances and expenses	157,436	176,372	183,372	183,372	183,372	+25,936
Undistributed reduction	-4,050	---	---	---	---	+4,050
Total, Salaries and expenses	921,362	949,642	960,406	955,086	956,086	+34,724
Total, House of Representatives	921,507	949,642	960,406	955,086	956,086	+34,579
JOINT ITEMS						
Joint Economic Committee	3,424	3,658	3,658	3,658	3,658	+234
Joint Committee on Taxation	6,733	7,323	7,323	7,323	7,643	+910
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,865	1,947	3,000	3,000	3,000	+1,135
Capitol Guide Service and Special Services Office	2,512	3,035	3,035	3,035	3,035	+523
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	350	---	---	---	---	-350
Total, Capitol Guide Service and Special Services Office	2,862	3,035	3,035	3,035	3,035	+173
Statements of Appropriations	30	30	30	30	30	---
Total, Joint items	14,914	15,993	17,046	17,046	17,366	+2,452

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
CAPITOL POLICE						
Salaries:						
Sergeant at Arms of the House of Representatives..	55,239	---	---	---	---	-55,239
Sergeant at Arms and Doorkeeper of the Senate.....	57,805	---	---	---	---	-57,805
Capitol Police salaries.....	---	184,526	175,675	175,675	175,675	+175,675
Subtotal, salaries.....	113,044	184,526	175,675	175,675	175,675	+62,631
General expenses.....	13,146	28,100	43,000	28,100	28,100	+14,954
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117).....	31,000	---	---	---	---	-31,000
2002 Supplemental (P.L. 107-206).....	16,100	---	---	---	---	-16,100
Subtotal, General expenses.....	60,246	28,100	43,000	28,100	28,100	-32,146
Total, Capitol Police.....	173,290	212,626	218,675	203,775	203,775	+30,485
OFFICE OF COMPLIANCE						
Salaries and expenses.....	2,059	2,224	2,059	2,059	2,059	---
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses.....	30,780	32,390	32,390	32,101	32,101	+1,321
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
General administration.....	51,371	64,151	61,927	59,343	59,343	+7,972
Capitol building.....	15,194	46,789	32,062	32,094	32,094	+16,900
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117).....	106,304	---	---	---	---	-106,304
Capitol grounds.....	6,009	7,711	8,125	8,356	8,356	+2,347
Senate office buildings.....	42,126	55,103	---	64,871	64,871	+22,745
House office buildings.....	54,006	46,650	58,460	61,960	60,960	+6,954
Capitol Power Plant.....	56,983	148,003	111,573	106,686	106,686	+49,703
Offsetting collections.....	-4,400	-4,400	-4,400	-4,400	-4,400	---
Net subtotal, Capitol Power Plant.....	52,583	143,603	107,173	102,286	102,286	+49,703
Library buildings and grounds.....	21,753	40,284	35,319	37,521	37,521	+15,768
Capitol police buildings and grounds.....	---	---	37,500	23,900	23,900	+23,900
Botanic gardens.....	5,646	5,661	5,936	6,103	6,103	+457
Total, Architect of the Capitol.....	354,992	409,952	346,502	396,434	395,434	+40,442

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
UNITED STATES CAPITOL HISTORICAL SOCIETY						
Grant - By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	1,000	---	---	---	---	-1,000
LIBRARY OF CONGRESS						
Salaries and expenses	306,692	357,121	358,797	358,474	358,474	+51,782
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	---
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	29,615	---	---	---	---	-29,615
Subtotal, Salaries and expenses	329,457	350,271	351,947	351,624	351,624	+22,167
Copyright Office, salaries and expenses	40,896	44,321	44,876	39,226	39,226	-1,670
Authority to spend receipts	-27,864	-29,527	-31,102	-29,512	-29,512	-1,648
Subtotal, Copyright Office	13,032	14,794	13,774	9,714	9,714	-3,318
2002 Supplemental (P.L. 107-206)	7,500	---	---	---	---	-7,500
Congressional Research Service, salaries and expenses	81,454	87,646	86,241	86,952	86,952	+5,498
Books for the blind and physically handicapped, salaries and expenses	49,788	51,020	56,522	50,963	50,963	+1,175
Furniture and furnishings	7,932	8,003	---	---	---	-7,932
Total, Library of Congress	489,163	511,734	508,484	499,253	499,253	+10,090
ARCHITECT OF THE CAPITOL						
Capitol Visitors Center						
Capitol Visitors Center	70,000	---	---	---	---	-70,000
Congressional Cemetery						
Congressional Cemetery	1,250	---	---	---	---	-1,250
Total, Architect of the Capitol	71,250	---	---	---	---	-71,250
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	81,000	90,143	90,143	90,143	90,143	+9,143

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of Superintendent of Documents						
Salaries and expenses	29,639	32,302	29,661	29,661	29,661	+22
Government Printing Office Revolving Fund						
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	4,000	---	---	---	---	-4,000
Total, Government Printing Office	114,639	122,445	119,804	119,804	119,804	+5,165
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	424,345	457,802	456,534	454,134	454,134	+29,789
Offsetting collections	-2,501	-3,000	-3,000	-3,000	-3,000	-499
By Transfer - Legislative Branch Emergency Response Fund (P.L. 107-117)	7,600	---	---	---	---	-7,600
Total, General Accounting Office	429,444	454,802	453,534	451,134	451,134	+21,690
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	8,000	10,000	13,000	13,000	13,000	+5,000
TITLE II - GENERAL PROVISIONS						
John Stennis Center	---	---	---	300	300	+300
Congressional Award Act	---	---	---	250	250	+250
United States-China Security Review Commission	---	---	---	1,800	---	---
Grand total	3,252,423	3,405,108	2,671,900	3,359,830	3,358,350	+105,927

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	67,778	92,460	82,474	83,069	89,447	+21,669
Immediate Office of the Secretary	(1,929)	---	---	(2,201)	(2,211)	(+282)
Immediate Office of the Deputy Secretary	(619)	---	---	(799)	(809)	(+190)
Immediate office of the Secretary and Deputy Secretary	---	(4,410)	(4,355)	---	---	---
Office of the General Counsel	(13,355)	(15,657)	(14,950)	(15,507)	(15,657)	(+2,302)
Office of the Assistant Secretary for Policy	(3,058)	---	---	---	---	(-3,058)
Office of the Assistant Secretary for Aviation and International Affairs	(7,421)	---	---	---	---	(-7,421)
Office of the Under Secretary for Transportation Policy	---	(12,452)	(12,024)	(11,123)	(12,452)	(+12,452)
Office of the Assistant Secretary for Budget and Programs	(7,728)	(8,375)	(7,415)	(8,375)	(8,375)	(+647)
Office of the Assistant Secretary for Governmental Affairs	(2,282)	(2,453)	(2,453)	(2,282)	(2,453)	(+171)
Office of the Assistant Secretary for Administration	(19,250)	(29,285)	(27,686)	(26,070)	(29,071)	(+9,821)
Office of Public Affairs	(1,723)	(1,926)	(1,926)	(1,920)	(1,926)	(+203)
Executive Secretariat	(1,204)	---	---	(1,390)	(1,391)	(+187)
Board of Contract Appeals	(507)	(611)	(611)	(611)	(611)	(+104)
Office of Small and Disadvantaged Business Utilization	(1,240)	(1,304)	(1,304)	(1,304)	(1,304)	(+64)
Office of Intelligence and Security	(1,321)	---	---	---	---	(-1,321)
Office of the Chief Information Officer	(6,141)	(15,987)	(9,750)	(11,487)	(13,187)	(+7,046)
Subtotal	(67,778)	(92,460)	(82,474)	(83,069)	(89,447)	(+21,669)
Office of civil rights	8,500	8,700	8,500	8,700	8,700	+200
Transportation security administration	1,250,000	---	---	---	---	-1,250,000
Offsetting collections	-1,250,000	---	---	---	---	+1,250,000
Transportation planning, research, and development	11,993	10,700	11,157	21,000	21,000	+9,007
Transportation Administrative Service Center	(125,323)	---	(131,766)	(131,779)	(131,766)	(+6,443)
2002 Supplemental (PL 107-206)	(2,800)	---	---	---	---	(-2,800)
Subtotal, TASC	(128,123)	---	(131,766)	(131,779)	(131,766)	(+3,643)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Minority business resource center program	900	900	900	900	900	---
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	(18,367)	(18,367)	---
Minority business outreach	3,000	3,000	3,000	3,000	3,000	---
New headquarters building	---	25,000	25,000	---	---	---
Payments to air carriers (Airport & Airway Trust Fund)	13,000	---	50,000	65,000	52,100	+39,100
Emergency supplemental (PL 107-117)	50,000	---	---	---	---	-50,000
Total, Office of the Secretary	1,405,171	140,760	181,031	181,669	175,147	-1,230,024
Offsetting collections	-1,250,000	---	---	---	---	+1,250,000
Net total	155,171	140,760	181,031	181,669	175,147	+19,976
Transportation Security Administration						
Salaries and expenses	---	5,346,000	5,146,000	5,346,000	5,180,000	+5,180,000
Aviation Security	---	---	(4,355,726)	---	(4,516,300)	(+4,516,300)
Maritime and Land Security	---	---	(206,864)	---	(244,800)	(+244,800)
Research and Development	---	---	(129,519)	---	(110,200)	(+110,200)
Support Services	---	---	(453,891)	---	---	---
Administration	---	---	---	---	(308,700)	(+308,700)
Subtotal	---	---	(5,146,000)	---	(5,180,000)	(+5,180,000)
Facilities and equipment (reimbursement)	---	-124,000	-176,691	-55,000	-144,000	-144,000
Offsetting collections	---	-2,650,000	-2,650,000	-2,650,000	-2,650,000	-2,650,000
Emergency supplemental (PL 107-117)	94,800	---	---	---	---	-94,800
2002 Supplemental (PL 107-206) (emergency)	3,370,000	---	---	---	---	-3,370,000
Total, Transportation Security Administration	3,464,800	2,572,000	2,319,309	2,641,000	2,386,000	-1,078,800
Coast Guard						
Operating expenses	2,942,000	3,978,456	3,005,456	3,978,456	3,982,122	+1,040,122
Defense function	440,000	340,000	1,300,000	340,000	340,000	-100,000
Offset for new user fees	---	-165,000	---	---	---	---
Emergency supplemental (PL 107-117)	209,150	---	---	---	---	-209,150
2002 Supplemental (PL 107-206) (emergency)	189,000	---	---	---	---	-189,000
Subtotal, OE	3,780,150	4,153,456	4,305,456	4,318,456	4,322,122	+541,972

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Acquisition, construction, and improvements	636,354	725,000	725,000	752,000	742,100	+105,746
2002 Supplemental (PL 107-206) (emergency)	66,000	---	---	---	---	-66,000
AC&I rescission	---	---	---	---	-17,000	-17,000
Vessels	(115,740)	(13,600)	(11,715)	(25,600)	(25,600)	(-90,140)
Aircraft	(9,500)	---	(2,700)	---	(4,000)	(-5,500)
Other equipment	(107,022)	(117,700)	(114,200)	(132,700)	(121,300)	(+14,278)
Shore facilities & aids to navigation facilities	(85,271)	(28,700)	(31,385)	(48,700)	(50,200)	(-35,071)
Personnel and related support	(64,631)	(65,000)	(65,000)	(65,000)	(63,000)	(-1,631)
Integrated Deepwater Systems	(320,190)	(500,000)	(500,000)	(480,000)	(478,000)	(+157,810)
Subtotal, A C & I	(702,354)	(725,000)	(725,000)	(752,000)	(742,100)	(+39,746)
Environmental compliance and restoration	16,927	17,000	17,000	17,000	17,000	+73
Alteration of bridges	15,466	---	17,000	14,000	17,200	+1,734
Retired pay	876,346	889,000	889,000	889,000	889,000	+12,654
Reserve training	83,194	86,522	86,522	86,522	86,495	+3,301
Research, development, test, and evaluation	20,222	22,000	21,000	22,000	22,000	+1,778
Total, Coast Guard	5,494,659	6,057,978	6,060,978	6,098,978	6,095,917	+601,258
Rescissions	---	---	---	---	-17,000	-17,000
Offset for new user fees	---	-165,000	---	---	---	---
Net total, CG	5,494,659	5,892,978	6,060,978	6,098,978	6,078,917	+584,258
Federal Aviation Administration						
Operations	6,886,000	7,077,203	7,060,203	7,047,203	7,069,019	+183,019
Air traffic services	(5,452,871)	---	---	(5,662,037)	---	(-5,452,871)
Aviation regulation and certification	(768,769)	---	---	(839,467)	---	(-768,769)
Civil aviation security	(150,154)	---	---	---	---	(-150,154)
Research and acquisition	(195,799)	---	---	(207,600)	---	(-195,799)
Commercial space transportation	(12,456)	---	---	(12,325)	---	(-12,456)
Financial services	(50,284)	---	---	(48,782)	---	(-50,284)
Human resources	(69,516)	---	---	(80,260)	---	(-69,516)
Regional coordination	(85,943)	---	---	(82,192)	---	(-85,943)
Staff offices	(109,208)	---	---	(84,890)	---	(-109,208)
Information services	---	---	---	(29,650)	---	---
Undistributed	(-9,000)	---	---	---	---	(+9,000)
Subtotal, Operations	(6,886,000)	---	---	(7,047,203)	---	(-6,886,000)
Emergency supplemental (PL 107-117)	200,000	---	---	---	---	-200,000
2002 Supplemental (PL 107-206) (Transfer authority)	(33,000)	---	---	---	---	(-33,000)
Subtotal, Operations (incl supplemental)	7,119,000	7,077,203	7,060,203	7,047,203	7,069,019	-49,981

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Facilities & equipment (Airport & Airway Trust Fund)..	2,914,000	2,981,022	2,981,022	2,981,022	2,981,022	+67,022
Rescission (Airport and Airway Trust Fund).....	-15,000	---	---	---	-20,000	-5,000
Emergency supplemental (PL 107-117).....	108,500	---	---	---	---	-108,500
Subtotal, F&E (incl supplemental).....	3,007,500	2,981,022	2,981,022	2,981,022	2,961,022	-46,478
Research, engineering, and development (Airport and Airway Trust Fund).....	195,000	124,000	138,000	124,000	148,450	-46,550
Emergency supplemental (PL 107-117).....	50,000	---	---	---	---	-50,000
Subtotal, RE&D.....	245,000	124,000	138,000	124,000	148,450	-96,550
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization).....	(1,800,000)	(3,100,000)	(3,100,000)	(3,100,000)	(3,100,000)	(+1,300,000)
(Limitation on obligations).....	(3,300,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(+100,000)
(Small community air service pilot program)....	(20,000)	---	---	(20,000)	(20,000)	---
Rescission of contract authority.....	-301,720	---	---	---	---	+301,720
Essential air service (by transfer).....	---	---	---	---	---	---
Emergency supplemental (PL 107-117).....	175,000	---	---	---	---	-175,000
Subtotal, Grants-in-aid.....	(3,173,280)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(+226,720)
Small community air service development.....	---	---	20,000	---	---	---
Total, Federal Aviation Administration.....	10,528,500	10,182,225	10,199,225	10,152,225	10,198,491	-330,009
(Limitations on obligations).....	(3,300,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(+100,000)
Total budgetary resources.....	(13,828,500)	(13,582,225)	(13,599,225)	(13,552,225)	(13,598,491)	(-230,009)
Rescissions.....	-15,000	---	---	---	-20,000	-5,000
Rescissions of contract authority.....	-301,720	---	---	---	---	+301,720
Net total, FAA.....	(13,511,780)	(13,582,225)	(13,599,225)	(13,552,225)	(13,578,491)	(+66,711)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Highway Administration						
Limitation on administrative expenses	(311,000)	(317,732)	(370,042)	(317,732)	(316,126)	(+5,126)
(Border enforcement program)	---	---	---	(106,967)	(106,967)	(+106,967)
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(27,280,000)	(27,573,787)	(32,022,143)	(31,800,000)	(31,800,000)	(+4,520,000)
Revenue aligned budget authority (RABA)	(4,543,000)	(-4,369,000)	(-4,369,000)	---	---	(-4,543,000)
RABA transfer to FMCSA	(-23,896)	---	---	---	---	(+23,896)
Subtotal, limitation on obligations	(31,799,104)	(23,204,787)	(27,653,143)	(31,800,000)	(31,800,000)	(+896)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
(Liquidation of contract authorization)	(30,000,000)	(29,000,000)	(30,000,000)	(32,000,000)	(32,000,000)	(+2,000,000)
2002 Supplemental (PL 107-206) (Rescission of contract authority)	-320,000	---	---	---	---	+320,000
Miscellaneous appropriations (rescission)	---	---	-5,609	---	-5,609	-5,609
Miscellaneous (rescission of contract authority)	---	---	---	---	-250,000	-250,000
Appalachian development highway system	200,000	---	100,000	200,000	188,000	-12,000
State infrastructure banks (rescission)	-5,750	---	---	---	---	+5,750
Value pricing project (rescission)(Highway Trust Fund) (Sec. 364)	-9,231	---	---	---	-8,000	+1,231
TIFIA (rescission) (Highway Trust Fund)	-43,742	---	---	---	---	+43,742
Miscellaneous appropriations (Highway Trust Fund) (emergency supplemental) (PL 107-117)	100,000	---	---	---	---	-100,000
Emergency Relief (Highway Trust Fund)	---	---	55,000	---	---	---
Emergency relief program (emergency sup)(PL 107-117)	75,000	---	---	---	---	-75,000
2002 Supplemental (PL 107-206) (emergency)	167,000	---	---	---	---	-167,000
Total, Federal Highway Administration	542,000	---	155,000	200,000	188,000	-354,000
(Limitations on obligations)	(31,799,104)	(23,204,787)	(27,653,143)	(31,800,000)	(31,800,000)	(+896)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
Total budgetary resources	(33,306,412)	(24,097,554)	(28,700,910)	(32,892,767)	(32,880,767)	(-425,645)
Rescissions	-58,723	---	-5,609	---	-13,609	+45,114
Rescissions of contract authority	-320,000	---	---	---	-250,000	+70,000
Net total, FHWA	(32,927,689)	(24,097,554)	(28,695,301)	(32,892,767)	(32,617,158)	(-310,531)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) (limitation on obligations)	(110,000)	(117,464)	(92,857)	(117,464)	(117,464)	(+7,464)
Rescission	-6,665	---	---	---	---	+6,665
Additional admin/safety/research program funds	---	---	24,587	---	---	---
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(205,896)	(190,000)	(190,000)	(190,000)	(190,000)	(-15,896)
(Limitation on obligations)	(182,000)	(190,000)	(190,000)	(190,000)	(190,000)	(+8,000)
RABA transfer from FHWA:						
Border-State grants	(18,000)	---	---	---	---	(-18,000)
State commercial driver's license	(5,896)	---	---	---	---	(-5,896)
Subtotal, RABA	(23,896)	---	---	---	---	(-23,896)
Subtotal, limitation on obligations	(205,896)	(190,000)	(190,000)	(190,000)	(190,000)	(-15,896)
Border enforcement program (Highway Trust Fund)	25,866	59,967	59,967	---	---	-25,866
2002 Supplemental (PL 107-206) (emergency)	19,300	---	---	---	---	-19,300
Total, Federal Motor Carrier Safety Admin	45,166	59,967	84,554	---	---	-45,166
(Limitations on obligations)	(315,896)	(307,464)	(282,857)	(307,464)	(307,464)	(-8,432)
Total budgetary resources	(361,062)	(367,431)	(367,411)	(307,464)	(307,464)	(-53,598)
Rescissions	-6,665	---	---	---	---	+6,665
Net total, FMCSA	(354,397)	(367,431)	(367,411)	(307,464)	(307,464)	(-46,933)
National Highway Traffic Safety Administration						
Operations and research	127,780	126,445	131,433	141,000	138,288	+10,508
Operations and research (Highway trust fund):						
(Liquidation of contract authorization)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	---
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	---
Rescission of contract authority	-1,516	---	---	---	---	+1,516
National Driver Register (Highway trust fund)	2,000	2,000	2,000	2,000	2,000	---
Subtotal, Operations and research	(200,264)	(200,445)	(205,433)	(215,000)	(212,288)	(+12,024)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(223,000)	(225,000)	(225,000)	(225,000)	(225,000)	(+2,000)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(160,000)	(165,000)	(165,000)	(165,000)	(165,000)	(+5,000)
Occupant protection incentive grants (Sec. 405)	(15,000)	(20,000)	(20,000)	(20,000)	(20,000)	(+5,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(38,000)	(40,000)	(40,000)	(40,000)	(40,000)	(+2,000)
State highway safety data grants (Sec. 411)	(10,000)	---	---	---	---	(-10,000)
Subtotal, limitation on obligations	(223,000)	(225,000)	(225,000)	(225,000)	(225,000)	(+2,000)
Total, National Highway Traffic Safety Admin.	129,780	128,445	133,433	143,000	140,288	+10,508
(Limitations on obligations)	(295,000)	(297,000)	(297,000)	(297,000)	(297,000)	(+2,000)
Total budgetary resources	(424,780)	(425,445)	(430,433)	(440,000)	(437,288)	(+12,508)
Rescissions of contract authority	-1,516	---	---	---	---	+1,516
Net total, NHTSA	(423,264)	(425,445)	(430,433)	(440,000)	(437,288)	(+14,024)
Federal Railroad Administration						
Safety and operations	110,857	118,264	117,363	118,264	117,363	+6,506
Offset for new user fees	---	-45,000	---	---	---	---
Emergency supplemental (PL 107-117)	6,000	---	---	---	---	-6,000
Railroad research and development	29,000	28,325	27,325	29,325	29,325	+325
Offset for new user fees	---	-14,000	---	---	---	---
Pennsylvania Station Redevelopment project (advance appropriations, FY 2001, FY 2002, FY 2003) 1/	20,000	20,000	20,000	20,000	20,000	---
Next generation high-speed rail	32,300	23,200	30,450	30,000	30,450	-1,850
Alaska Railroad rehabilitation	20,000	---	---	25,000	22,000	+2,000
Grants to the National Railroad Passenger Corporation	521,476	521,476	762,476	1,200,000	1,050,000	+528,524
Emergency supplemental (PL 107-117)	100,000	---	---	---	---	-100,000
2002 Supplemental (PL 107-206) (emergency)	205,000	---	---	---	---	-205,000
Subtotal, Amtrak	826,476	521,476	762,476	1,200,000	1,050,000	+223,524
Total, Federal Railroad Administration	1,044,633	711,265	957,614	1,422,589	1,269,138	+224,505
Offset for new user fees	---	-59,000	---	---	---	---
Net total, FRA	1,044,633	652,265	957,614	1,422,589	1,269,138	+224,505

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Federal Transit Administration						
Administrative expenses	13,400	14,600	14,600	14,600	14,600	+1,200
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(53,600)	(58,400)	(58,400)	(58,400)	(58,400)	(+4,800)
Subtotal, Administrative expenses	(67,000)	(73,000)	(73,000)	(73,000)	(73,000)	(+6,000)
Formula grants	718,400	767,800	767,800	767,800	767,800	+49,400
Emergency supplemental (PL 107-117)	23,500	---	---	---	---	-23,500
Formula grants (Highway Trust Fund) (limitation on obligations)	(2,873,600)	(3,071,200)	(3,071,200)	(3,071,200)	(3,071,200)	(+197,600)
Subtotal, Formula grants	(3,615,500)	(3,839,000)	(3,839,000)	(3,839,000)	(3,839,000)	(+223,500)
University transportation research	1,200	1,200	1,200	1,200	1,200	---
University transportation research (Highway Trust Fund, Mass Transit Acct) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	---
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	---
Transit planning and research	23,000	24,200	24,200	24,200	24,200	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(93,000)	(97,800)	(97,800)	(97,800)	(97,800)	(+4,800)
Subtotal, Transit planning and research	(116,000)	(122,000)	(122,000)	(122,000)	(122,000)	(+6,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	---
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	---
Metropolitan planning	(55,422)	(60,386)	(60,386)	(60,386)	(60,386)	(+4,964)
State planning	(11,578)	(12,614)	(12,614)	(12,614)	(12,614)	(+1,036)
National planning and research	(31,500)	(31,500)	(31,500)	(31,500)	(31,500)	---
Subtotal, Transit planning and research	(116,000)	(122,000)	(122,000)	(122,000)	(122,000)	(+6,000)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(5,397,800)	(5,781,000)	(5,781,000)	(5,781,000)	(5,781,000)	(+383,200)
Capital investment grants	568,200	607,200	607,200	607,200	607,200	+39,000
Emergency supplemental (PL 107-117)	100,000	---	---	---	---	-100,000
2002 Supplemental (PL 107-206) (emergency)	1,800,000	---	---	---	---	-1,800,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,272,800)	(2,428,800)	(2,428,800)	(2,428,800)	(2,428,800)	(+156,000)
Subtotal, Capital investment grants	(4,741,000)	(3,036,000)	(3,036,000)	(3,036,000)	(3,036,000)	(-1,705,000)
Fixed guideway modernization	(1,136,400)	(1,214,400)	(1,214,400)	(1,214,400)	(1,214,400)	(+78,000)
Buses and bus-related facilities	(568,200)	(607,200)	(607,200)	(607,200)	(607,200)	(+39,000)
New starts	(1,136,400)	(1,214,400)	(1,214,400)	(1,214,400)	(1,214,400)	(+78,000)
Subtotal	(2,841,000)	(3,036,000)	(3,036,000)	(3,036,000)	(3,036,000)	(+195,000)
Job access and reverse commute grants	25,000	30,000	30,000	30,000	30,000	+5,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(100,000)	(120,000)	(120,000)	(120,000)	(120,000)	(+20,000)
Subtotal, Job access and reverse commute grants	(125,000)	(150,000)	(150,000)	(150,000)	(150,000)	(+25,000)
Total, Federal Transit Administration	3,272,700	1,445,000	1,445,000	1,445,000	1,445,000	-1,827,700
(Limitations on obligations)	(5,397,800)	(5,781,000)	(5,781,000)	(5,781,000)	(5,781,000)	(+383,200)
Total budgetary resources, FTA	(8,670,500)	(7,226,000)	(7,226,000)	(7,226,000)	(7,226,000)	(-1,444,500)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	13,345	14,086	15,486	13,345	14,086	+741

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	21,217	23,079	22,998	23,079	23,301	+2,084
Offset for new user fees	---	-6,000	---	---	---	---
Emergency transportation	1,897	2,058	1,951	2,058	1,951	+54
Research and technology	2,784	2,854	2,846	2,854	2,846	+62
Program and administrative support	11,381	16,387	12,882	15,734	12,882	+1,501
Subtotal, Research and special programs	37,279	38,378	40,677	43,725	40,980	+3,701
Emergency supp (emergency trans) (PL 107-117)	2,500	---	---	---	---	-2,500
Pipeline safety:						
Pipeline Safety Fund	50,386	56,385	51,225	56,385	56,370	+5,984
Oil Spill Liability Trust Fund	7,864	7,472	7,472	7,472	7,472	-392
Subtotal, Pipeline safety program (incl reserve)	58,250	63,857	58,697	63,857	63,842	+5,592
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	---
Limitation on emergency preparedness fund	(14,300)	(14,300)	(14,300)	(14,300)	(14,300)	---
Total, Research and Special Programs Admin	98,229	108,435	99,574	107,782	105,022	+6,793
Offset for new user fees	---	(-6,000)	---	---	---	---
Net total	98,229	102,435	99,574	107,782	105,022	+6,793

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of Inspector General						
Salaries and expenses	50,614	57,421	57,421	57,421	57,421	+6,807
Emergency supplemental (PL 107-117)	1,300	---	---	---	---	-1,300
Total, Office of Inspector General	51,914	57,421	57,421	57,421	57,421	+5,507
Surface Transportation Board						
Salaries and expenses	18,457	19,459	19,450	19,459	19,450	+993
Offsetting collections	-950	-1,000	-1,000	-1,000	-1,000	-50
Total, Surface Transportation Board	17,507	18,459	18,450	18,459	18,450	+943
Bureau of Transportation Statistics						
Office of airline information (Airport & Airway Trust Fund)	---	3,965	---	---	---	---
General Provisions						
Amtrak Reform Council	225	---	---	---	---	-225
Surface transportation projects (Sec. 330)	148,300	---	---	90,600	90,600	-57,700
Excess stabilization resources (rescission) (Sec. 333)	---	---	---	-77,100	-90,000	-90,000
LRFA program (rescission) (Sec. 343)	---	---	---	---	-690	-690
Iowa rail infrastructure rehab project (Sec. 343)	---	---	---	---	690	+690
Misc. highway projects (Highway Trust Fund)(Sec. 344)	---	---	---	---	285,000	+285,000
Aviation ops sustainment-Midway Island (Sec. 371)	---	---	---	3,500	3,500	+3,500
Total, General provisions	148,525	---	---	17,000	289,100	+140,575
Net total, title I, Department of Transportation	24,303,305	21,270,006	21,721,466	22,498,468	22,081,451	-2,221,854
Appropriations	(17,894,879)	(21,270,006)	(21,727,075)	(22,575,568)	(22,472,750)	(+4,577,871)
Emergency	(7,112,050)	---	---	---	---	(-7,112,050)
Offsets for new user fees	(-1,250,000)	(-230,000)	---	---	---	(+1,250,000)
Rescissions	(-80,388)	---	(-5,609)	(-77,100)	(-141,299)	(-60,911)
Rescission of contract authority	(-623,236)	---	---	---	(-250,000)	(+373,236)
(By transfer)	---	---	---	---	---	---
(Transfer authority)	(33,000)	---	---	---	---	(-33,000)
(Limitations on obligations)	(41,107,800)	(32,990,251)	(37,414,000)	(41,585,464)	(41,585,464)	(+477,664)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
Net total budgetary resources	(66,376,413)	(55,153,024)	(60,028,233)	(64,976,699)	(64,559,682)	(-1,816,731)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	5,015	5,194	5,194	5,194	5,194	+179
National Transportation Safety Board						
Salaries and expenses	68,000	70,480	71,270	72,500	72,450	+4,450
Emergency supplemental (PL 107-117)	650	---	---	---	---	-650
Total, National Transportation Safety Board	68,650	70,480	71,270	72,500	72,450	+3,800
Total, title II, Related Agencies	73,665	75,674	76,464	77,694	77,644	+3,979
Grand total	24,376,970	21,345,680	21,797,930	22,576,162	22,159,095	-2,217,875
Appropriations	(17,967,894)	(21,345,680)	(21,803,539)	(22,653,262)	(22,550,394)	(+4,582,500)
Emergency	(7,112,700)	---	---	---	---	(-7,112,700)
Offset for new user fees	(-1,250,000)	(-230,000)	---	---	---	(+1,250,000)
Rescissions	(-80,388)	---	(-5,609)	(-77,100)	(-141,299)	(-60,911)
Rescission of contract authority	(-623,236)	---	---	---	(-250,000)	(+373,236)
(By transfer)	---	---	---	---	---	---
(Transfer authority)	(33,000)	---	---	---	---	(-33,000)
(Limitation on obligations)	(41,107,800)	(32,990,251)	(37,414,000)	(41,585,464)	(41,585,464)	(+477,664)
(Exempt obligations)	(965,308)	(892,767)	(892,767)	(892,767)	(892,767)	(-72,541)
Net total budgetary resources	(66,450,078)	(55,228,698)	(60,104,697)	(65,054,393)	(64,637,326)	(-1,812,752)

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	177,142	191,914	187,241	191,887	189,201	+12,059
Department-wide systems and capital investments programs	68,828	68,828	68,828	68,828	65,628	-3,200
Office of Inspector General	35,424	35,428	35,424	35,424	35,736	+312
Treasury Inspector General for Tax Administration	123,746	123,962	123,962	123,962	125,011	+1,265
9/11 Supplemental (P.L. 107-117)	2,032	---	---	---	---	-2,032
Subtotal	125,778	123,962	123,962	123,962	125,011	-767
Air Transportation Stabilization Program Account	---	6,041	6,041	6,041	6,041	+6,041
Treasury Building and Annex Repair and Restoration	28,932	32,932	32,932	30,932	28,932	---
Expanded Access to Financial Services	2,000	2,000	4,000	2,000	2,000	---
Counterterrorism Fund	40,000	40,000	33,000	20,000	10,000	-30,000
Financial Crimes Enforcement Network	45,837	50,517	51,444	50,517	51,752	+5,915
9/11 Supplemental (P.L. 107-117)	1,700	---	---	---	---	-1,700
Subtotal	47,537	50,517	51,444	50,517	51,752	+4,215
Federal Law Enforcement Training Center:						
Salaries and Expenses	105,680	122,393	152,951	126,660	134,986	+29,306
9/11 Supplemental (P.L. 107-117)	23,000	---	---	---	---	-23,000
Subtotal	128,680	122,393	152,951	126,660	134,986	+6,306
Acquisition, Construction, Improvements, & Related Expenses	33,434	23,329	31,800	32,029	36,000	+2,566
9/11 Supplemental (P.L. 107-117)	8,500	---	---	---	---	-8,500
Subtotal	41,934	23,329	31,800	32,029	36,000	-5,934
Total	170,614	145,722	184,751	158,689	170,986	+372
Interagency Law Enforcement:						
Interagency crime and drug enforcement	107,576	107,576	110,594	107,576	107,576	---
Financial Management Service	212,850	220,712	220,664	220,664	222,078	+9,228
2002 Supplemental (P.L. 107-206) (rescission)	-14,000	---	---	---	---	+14,000
Subtotal	198,850	220,712	220,664	220,664	222,078	+23,228

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Bureau of Alcohol, Tobacco and Firearms	810,316	870,775	878,034	875,430	873,430	+63,114
9/11 Supplemental (P.L. 107-117)	31,431	---	---	---	---	-31,431
Subtotal	841,747	870,775	878,034	875,430	873,430	+31,683
GREAT grants	13,000	13,000	13,000	13,000	13,000	---
Total	854,747	883,775	891,034	888,430	886,430	+31,683
United States Customs Service:						
Salaries and Expenses	2,079,357	2,391,952	2,496,865	2,501,488	2,527,155	+447,798
9/11 Supplemental (P.L. 107-117)	392,603	---	---	---	---	-392,603
Subtotal	2,471,960	2,391,952	2,496,865	2,501,488	2,527,155	+55,195
Users fees, conveyance/passenger/other	---	-167,000	---	---	---	---
Harbor Maintenance Fee Collection	3,000	3,000	3,000	3,000	3,000	---
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	177,860	170,829	190,000	177,829	181,829	+3,969
9/11 Supplemental (P.L. 107-117)	6,700	---	---	---	---	-6,700
Subtotal	184,560	170,829	190,000	177,829	181,829	-2,731
Automation modernization:						
Automated Commercial System	122,432	122,432	122,432	122,432	122,432	---
International Trade Data System	5,400	---	---	---	---	-5,400
Automated Commercial Environment	300,000	312,900	316,900	312,900	312,900	+12,900
Subtotal	427,832	435,332	439,332	435,332	435,332	+7,500
Customs Services at Small Airports (to be derived from fees collected)	3,000	3,000	3,000	3,000	3,000	---
Offsetting receipts	-3,000	-3,000	-3,000	-3,000	-3,000	---
Total	3,087,352	2,834,113	3,129,197	3,117,649	3,147,316	+59,964
Bureau of the Public Debt	186,953	191,119	168,673	191,073	190,068	+3,115
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	---
Internal Revenue Service:						
Processing, Assistance, and Management	3,797,890	3,958,337	3,955,077	3,955,777	3,955,777	+157,887
9/11 Supplemental (P.L. 107-117)	12,990	---	---	---	---	-12,990
Subtotal	3,810,880	3,958,337	3,955,077	3,955,777	3,955,777	+144,897

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Tax Law Enforcement	3,538,347	3,729,072	3,729,072	3,729,072	3,729,072	+190,725
9/11 Supplemental (P.L. 107-117)	4,544	---	---	---	---	-4,544
Subtotal	3,542,891	3,729,072	3,729,072	3,729,072	3,729,072	+186,181
Earned Income Tax Credit Compliance Initiative	146,000	146,000	146,000	146,000	146,000	---
Information Systems	1,563,249	1,632,444	1,632,444	1,632,444	1,632,444	+69,195
9/11 Supplemental (P.L. 107-117)	15,991	---	---	---	---	-15,991
2002 Supplemental (P.L. 107-206) (rescission)	-10,000	---	---	---	---	+10,000
Subtotal	1,569,240	1,632,444	1,632,444	1,632,444	1,632,444	+63,204
Business systems modernization	391,593	380,000	436,000	436,000	366,000	-25,593
2002 Supplemental (P.L. 107-206)	14,000	---	---	---	---	-14,000
Subtotal	405,593	380,000	436,000	436,000	366,000	-39,593
Health Insurance Tax Credit Administration	---	70,000	---	---	70,000	+70,000
Total (net)	9,474,604	9,915,853	9,898,593	9,899,293	9,899,293	+424,689
United States Secret Service:						
Salaries and Expenses	920,615	1,010,435	1,017,892	1,010,817	1,029,150	+108,535
9/11 Supplemental (P.L. 107-117)	104,769	---	---	---	---	-104,769
Subtotal	1,025,384	1,010,435	1,017,892	1,010,817	1,029,150	+3,766
Acquisition, Construction, Improvements, & Related Expenses	3,457	3,519	3,519	3,519	3,519	+62
Total	1,028,841	1,013,954	1,021,411	1,014,336	1,032,669	+3,828
Total, title I, Department of the Treasury	15,636,178	15,865,446	16,168,789	16,128,301	16,171,717	+535,539
Appropriations	15,055,918	15,865,446	16,168,789	16,128,301	16,171,717	+1,115,799
Emergency funding	604,260	---	---	---	---	-604,260
Rescissions	-24,000	---	---	---	---	+24,000

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	29,000	29,000	29,000	29,000	29,000	---
9/11 Supplemental (P.L. 107-117)	500,000	---	---	---	---	-500,000
2002 Supplemental (P.L. 107-206)	87,000	---	---	---	---	-87,000
Subtotal	616,000	29,000	29,000	29,000	29,000	-587,000
Advance appropriation, FY 2002/2003	67,093	47,619	47,619	47,619	47,619	-19,474
Advance appropriation, FY 2004	---	31,014	31,014	31,014	31,014	+31,014
Total, title II, Postal Service:						
Fiscal year 2002/2003	683,093	76,619	76,619	76,619	76,619	-606,474
Fiscal year 2004	---	31,014	31,014	31,014	31,014	+31,014
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	450	450	450	450	450	---
Salaries and Expenses	54,651	84,595	50,715	59,735	50,715	-3,936
Office of Homeland Security	---	---	24,061	24,844	19,398	+19,398
Executive Residence at the White House:						
Operating Expenses	11,695	12,228	12,228	12,228	12,228	+533
White House Repair and Restoration	8,625	1,200	1,200	1,200	1,200	-7,425
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,925	4,066	3,160	4,066	4,066	+141
Operating expenses	318	324	324	324	324	+6
Council of Economic Advisers	4,211	4,405	3,763	4,405	3,763	-448
Office of Policy Development	4,142	4,221	3,251	4,221	3,251	-891
National Security Council	7,494	9,525	7,803	9,525	7,821	+327
Office of Administration	46,955	70,128	92,681	70,128	91,505	+44,550
9/11 Supplemental (P.L. 107-117)	50,040	---	---	---	---	-50,040
2002 Supplemental (P.L. 107-206)	3,800	---	---	---	---	-3,800
Subtotal	100,795	70,128	92,681	70,128	91,505	-9,290
Office of Management and Budget	70,752	70,752	61,492	70,752	62,394	-8,358
2002 Supplemental (P.L. 107-206) (rescission)	-100	---	---	---	---	+100
Subtotal	70,652	70,752	61,492	70,752	62,394	-8,258
Electronic Government (E-Gov) Fund	---	---	5,000	---	---	---
Election Administration Reform	---	---	200,000	---	---	---

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Office of National Drug Control Policy:						
Salaries and expenses	25,263	25,458	24,458	26,456	26,456	+1,193
Counterdrug Technology Assessment Center	42,300	40,000	55,800	40,000	48,000	+5,700
Subtotal	67,563	65,458	80,258	66,456	74,456	+6,893
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	226,350	206,350	246,350	226,350	226,350	---
Special Forfeiture Fund	239,400	251,300	240,800	172,700	223,200	-16,200
Unanticipated Needs	1,000	1,000	1,000	1,000	1,000	---
Total, title III, Executive Office of the President and Funds Appropriated to the President	801,271	786,002	1,034,536	728,384	782,121	-19,150
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase From People Who Are Blind or Severely Disabled	4,629	4,629	4,629	4,629	4,658	+29
Federal Election Commission	43,689	45,244	49,426	45,244	49,866	+6,177
2002 Supplemental (P.L. 107-206)	750	---	---	---	---	-750
Subtotal	44,439	45,244	49,426	45,244	49,866	+5,427
Federal Labor Relations Authority	26,524	28,684	28,677	28,677	28,950	+2,426
General Services Administration:						
Federal Buildings Fund:						
Appropriations	284,400	276,400	325,711	363,299	375,711	+91,311
9/11 Supplemental (P.L. 107-117)	126,512	---	---	---	---	-126,512
2002 Supplemental (P.L. 107-206)	21,800	---	---	---	---	-21,800
Subtotal	432,712	276,400	325,711	363,299	375,711	-57,001
Limitations on availability of revenue:						
Construction and acquisition of facilities	(662,680)	(556,574)	(646,385)	(631,663)	(717,488)	(+54,808)
Repairs and alterations	(826,676)	(986,029)	(978,529)	(997,839)	(951,529)	(+124,853)
9/11 Supplemental (P.L. 107-117)	(42,700)	---	---	---	---	(-42,700)
Subtotal	(869,376)	(986,029)	(978,529)	(997,839)	(951,529)	(+82,153)
Installment acquisition payments	(186,427)	(178,960)	(178,960)	(178,960)	(178,960)	(-7,467)
Rental of space	(2,952,050)	(3,153,211)	(3,153,211)	(3,153,211)	(3,113,211)	(+161,161)

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Building Operations	(1,748,949)	(1,965,160)	(1,925,160)	(1,965,160)	(1,965,160)	(+216,211)
9/11 Supplemental (P.L. 107-117)	(83,812)	---	---	---	---	(-83,812)
Subtotal	(1,832,761)	(1,965,160)	(1,925,160)	(1,965,160)	(1,965,160)	(+132,399)
Subtotal, limitations	6,503,294	6,839,934	6,882,245	6,926,833	6,926,348	+423,054
Repayment of Debt	(72,000)	(79,685)	(79,685)	(79,685)	(79,685)	(+7,685)
Total, Federal Buildings Fund	432,712	276,400	325,711	363,299	375,711	-57,001
(Limitations)	(6,575,294)	(6,919,619)	(6,961,930)	(7,006,518)	(7,006,033)	(+430,739)
Policy and Operations	143,139	---	---	---	---	-143,139
Policy and Citizen Services	---	65,995	65,995	65,995	66,304	+66,304
Operating Expenses	---	88,263	77,904	94,640	83,663	+83,663
Office of Inspector General	36,346	37,617	37,617	37,617	37,916	+1,570
Electronic Government Fund	5,000	45,000	---	5,000	5,000	---
Allowances and Office Staff for Former Presidents	3,196	3,339	3,339	3,339	3,339	+143
Election Reform Reimbursements	---	---	---	---	15,000	+15,000
Total, General Services Administration	620,393	516,614	510,566	569,890	586,933	-33,460
Merit Systems Protection Board:						
Salaries and Expenses	30,555	31,790	31,788	31,788	32,027	+1,472
Limitation on administrative expenses	2,520	2,594	2,594	2,594	2,626	+106
Morris K. Udall Foundation:						
Morris K. Udall Trust Fund	1,996	1,996	1,996	1,996	1,996	---
Environmental Dispute Resolution Fund	1,309	1,309	1,309	1,309	1,309	---
National Archives and Records Administration:						
Operating expenses	244,247	256,731	249,731	249,731	249,875	+5,628
9/11 Supplemental (P.L. 107-117)	1,600	---	---	---	---	-1,600
Subtotal	245,847	256,731	249,731	249,731	249,875	+4,028
Reduction of debt	-6,612	-7,186	-7,186	-7,186	-7,186	-574
Repairs and Restoration	39,143	10,458	10,458	14,208	14,208	-24,935
9/11 Supplemental (P.L. 107-117)	1,000	---	---	---	---	-1,000
Subtotal	40,143	10,458	10,458	14,208	14,208	-25,935

TREASURY AND GENERAL GOVERNMENT, 2003
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Historical Publications and Records Commission: Grants program	6,436	5,000	7,000	7,000	6,500	+64
Total	285,814	265,003	260,003	263,753	263,397	-22,417
Office of Government Ethics	10,117	10,488	10,486	10,486	10,557	+440
Office of Personnel Management:						
Salaries and Expenses	99,636	128,804	128,986	128,736	129,486	+29,850
Limitation on administrative expenses	115,928	120,791	120,791	120,791	120,791	+4,863
Office of Inspector General	1,498	1,498	1,498	1,498	1,519	+21
Limitation on administrative expenses	10,016	10,766	10,766	10,766	10,886	+870
Government Payment for Annuitants, Employees Health Benefits	6,129,000	6,853,000	6,853,000	6,853,000	6,853,000	+724,000
Government Payment for Annuitants, Employee Life Insurance	34,000	34,000	34,000	34,000	34,000	---
Payment to Civil Service Retirement and Disability Fund	9,229,000	9,410,000	9,410,000	9,410,000	9,410,000	+181,000
Subtotal	15,619,078	16,558,859	16,559,041	16,558,791	16,559,682	+940,604
Office of Special Counsel	11,891	12,434	12,432	12,434	12,449	+558
United States Tax Court	37,305	37,305	37,305	37,305	37,305	---
White House Commission on the National Moment of Rememberance	---	250	250	250	250	+250
Total, title IV, Independent Agencies	16,696,570	17,517,199	17,510,502	17,569,146	17,592,005	+895,435
Grand total (net)	33,817,112	34,276,280	34,821,460	34,533,464	34,653,476	+836,364
Current year, FY 2003	33,750,019	34,197,647	34,742,827	34,454,831	34,574,843	+824,824
Appropriations	(32,378,107)	(34,197,647)	(34,742,827)	(34,454,831)	(34,574,843)	(+2,196,736)
Emergency funding	(1,396,012)	---	---	---	---	(-1,396,012)
Rescissions	(-24,100)	---	---	---	---	(+24,100)
Advance appropriations, FY 2003 / FY 2004	67,093	78,633	78,633	78,633	78,633	+11,540
(Limitations)	(6,575,294)	(6,919,619)	(6,961,930)	(7,006,518)	(7,006,033)	(+430,739)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	24,944,288	28,949,000	28,949,000	28,949,000	28,949,000	+4,004,712
2002 Supplemental (P.L. 107-206)	1,100,000	---	---	---	---	-1,100,000
Readjustment benefits	2,135,000	2,264,808	2,264,808	2,264,808	2,264,808	+129,808
Veterans insurance and indemnities	26,200	27,530	27,530	27,530	27,530	+1,330
Veterans housing benefit program fund program account (indefinite)	203,278	437,522	437,522	339,000	437,522	+234,244
(Limitation on direct loans)	(300)	---	(300)	---	(300)	---
Credit subsidy	---	-98,000	-98,000	---	-98,000	-98,000
Administrative expenses	164,497	168,207	168,207	168,207	168,207	+3,710
Education loan fund program account	1	1	1	1	1	---
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	---
Administrative expenses	64	70	70	70	70	+6
Vocational rehabilitation loans program account	72	55	55	55	55	-17
(Limitation on direct loans)	(3,301)	(3,626)	(3,626)	(3,626)	(3,626)	(+325)
Administrative expenses	274	289	289	289	289	+15
Native American Veteran Housing Loan Program Account	544	558	558	558	558	+14
Total, Veterans Benefits Administration	28,574,218	31,750,040	31,750,040	31,749,518	31,750,040	+3,175,822
Veterans Health Administration						
Medical care	20,656,164	22,243,761	23,639,304	23,389,304	23,889,304	+3,233,140
2002 Supplemental (P.L. 107-206)	142,000	---	---	---	---	-142,000
Delayed equipment obligation	675,000	500,000	250,000	500,000	---	-675,000
Total	21,473,164	22,743,761	23,889,304	23,889,304	23,889,304	+2,416,140
Medical care cost recovery collections:						
Offsetting receipts	-691,000	-752,000	-1,386,000	-1,386,000	-1,386,000	-695,000
Appropriations (indefinite)	691,000	752,000	1,386,000	1,386,000	1,386,000	+695,000
Total available (excludes offsetting receipts)	22,164,164	23,495,761	25,275,304	25,275,304	25,275,304	+3,111,140
Medical and prosthetic research	371,000	394,373	405,000	400,000	400,000	+29,000
Medical administration and miscellaneous operating expenses	66,731	69,716	74,716	69,716	74,716	+7,985
Total, Veterans Health Administration	21,910,895	23,207,850	24,369,020	24,359,020	24,364,020	+2,453,125
Departmental Administration						
General operating expenses	1,195,728	1,256,418	1,251,418	1,256,418	1,254,000	+58,272
Emergency supplemental	2,000	---	---	---	---	-2,000

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Cemetery Administration	121,169	133,149	133,149	133,149	133,149	+11,980
Office of Inspector General	52,308	55,000	61,000	55,000	58,000	+5,692
Construction, major projects	183,180	193,740	193,740	144,740	99,777	-83,403
Construction, minor projects	210,900	210,700	240,700	210,700	226,000	+15,100
Grants for construction of State extended care facilities	100,000	100,000	100,000	100,000	100,000	---
Parking Revolving Fund	4,000	---	---	---	---	-4,000
Grants for the construction of State veterans cemeteries	25,000	32,000	32,000	32,000	32,000	+7,000
Total, Departmental Administration	1,894,285	1,981,007	2,012,007	1,932,007	1,902,926	+8,641
Total, title I, Department of Veterans Affairs	52,379,398	56,938,897	58,131,067	58,040,545	58,016,986	+5,637,588
(Limitation on direct loans)	(3,604)	(3,629)	(3,929)	(3,629)	(3,929)	(+325)
Consisting of:						
Mandatory	(28,408,766)	(31,580,860)	(31,580,860)	(31,580,338)	(31,580,860)	(+3,172,094)
Discretionary	(23,970,632)	(25,358,037)	(26,550,207)	(26,460,207)	(26,436,126)	(+2,465,494)
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund:						
Direct appropriation	11,440,975	13,326,559	12,386,987	12,728,697	13,023,566	+1,582,591
Advance appropriations provided in previous acts	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Subtotal, discretionary	15,640,975	17,526,559	16,586,987	16,928,697	17,223,566	+1,582,591
(Advance appropriation)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	---
Rescission of unobligated balances	-1,200,000	-1,100,000	-1,300,000	-1,400,000	-1,600,000	-400,000
Rescission (P.L. 107-206)	-388,500	---	---	---	---	+388,500
Public housing capital fund	2,843,400	2,425,900	2,843,400	2,683,400	2,730,000	-113,400
Public housing operating fund	3,494,868	3,530,000	3,600,000	3,530,000	3,600,000	+105,132
Operation Safe Home (rescission)	-11,000	---	---	---	---	+11,000
Revitalization of severely distressed public housing	573,735	574,000	574,000	574,000	574,000	+265
Native American housing block grants	648,570	646,594	649,000	648,570	649,000	+430
Indian housing loan guarantee fund program account	5,987	5,200	5,300	5,000	5,300	-687
(Limitation on guaranteed loans)	(234,283)	(197,243)	(197,243)	(197,243)	(197,243)	(-37,040)
Native Hawaiian housing block grant	---	10,000	---	---	---	---
Native Hawaiian housing loan guarantee fund	1,000	1,035	1,035	1,000	1,035	+35
(Limitation on guaranteed loans)	(40,000)	(39,712)	(39,712)	(39,712)	(39,712)	(-288)
Total, Public and Indian Housing	22,008,535	23,619,288	22,959,722	22,970,667	23,182,901	+1,174,366

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Community Planning and Development						
Housing opportunities for persons with AIDS	277,432	292,000	292,000	292,000	292,000	+14,568
Rural housing and economic development	25,000	---	25,000	25,000	25,000	---
Empowerment zones / enterprise communities	45,000	---	30,000	30,000	30,000	-15,000
Community development fund	5,000,000	4,715,500	5,000,000	5,000,000	4,937,000	-63,000
Emergency supplemental	2,000,000	---	---	---	---	-2,000,000
Emergency supplemental (P.L. 107-206)	783,000	---	---	---	---	-783,000
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(608,696)	(275,000)	(275,000)	(608,696)	(275,000)	(-333,696)
Credit subsidy	14,000	6,325	6,325	14,000	6,325	-7,675
Administrative expenses	1,000	1,000	1,000	1,000	1,000	---
Brownfields redevelopment	25,000	25,000	25,000	25,000	25,000	---
HOME investment partnerships program	1,846,040	2,084,100	2,221,040	1,950,000	2,000,000	+153,960
Rescission (P.L. 107-206)	-50,000	---	---	---	---	+50,000
Homeless assistance grants	1,122,525	1,129,500	1,250,000	1,215,025	1,225,000	+102,475
Total, Community planning and development	8,355,997	8,253,425	8,850,365	8,552,025	8,541,325	+185,328
Housing Programs						
Housing for special populations	1,024,151	1,024,151	1,100,000	1,033,801	1,033,801	+9,650
Housing for the elderly	(783,286)	(773,636)	(840,903)	(783,286)	(783,286)	---
Housing for the disabled	(240,865)	(250,515)	(259,097)	(250,515)	(250,515)	(+9,650)
Housing counseling assistance	---	35,000	---	---	---	---
Rental Housing assistance	---	---	---	100,000	---	---
Rescission	---	-100,000	-100,000	-100,000	-100,000	-100,000
Rescission (P.L. 107-206)	-300,000	---	---	---	---	+300,000
Manufactured housing fees trust fund	13,566	13,000	13,000	13,000	13,000	-566
Offsetting collections	-13,566	-13,000	-13,000	-13,000	-13,000	+566
Savings from canceling S.1029	-8,000	---	---	---	---	+8,000
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(160,000,000)	(160,000,000)	(165,000,000)	(160,000,000)	(165,000,000)	(+5,000,000)
(Limitation on direct loans)	(250,000)	(50,000)	(50,000)	(250,000)	(100,000)	(-150,000)
Administrative expenses	336,700	347,829	347,829	347,829	347,829	+11,129
Negative subsidy 1/	-2,323,000	-2,753,000	-2,753,000	-2,753,000	-2,753,000	-430,000
Administrative contract expenses	160,000	85,720	85,720	85,720	85,720	-74,280
Additional contract expenses	1,000	1,000	1,000	1,000	1,000	---
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(21,000,000)	(21,000,000)	(23,000,000)	(21,000,000)	(23,000,000)	(+2,000,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	216,100	223,716	223,716	223,716	223,716	+7,616
Negative subsidy	-225,000	-225,000	-225,000	-225,000	-225,000	---
Subsidy	15,000	15,000	15,000	15,000	15,000	---
Non-overhead administrative expenses	144,000	93,780	93,780	93,780	93,780	-50,220
Additional contract expenses	4,000	4,000	4,000	4,000	4,000	---

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Total, Federal Housing Administration	-1,671,200	-2,206,955	-2,206,955	-2,206,955	-2,206,955	-535,755
Government National Mortgage Association (GNMA)						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	---
Administrative expenses	9,383	10,343	10,343	10,343	10,343	+960
Offsetting receipts	-382,000	-358,000	-358,000	-358,000	-358,000	+24,000
Policy Development and Research						
Research and technology	50,250	47,000	47,000	47,000	47,000	-3,250
Fair Housing and Equal Opportunity						
Fair housing activities	45,899	45,899	45,899	45,899	45,899	---
Office of Lead Hazard Control						
Lead hazard reduction	109,758	126,000	126,000	201,000	176,000	+66,242
Management and Administration						
Salaries and expenses	556,067	510,299	530,299	510,299	530,299	-25,768
Transfer from:						
Limitation on FHA corporate funds	(530,457)	(548,202)	(548,202)	(548,202)	(548,202)	(+17,745)
GNMA	(9,383)	(10,343)	(10,343)	(10,343)	(10,343)	(+960)
Community Development Loan Guarantees Program	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Native American Housing Block Grants	(150)	(150)	(150)	(150)	(150)	---
Indian Housing Loan Guarantee Fund Program	(200)	(200)	(200)	(200)	(200)	---
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	(35)	(35)	---
Total, Salaries and expenses	(1,097,292)	(1,070,229)	(1,090,229)	(1,070,229)	(1,090,229)	(-7,063)
Working capital fund	---	276,300	276,300	276,737	276,300	+276,300
Office of Inspector General	66,555	74,341	73,341	74,341	74,156	+7,601
(By transfer, limitation on FHA corporate funds)	(22,343)	(23,343)	(23,343)	(23,343)	(23,343)	(+1,000)
(By transfer from Public Housing Oper Subsidy)	(5,000)	---	---	---	---	(-5,000)
Total, Office of Inspector General	(93,898)	(97,684)	(96,684)	(97,684)	(97,499)	(+3,601)
Emergency supplemental	1,000	---	---	---	---	-1,000
Consolidated fee fund (rescission)	-6,700	-8,000	-8,000	-8,000	-8,000	-1,300
Office of Federal Housing Enterprise Oversight	27,000	30,000	30,000	30,000	30,000	+3,000
Offsetting receipts	-27,000	-30,000	-30,000	-30,000	-30,000	-3,000

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Total, title II, Department of Housing and Urban Development	30,147,695	31,349,091	31,346,314	31,149,157	31,245,069	+1,097,374
2002 Emergency Supplementals and Recissions	2,045,500	---	---	---	---	-2,045,500
Total, title II, Department of Housing and Urban Development (net)	32,193,195	31,349,091	31,346,314	31,149,157	31,245,069	-948,126
Appropriations	(27,165,395)	(28,357,091)	(28,554,314)	(28,457,157)	(28,753,069)	(+1,587,674)
Rescissions	(-1,956,200)	(-1,208,000)	(-1,408,000)	(-1,508,000)	(-1,708,000)	(+248,200)
Emergency appropriations	(2,784,000)	---	---	---	---	(-2,784,000)
Advance provided in previous acts	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	---
(Limitation on direct loans)	(300,000)	(100,000)	(100,000)	(300,000)	(150,000)	(-150,000)
(Limitation on guaranteed loans)	(381,882,979)	(381,511,955)	(388,511,955)	(381,845,651)	(388,511,955)	(+6,628,976)
(Limitation on corporate funds)	(563,568)	(583,273)	(583,273)	(583,273)	(583,273)	(+19,705)
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	35,466	30,400	35,246	30,400	35,246	-220
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	7,850	7,850	6,500	7,850	6,450	-1,400
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	80,000	68,000	80,000	73,000	75,000	-5,000
Interagency Council on the Homeless						
Operating expenses	---	---	---	1,500	1,500	+1,500
Consumer Product Safety Commission						
Salaries and expenses	55,200	56,767	57,117	56,767	57,000	+1,800
Corporation for National and Community Service						
National and community service programs operating expenses	401,980	631,342	---	405,842	429,000	+27,020
Rescission	---	---	---	---	-48,000	-48,000
Office of Inspector General	5,000	5,000	5,000	6,900	6,000	+1,000
Total	406,980	636,342	5,000	412,742	387,000	-19,980

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
U.S. Court of Appeals for Veterans Claims						
Salaries and expenses	13,221	14,994	14,326	14,612	14,326	+1,105
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	22,537	24,445	32,445	24,445	32,445	+9,908
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences	70,228	74,471	84,074	76,074	84,074	+13,846
Emergency supplemental	10,500	---	---	---	---	-10,500
Centers for Disease Control and Prevention						
Agency for Toxic Substances and Disease Registry						
Toxic substances and environmental public health	78,235	77,388	88,688	81,000	82,800	+4,565
Total, Department of Health and Human Services	158,963	151,859	172,762	157,074	166,874	+7,911
Environmental Protection Agency						
Science and Technology	698,089	670,008	714,578	707,203	720,261	+22,172
Transfer from Hazardous Substance Superfund	36,891	111,168	86,168	86,168	86,168	+49,277
Subtotal, Science and Technology	734,980	781,176	800,746	793,371	806,429	+71,449
Emergency supplemental	90,308	---	---	---	---	-90,308
Environmental Programs and Management	2,054,511	2,047,704	2,111,677	2,136,569	2,111,604	+57,093
Emergency supplemental	39,000	---	---	---	---	-39,000
Office of Inspector General	34,019	35,325	35,325	37,325	36,000	+1,981
Transfer from Hazardous Substance Superfund	11,867	12,742	12,742	12,742	12,742	+875
Subtotal, OIG	45,886	48,067	48,067	50,067	48,742	+2,856
Buildings and facilities	25,318	42,918	42,918	42,918	42,918	+17,600
Hazardous Substance Superfund	1,170,000	1,272,888	1,422,888	1,272,888	1,272,888	+102,888
Delay of obligation	100,000	---	---	---	---	-100,000
Transfer to Office of Inspector General	-11,867	-12,742	-12,742	-12,742	-12,742	-875
Transfer to Science and Technology	-36,891	-111,168	-86,168	-86,168	-86,168	-49,277
Subtotal, Hazardous Substance Superfund	1,221,242	1,148,978	1,323,978	1,173,978	1,173,978	-47,264

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Emergency supplemental	41,292	---	---	---	---	-41,292
Leaking Underground Storage Tank Program	73,000	72,313	72,313	72,313	72,313	-687
Oil spill response	15,000	15,581	15,581	15,581	15,581	+581
State and Tribal Assistance Grants	2,658,900	2,305,500	2,616,303	2,796,804	2,709,612	+50,712
Categorical grants	1,074,376	1,158,276	1,172,882	1,123,835	1,150,382	+76,006
Subtotal, STAG	3,733,276	3,463,776	3,789,185	3,920,639	3,859,994	+126,718
Emergency supplemental	5,000	---	---	---	---	-5,000
Total, EPA	8,078,813	7,620,513	8,204,465	8,205,436	8,131,559	+52,746
Executive Office of the President						
Office of Science and Technology Policy	5,267	5,368	5,750	5,368	5,368	+101
Council on Environmental Quality and Office of Environmental Quality	2,974	3,031	3,031	3,031	3,031	+57
Total	8,241	8,399	8,781	8,399	8,399	+158
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(33,660)	(31,388)	(30,848)	(30,848)	(30,848)	(-2,812)
Federal Emergency Management Agency						
Disaster relief	664,000	1,842,843	1,820,000	842,843	800,000	+136,000
(Transfer to EMPA)	(-2,900)	(-2,900)	(-2,900)	(-2,900)	(-2,900)	---
(Transfer to OIG)	---	(-21,577)	(-21,577)	(-21,577)	(-21,577)	(-21,577)
Contingent emergency appropriations	1,500,000	---	---	---	---	-1,500,000
Emergency supplemental	4,356,871	---	---	---	---	-4,356,871
Emergency supplemental (P.L. 107-206)	2,650,700	---	---	---	---	-2,650,700
Subtotal	9,171,571	1,842,843	1,820,000	842,843	800,000	-8,371,571
National pre-disaster mitigation fund	---	300,000	250,000	25,000	150,000	+150,000
Disaster assistance direct loan program account:						
State share loan	405	---	---	---	---	-405
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	(25,000)	(-25,000)	(-50,000)
Administrative expenses	543	557	557	557	557	+14
Salaries and expenses	203,801	209,163	219,690	209,163	214,690	+10,889
Defense function	30,000	30,527	31,000	30,527	31,000	+1,000
Subtotal	233,801	239,690	250,690	239,690	245,690	+11,889

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Emergency supplemental	25,000	---	---	---	---	-25,000
Office of Inspector General	10,303	11,549	11,549	17,754	14,000	+3,697
(Transfer from Disaster relief)	---	(21,577)	(21,577)	(21,577)	(21,577)	(+21,577)
Emergency management planning and assistance	384,623	3,727,914	348,040	696,214	369,299	-15,324
Defense function	20,000	19,300	19,000	19,000	19,000	-1,000
Subtotal	404,623	3,747,214	367,040	715,214	388,299	-16,324
(Transfer from Disaster relief)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	---
Emergency supplemental	220,000	---	---	---	---	-220,000
Emergency supplemental (P.L. 107-206)	225,400	---	---	---	---	-225,400
Fire Act	---	---	450,000	900,000	750,000	+750,000
Radiological emergency preparedness fund	-1,000	-1,000	-1,000	-1,000	-1,000	---
Cerro Grande Fire Claims	---	---	---	100,000	90,000	+90,000
Emergency food and shelter program	140,000	153,000	153,000	153,000	153,000	+13,000
Flood map modernization fund	---	300,000	200,000	100,000	150,000	+150,000
National Flood Insurance Fund:						
(Limitation on administrative expenses):						
Salaries and expenses	28,798	32,393	32,393	32,393	32,393	+3,595
Flood mitigation	76,381	77,666	77,666	77,666	77,666	+1,285
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	---
National Flood Migration Fund (by transfer)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	---
Total, Federal Emergency Management Agency	10,535,825	6,703,912	3,611,895	3,203,117	2,850,605	-7,685,220
Appropriations	(1,557,854)	(6,703,912)	(3,611,895)	(3,203,117)	(2,850,605)	(+1,292,751)
Emergency appropriations	(8,977,971)	---	---	---	---	(-8,977,971)
(By transfer)	(22,900)	(44,477)	(44,477)	(44,477)	(44,477)	(+21,577)
General Services Administration						
Federal Consumer Information Center Fund	7,276	12,541	11,541	12,541	11,541	+4,265
National Aeronautics and Space Administration						
Human space flight	6,912,400	6,130,900	6,130,900	6,095,900	6,180,900	-731,500
Emergency supplemental	76,000	---	---	---	---	-76,000
Science, aeronautics and technology	7,857,100	8,844,500	9,144,500	9,003,000	9,207,665	+1,350,565
Emergency supplemental	32,500	---	---	---	---	-32,500
Office of Inspector General	23,700	24,600	24,600	26,600	25,600	+1,900
Total, NASA	14,901,700	15,000,000	15,300,000	15,125,500	15,414,165	+512,465

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on administrative expenses, corporate funds)	(309)	(309)	(309)	(309)	(309)	---
Community Development Revolving Loan Fund	1,000	1,000	1,000	1,000	1,000	---
National Science Foundation						
Research and related activities	3,530,270	3,715,200	4,082,000	4,013,580	4,015,000	+484,730
Defense function	68,070	68,000	68,000	68,070	68,000	-70
Subtotal	3,598,340	3,783,200	4,150,000	4,081,650	4,083,000	+484,660
Emergency supplemental	300	---	---	---	---	-300
Major research equipment and facilities construction	138,800	126,280	159,510	59,280	149,510	+10,710
Education and human resources	875,000	908,080	910,580	932,730	909,080	+34,080
Emergency supplemental (P.L. 107-206)	19,300	---	---	---	---	-19,300
Salaries and expenses	170,040	202,950	193,852	182,160	190,352	+20,312
National Science Board	---	---	---	3,500	3,500	+3,500
Office of Inspector General	6,760	7,700	9,000	9,660	9,250	+2,490
Total, NSF	4,808,540	5,028,210	5,422,942	5,268,980	5,344,692	+536,152
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	105,000	105,000	105,000	110,000	105,000	---
Selective Service System						
Salaries and expenses	25,003	26,480	26,480	26,480	26,480	+1,477
Total, title III, Independent agencies	39,251,615	35,496,712	33,095,500	32,739,843	32,669,282	-6,582,333
Appropriations	(29,959,444)	(35,496,712)	(33,095,500)	(32,739,843)	(32,717,282)	(+2,757,838)
(Transfer out)	(-22,900)	(-44,477)	(-44,477)	(-44,477)	(-44,477)	(-21,577)
(By transfer)	(56,560)	(75,865)	(75,325)	(75,325)	(75,325)	(+18,765)
(Limitation on direct loans)	(1,525,000)	(1,525,000)	(1,525,000)	(1,525,000)	(1,475,000)	(-50,000)
(Limitation on corporate funds)	(309)	(309)	(309)	(309)	(309)	---
Grand total (net)	123,824,208	123,784,700	122,572,881	121,929,545	121,931,337	-1,892,871
Appropriations	(109,502,237)	(120,792,700)	(119,780,881)	(119,237,545)	(119,487,337)	(+9,985,100)
Rescissions	(-1,956,200)	(-1,208,000)	(-1,408,000)	(-1,508,000)	(-1,756,000)	(+200,200)
Emergency appropriations	(12,078,171)	---	---	---	---	(-12,078,171)
Advance provided in previous acts	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	---
(By transfer)	(61,560)	(75,865)	(75,325)	(75,325)	(75,325)	(+13,765)
(Transfer out)	(-22,900)	(-44,477)	(-44,477)	(-44,477)	(-44,477)	(-21,577)
(Limitation on direct loans)	(1,828,604)	(1,628,629)	(1,628,929)	(1,828,629)	(1,628,929)	(-199,675)
(Limitation on guaranteed loans)	(381,882,979)	(381,511,955)	(388,511,955)	(381,845,651)	(388,511,955)	(+6,628,976)
(Limitation on corporate funds)	(563,877)	(583,582)	(583,582)	(583,582)	(583,582)	(+19,705)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
FSLIC resolution fund (mandatory)	-4,000	-4,000	-4,000	-4,000	-4,000	---
FHA Administrative Provision	---	---	---	---	---	---
Use of misc. receipts in NASA WCF Sec. 419	---	---	3,000	---	---	---
NASA enhanced-use lease Sec. 420	---	---	20,000	---	---	---
Extension of NASA early buyout provision	---	---	5,000	---	---	---
OMB retirement accurals	---	1,199,000	---	---	---	---
Total, adjustments	-4,000	1,195,000	24,000	-4,000	-4,000	---
Total (including adjustments)	123,820,208	124,979,700	122,596,881	121,925,545	121,927,337	-1,892,871
Amounts in this bill	(123,824,208)	(123,784,700)	(122,572,881)	(121,929,545)	(121,931,337)	(-1,892,871)
Scorekeeping adjustments	(-4,000)	(1,195,000)	(24,000)	(-4,000)	(-4,000)	---
Total mandatory and discretionary	123,820,208	124,979,700	122,596,881	121,925,545	121,927,337	-1,892,871
Mandatory	28,404,766	31,576,860	31,576,860	31,576,338	31,576,860	+3,172,094
Discretionary	95,415,442	93,402,840	91,020,021	90,349,207	90,350,477	-5,064,965

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	28,404,766	31,576,860	31,576,860	31,576,338	31,576,860	+3,172,094
Discretionary:						
General purpose discretionary:						
Defense discretionary	143,073	144,307	144,480	144,077	144,480	+1,407
Nondefense discretionary	95,272,369	93,258,533	90,875,541	90,205,130	90,205,997	-5,066,372
Total, Discretionary	95,415,442	93,402,840	91,020,021	90,349,207	90,350,477	-5,064,965
Grand total, Mandatory and Discretionary	123,820,208	124,979,700	122,596,881	121,925,545	121,927,337	-1,892,871

MISCELLANEOUS APPROPRIATIONS IN CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003
(Amounts in thousands)

	House	Senate	Conference
DIVISION M - OTHER MATTERS			
TITLE I - DEFENSE RELATED TECHNICAL CORRECTIONS			
Military construction, Air Force (rescission)	---	-18,600	-18,600
Military construction, Air Force Reserve	---	18,600	18,600
Intelligence activities	---	3,894,929	10,000,000
Additional transfer authority (sec. 8005)	(2,500,000)	---	(500,000)
Total, title I:			
New budget (obligational) authority	---	3,894,929	10,000,000
Appropriations	---	(3,913,529)	(10,018,600)
Rescission	---	(-18,600)	(-18,600)
DIVISION N - EMERGENCY RELIEF AND OFFSETS			
TITLE I - ELECTION REFORM			
HELP AMERICA VOTE ACT OF 2002			
Election adminstration reform	---	1,500,000	---
Election Assistance Commission			
Salaries and expenses	---	---	2,000
Election reform programs	---	---	833,000
Total, Election Assistance Commission	---	---	835,000
General Services Administration			
Election reform payments	---	---	650,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Disabled voter services	---	---	15,000
Total, title I:			
New budget (obligational) authority	---	1,500,000	1,500,000

MISCELLANEOUS APPROPRIATIONS IN CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003
(Amounts in thousands)

	House	Senate	Conference
TITLE III - WILDLAND FIRE EMERGENCY			
DEPARTMENT OF THE INTERIOR			
Bureau of Land Management			
Wildland fire management	---	189,000	189,000
RELATED AGENCY			
DEPARTMENT OF AGRICULTURE			
Forest Service			
Wildland fire management	---	636,000	636,000
Total, title III: New budget (obligational) authority	---	825,000	825,000
TITLE V - FISHERIES DISASTERS			
Fisheries disasters	---	100,000	100,000
TITLE VI - OFFSETS			
Across-the-board rescissions	---	-11,392,000	-2,647,000
Total, Division N: New budget (obligational) authority	---	-8,967,000	-222,000
DIVISION P - UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION			
LEGISLATIVE BRANCH			
General Provisions			
United States-China Economic and Security Review Commission	---	---	1,800
Grand total, all titles: New budget (obligational) authority	---	-5,072,071	9,779,800
Appropriations	---	(6,338,529)	(12,445,400)
Rescissions	---	(-11,410,600)	(-2,665,600)

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

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I cannot ask people to vote against their bill because it does some things which any piece of legislation would do which came to the floor at this point. It does provide needed funds for Medicare. It does provide funding for a number of programs which, if we did not pass the bill, would be limited to last year's level; and that would cripple a good number of programs, including education. But before Members decide how they want to vote, I think they need to understand that this legislation is a god-awful mess brought to the floor by a god-awful process.

About $360 billion, or 90 percent, of the $400 billion in spending contained in this bill, never came before the House of Representatives until it arrived in this one huge take-it-or-leave-it package today. That means 90 percent of the domestic budget involving hundreds of individual programs was never subjected to debate or amendment in the United States House of Representatives.

What you have here, as I said earlier, is the biggest back-room deal in terms of spending in the Nation's history. And when you have a back-room deal which is not ever aired in public, that means a lot of people are going to get hurt, and a lot of people are going to get things that they should not get. And I want to walk through some examples.

The most urgent need in this country is to ensure that we can track down and stop people who would commit acts of terror against our citizenry. This bill leaves huge gaps in our defenses. Once again, we are delaying the ability of funds that are required to protect American lives.

I would say to everyone who would listen that this is not the fault of our good friend, the chairman of the committee; he has done his duty, and he understands the need for action in this area. But there are many others in this Chamber and there are some on the other end of Pennsylvania Avenue who are not being helpful and who are blocking the resources that are critically needed at the moment. This Nation is in serious peril and here are some examples:

The head of the Customs Service says we need to greatly beef up the inspections of cargo containers used in worldwide shipping. He and others have warned that these containers offer terrorists with significant opportunities to get bombs, chemicals, missiles and other dangerous weapons into this country. He has asked for $57 million right now to do that job, $57 million. This bill contains $12 million, less than 25 percent of what is needed. We have $392 million in spending for new courthouses in this bill, but the committee could not find the other $45 million to fully fund the container security initiative that was asked for by our own administration.

In addition to the containers themselves, we have huge security issues with respect to ports. We have ships arriving in this country every day containing millions of gallons of highly flammable and toxic chemicals. They are bombs waiting to be detonated. The Coast Guard says the costs of upgrading security at these ports is $1 billion. This bill contains only $150 million or 15 percent of the amount that ought to be in the bill.

Now, we have known since we saw the pictures of those brave police and fire fighters on September 11 that the next attack might put them in even more dangerous situations. Very few police departments have the equipment necessary to allow first responders to enter an area that has been hit by chemical, biological or radiological weapons. We have been trying to get that money out for more than a year, and we have hit roadblocks time after time after time.

The White House is playing a flim-flam game with respect to this issue. A year ago, the President blocked the inclusion of significant first responder funds in the supplemental. Last summer, he vetoed first responder funds in the second supplemental. He has also refused since last October to release the first responder funds made available by the continuing resolutions. But he spends a lot of time going around the country being photographed with firemen and policemen and talking about the $3.5 billion in funds for first responders in his 2003 budget.

He does not mention, however, where he got the bulk of the money to pay for that $3.5 billion increase. He got it by eliminating a series of ongoing programs that also provide grants to local policemen and firemen. That is like the boss offering to double your pay next month if you will agree to take no pay this month. It does not help a heck of a lot.

This bill restores those basic cuts, but it does so by slashing the President's first responder initiative. When all grants to fire and police are combined, this conference report is $466 million below the President's request for first responders. For the first time, Congress will have a worse record on first responders than the White House, and that is outrageous. So I guess the answer is, let them use duct tape.

There are deficiencies in other areas. The Department of Energy, the committee could not find $108 million identified last spring by the Army Corps of Engineers as being absolutely essential for physical security upgrades to waterway navigation and dams around the Nation. And none of the $254 million identified by the Secretary of Energy last spring as necessary to secure radioactive material, nuclear weapons and other highly toxic substances at U.S. nuclear weapons plants and laboratories is provided in this bill.

Education is a mixed bag. Now, for the last 6 years, on average, we have been able to provide about a 14 percent increase in education.

□ 1730

The good news in this bill is that we have been able in this bill to raise the funding for education above the real dollar freeze that the President presented, or 3 percent in nominal terms.

This bill is about $3 billion above the President's for education. It means that we will have about a 10 percent increase. That is still a cut in the rate of increase that we have had for education on average over the last 6 years, but it is some progress and I am pleased to see it; but it is still funded at such limited levels that we will be leaving an additional 628,000 children behind who would not have been left behind if we had funded this bill at the Senate levels.

We are also turning a blind eye to what is happening on college campuses. State and local budget crunches are hitting, and tuition is skyrocketing in some places by as much as 36 percent. This bill holds Pell grants to a 1½ percent increase over last year. That simply means college will not be affordable to tens of thousands of young people who want to better themselves by getting a college education.

We have an ugly product with respect to both homeland security and a mixed bag with respect to education. I save the worst for last.

This bill is sad with respect to both funding and legislative language that will damage the environment and damage our forests and wilderness areas. This bill is a wholesale attack on environmental protection. The interior section of this bill is one of the worst appropriation measures to come to the floor of this House in many years. The park service is cut by $110 million below the President's request. The committee has trampled on a commitment made by the Republican and Democratic leadership of both bodies to provide a specific level of funding for key conservation programs, an agreement that was entered into in order to prevent the creation of yet a new entitlement in this area, and yet the committee has walked away from a solemn commitment that it made.

Then we have the environmental riders, or I should say the antienvironmental riders. This bill will exempt the Tongass from any review whatsoever once the regulations are out, and they have not even been completed yet; but this bill will prevent any review of whatever regulations are produced by either administrative challenge or challenge in courts. That is outrageous.

It also includes language which again allows funds in this bill to be used for preliminary activities, preliminary to drilling in ANWR. The worst provision involves an innocuous-sounding program called the Forest Stewardship Pilot Program. Currently, there are 80 projects around the country in which noncommercial organizations work at

thinning growth in forests that are considered vulnerable to fire.

These small projects are not required to get the normal environmental waivers. The House bill proposed to expand the number of projects by 12. The Senate bill would expand the project by 28. Reasonable people can disagree on what ought to happen here, but the conference agreement provides no limits whatsoever. You might as well turn our national forests over lock, stock and barrel to the timber companies. That is what this provision does.

There are no longer any legal limits to what can be cut under this provision. Whatever the administration wants, by all means, go ahead.

Then, as I said earlier, we have some special provisions. I have mentioned the provision in this bill which is here on behalf of a company that operates three chicken plants in Georgia. This provision says that the USDA shall certify chickens as being organic even if they are not fed organic meal. That provision may boost the profits of one company, but it undermines the integrity of the entire organic certification process.

Then there is another nifty little provision that arrived in the Committee on Appropriations last night. It involves the bank accounts of 10 Texas dairy farmers. As we all know, and I know a lot of you like dairy farmers. I do, too. I have a lot of them in my district. They are not getting this kind of treatment.

I was stunned to see what was being done in this bill. It seems that these 10 dairy farmers have herds close to the Mexican border. There have been concerns that the herds might be exposed to bovine tuberculosis, and USDA decided that they ought to be slaughtered. The problem is that if the cows had already been infected the farmers would be able to defer tax payments on the money received from the government; but because the cattle had not yet become infected, that deferral option is not allowed under Tax Code. So somebody decided the only fair thing to do was to have the government pay the taxes in full up front. So this bill contains 15 million bucks to be distributed to 10 farmers to cover their tax liability. Had they received the deferral, their benefit would have only been a fraction of that amount.

So I guess moral of the story is, there is no limit to how rich you can become if you have certain friends on the Committee on Appropriations.

So, Mr. Speaker, I am going to offer a motion to recommit to try to improve this bill in the most egregious area of the bill, and that motion to recommit would negate the language in this bill which allows funds to be used for activities preparatory to drilling in the ANWR. It would also provide funds that eliminate the special rider that abuses the pilot stewardship forest thinning contracting program. We would eliminate the rider that says that Tongass is exempt from all environmental review in court or in administrative activities, and we would raise the first responder funds in this bill to the amount requested by the President. That is what the recommittal motion will do.

There are many other provisions I would like to reach. In a recommittal motion we cannot do it under the rules under which we operate, but we are going to try to at least correct the most egregious antienvironmental provisions in this bill and try to put enough money in for first responders so that you can all go home and look at your firemen and policemen with a straight face.

I would urge support for the recommittal motion when it comes, and I would urge you to use your own judgment in terms of how to vote on final passage.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute, and I do so to restate my earlier comment that if one looks really hard, one can find a few things in this bill not to like, and the gentleman from Wisconsin (Mr. OBEY), in his usual, skillful approach to his legislative responsibilities, has done just that.

He has identified a few things he does not like, but I wanted to comment on his comments about the ANWR, and there is no money in this bill for the Bureau of Land Management to develop or predevelop the Arctic National Wildlife Refuge, ANWR. The President did not request funding for oil and gas development in ANWR, and the interior bill does not include funding for ANWR. So that really is not an issue, and we will address the other issues in the motion to recommit when we get to that point.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

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

Mr. Speaker, I rise in opposition to the bill today. The bill and conference report beside me, I would lift it but it is tough. It is about a foot and a half tall. We were given this document around noon today, if we could get a hard copy. That indeed was difficult as it was. So we have that amount of time to go through this.

I disagree that if one flips through this bill a person can find a few things wrong. It is tough to find much right about this bill. I object to the process as well as the product.

We had a House rule which says that we ought to have 3 days to review any omnibus bill like this. We are given a couple of hours. We waived that provision. We should not have.

I would say that this bill in many ways is a work of art. It is kind of a Hall of Fame bill, because if my colleagues look at it, I will just name a couple of the provisions in it. These are elements in the bill. We usually find the more objectionable earmarks or pork in the conference report, but we have not had time to leaf through that.

In the bill we will find, if one is a baseball fan, we will find $750,000 earmarked for the Baseball Hall of Fame. If we look a little further, if one is not a baseball fan, we can find $350,000 for the Rock and Roll Hall of Fame. Why we have that as an omnibus bill from the Federal Government I do not know. If one still is not a rock and roll fan or baseball fan, we can look further in the bill and find an earmark for $90,000 for the National Cowgirl Hall of Fame. I did not even know there is a Cowgirl Hall of Fame. Perhaps there is not, but now there will be. Who knows what else is in this bill and report. We will be discovering it for months.

We should not do business like this. It should not be done.

I would have thought, given the hall of fame element, that I ought to nominate some of my colleagues, both Democrats and Republicans, for the hall of fame for pork, but I am afraid that they would fund it.

I urge my colleagues to reject this bill. Let us start over.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds.

The gentleman who just spoke said it was hard to find something good in this bill, but let me tell my colleagues, Mr. Speaker, there is money in this bill to take care of our soldiers in Afghanistan who are fighting the war against terrorism. There is money in this bill to upgrade our ability to perform intelligence activities, to know what the enemy might be planning to do against us. There is money in this bill to protect our homeland. There is money in this bill to provide funding and training and equipment for first responders, police and firemen, medical technicians, other people on the scene.

There is plenty in this bill that is good, and that is the reason it is going to be passed.

Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), chairman of one of our very important subcommittees on homeland security.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the chairman for yielding me the time, and let me say at the outset how much we appreciate the work of our great chairman.

This has been a long, tortuous path that he has had to lead us through. He has got us here against all odds, and we owe a great debt of gratitude to the gentleman from Florida (Mr. YOUNG) for the fine work that he has done in bringing this bill to us.

The gentleman who spoke just before the chairman, we have got to be sure that we come here with clean hands when we speak. Yes, this bill is big and we would like to have had it in a different form here, but we had to work with what we had to work with.

The gentleman from Arizona who says he is against the bill because he does not like all the spending in it, well, he requested 10 items in the defense bill. I do not know whether they

were granted or not, but he requested spending in the sum of $160 million, and now he says he is against the bill.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, would the gentleman name what that is?

Mr. ROGERS of Kentucky. Well, there are 10 of them. Would the gentleman like to read them?

Mr. FLAKE. Sure.

Mr. ROGERS of Kentucky. Mr. Speaker, here they are. While the gentleman is reading, I will proceed.

Mr. Speaker, this is an excellent conference report. It has significant benefits for homeland security and transportation activities in this country. I would like to take a minute, if I could, to highlight some of the aspects of the bill that I have just referred to.

Homeland security. We include $5.2 billion for the Transportation Security Administration, slightly more than the House figure, but it is $400 million more than what the President's asking in next fiscal year 2004. So TSA is going to have to slim down over the next few months to hit the President's target. They will also have to begin addressing security needs outside the aviation sector, and the bill funds several programs in port security and land security and other areas to help provide that focus.

Within this $5.2 billion for transportation security, we have $440 million to procure more of the airport bomb detection systems and install them with inline systems with baggage handling systems at the airports so we can get these systems out of the lobbies of our airports.

There is $100 million to reimburse the airlines to armor the cockpit doors to prevent another 9–11, and there is $8 million for commercial pilots to receive firearms training so that they can carry the weapons into the cockpit.

□ 1745

There is $150 million for port security grants and $10 million more for port security research and development.

There is $35 million to improve the security of commercial trucking and intercity passenger buses.

And then the Coast Guard, very important to our homeland security, we include $4.3 billion for their operating needs. That is higher than either the House level or the Senate-passed level as we went into conference. We increased them above either one of our levels and well above the administration request.

It includes significant new funding for homeland security activities, including new maritime safety and security teams at the Nation's larger ports and upgraded infrared sensors so the Coast Guard can patrol more effectively after dark.

Now, in transportation we include $31.8 billion for Federal-aid highways. That is $8.6 billion above the administration's request and $4.1 billion above the level guaranteed in authorizing legislation. Let me repeat that. We are above the level stipulated in the authorization. According to the Federal Highway Administration, under this bill every State will receive more formula highway money in 2003 than they got in 2002.

The conferees deserve a lot of credit for placing such a high priority on highway spending. This will be a significant boost for the economy and a huge boost for communities around the country who are mired in traffic congestion problems.

The bill also includes high-priority projects in response to the thousands of requests we had from Members of this body. No one knows the needs of our districts better than the Members of this House who are elected from those districts, and we have tried to be as responsive to those requests as we could.

Mr. Speaker, we should all be pleased about the Amtrak provisions of this bill. For the first time in at least a decade, this bill forces some real reforms on Amtrak. It allows the Secretary of Transportation to take a much more active and authoritative role.

Mr. Speaker, I urge the adoption of the conference report.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to point out that it was not noted by the gentleman who spoke before me that all 11 items that I requested have a ''DEF'' right next to them. That means defense.

I think all of us recognize that the proper role and function of the Federal Government is to fund our armed services, and I am proud of that. But we do not see anything else there. None at all. There is a difference between the National Cowgirls Hall of Fame and funding aviator night vision imaging systems for our helicopters.

Mr. DICKS. Mr. Speaker, reclaiming my time, and I appreciate the gentleman's comments, I just want to point out on the Interior appropriations bill, as the gentleman from Wisconsin (Mr. OBEY) pointed out and I did as we discussed the rule, our only major concern is the fact that on the conservation spending category we, for 2 years, kept a commitment that was made by the Republican and Democratic leadership of the Committee on Appropriations; and this year we did not get a good allocation in the conference, and we had to cut approximately $700 million out of our bill.

A lot of the most important conservation spending categories were substantially reduced, which I deeply regret, because we had made a commitment to people outside of the Congress that we were going to stay with this trust fund and increase the level of conservation spending by about $160 million each year until we got up to $2.4 billion. Of course, this year we did not make our goal.

I just would point out to my colleagues that the League of Conservation Voters urges us to support a motion to recommit, which the gentleman from Wisconsin (Mr. OBEY) will offer, on the fiscal year 2003 omnibus appropriations bill. They say, ''We strongly oppose the numerous antienvironmental riders that were added in conference and by the Senate, and we are concerned about the substantial funding cut the bill makes to the conservation trust fund.''

I would also point out to my colleagues, many on both sides supported a very modest amendment to create increased funding for the National Endowment for the Arts and Humanities. Both sides put an increase in, but when we got to conference, it was stripped out at the direction of the leadership on the Republican side. I think the Endowment for the Arts and Humanities does wonderful things for our country, and I was really kind of shaken by the fact that after this was cut in half during the Reagan administration and we were starting to move in the right direction, giving modest increases for both the arts and the humanities, that that money was, that increase was, stripped out.

So I wish I could tell my colleagues that this bill, when it left the House this year, was a very good bill. But now that we get the conference report, we are now $800 million below where we were when this bill was before the House.

I must point out also there are a whole series of categories within the Forest Service where we borrowed money last year to fight forest fires, and much of that money has not been repaid. So I hope, as we go through the year, if we have a supplemental appropriations bill, that we can go and readdress some of these important issues and do a better job.

The fact that we are below the President's request on the Park Service, or the House level on the Park Service, is also of concern to me.

I am going to vote for this bill. We have to preserve the prerogatives of the Congress. And I see the Speaker here on the floor. When the Speaker was elected he made a speech and he said, we are going to run these railroads on time. Well, I am confident this year we are going to go back to the regular order and pass our 13 appropriation bills in time, and I support that endeavor.

Mr. YOUNG of Florida. Mr. Speaker, I would like to inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each have 12 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

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

Mr. WOLF. Mr. Speaker, I want to thank the chairman for yielding me this time, and I congratulate the chairman and all the people, the leadership and everyone else involved in this bill. I rise in strong support of the 2003 bill.

I will be very brief, but there is $4.3 billion for the FBI, an increase of $773 million above last year to help stop what we are concerned of, what may very well happen to this country, counterterrorism, counterintelligence. There is additional money for the DEA. There is $6.16 billion for INS, for Entry-Exit, funding additional border patrol, land patrol, immigration, and so many other very, very positive things.

With regard to local law enforcement, $1.4 billion to prevent violent crimes and acts of terrorism, including $500 million for the Byrne formula grant, $400 million for the Local Law Enforcement Block Grant program.

With regard to domestic preparedness for equipment, training, and exercises for fire, EMS, HAZMAT, and law enforcement, all of that is in this bill.

There is $2.1 billion for crime control. Again, very important.

Also, the body should know the conference report includes $716 million for the Securities and Exchange Commission, $150 million above the request and $248 million above fiscal year 2002 to provide the necessary resources for corporate abuse.

For the State Department, we have adequately funded embassy security and diplomatic readiness.

There are a lot of positive things in here with regard to the Supreme Court and others.

I want to close, Mr. Speaker, by one, commending the chairman and the full committee staff for an outstanding job, and also to personally thank the Subcommittee on Commerce, Justice, State and Judiciary staff for their tireless efforts, requiring long nights away from their families while preparing this legislation.

Mike Ringler, clerk of the subcommittee, Christine Ryan Kojac, John Martens, Leslie Albright, Butch Davisson, and Nisha Kumar have worked night and day to finish the CJS portion. And Rob, on the other side, and many others have been involved.

I think this is good legislation that will save a lot of lives and good for the country.

Mr. Speaker, I am pleased to finally bring to the House Floor the conference report on the fiscal year 2003 Commerce, Justice, State and Judiciary Appropriations. Within a very tight allocation, we were able to provide funding for a variety of critical national priorities.

For Federal law enforcement, the Senate bill was over $700 million below the House. We were able to restore those funds in the conference report, including; $4.3 billion for the FBI, an increase of $773 million above last year and $45 million above the request, to continue efforts to modernize the FBI's IT infrastructure, and to improve the FBI's counterterrorism and counterintelligence capabilities; $1.65 billion for the DEA, an increase of $15 million above the request, and $80 million above last year to continue to fight the scourge of illegal drugs; 6.16 billion for the INS, Including $362 million for Entry Exit, and funding to hire an additional 570 border patrol agents, 460 land border immigration inspectors, and 760 additional airport and seaport inspectors and support personnel.

The conference agreement provides $4.6 billion for State and Local law enforcement, including: $1.4 billion to prevent violent crime and acts of terrorism, including $500 million for the Byrne formula program, $400 million for the Local Law Enforcement Block Grant program, and $515 million for law enforcement hiring, overtime, equipment, training, and technologies; $1 billion for the Office of Domestic Preparedness for equipment, training, and exercises for all types of first responders, fire, EMS, hazmat, and law enforcement; and $2.1 billion for other crime control programs, including $391 million to prevent violence against women, $57 million for methamphetamine enforcement and clean-up, $7.5 million for a prescription drug monitoring program to combat the abuse of prescription drugs such as OxyContin, and $465 million for juvenile delinquency and accountability programs.

The conference report includes $716 million for the Securities and Exchange Commission, $150 million above the request and $248 million above fiscal year 2002, to provide the necessary resources to protect investors from corporate abuse.

For the State Department, we have maintained the higher House funding level of $7.8 billion to fully fund the request for embassy security, to provide second year funding for the Department's Diplomatic Readiness Initiative, and to fully fund estimated current year assessments for the United Nations and United Nations Peacekeeping.

For the Department of Commerce, the Conference Report provides $5.73 billion for the Department of Commerce and other trade agencies, over $400 billion above the level in the House bill. This funding will allow the Department to generate timely and accurate economic statistics, negotiate and verify fair trade agreements, improve weather forecasting, and manage the Nation's fisheries.

For the Federal Judiciary, the conference report provides $4.9 billion, $199 million above fiscal year 2002. This includes funding to process an all-time-high number of criminal and bankruptcy cases, to continue the renovation of the Supreme Court building, and to fund the Judiciary's security requirements.

Overall, Mr. Speaker, this conference agreement represents a sound and fair resolution of the multitude of issues that we faced in conference, and it does so in a fiscally responsible manner.

We have come a long way toward constructing an acceptable bill, and I urge my colleagues to support this conference report.

I would like to thank the Commerce-Justice-State subcommittee staff for their tireless efforts and long nights away from their families while preparing this legislation. Mike Ringler, clerk of the subcommittee, Christine Ryan Kojac, John Martens, Leslie Albright, Butch Davisson, and Nisha Kumar have worked night and day to finish the CJS portion of the Omnibus Bill and I want to personally thank them for their work and efforts.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 12 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat on the Committee on Education and the Workforce.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to recognize and commend the appropriators for the difficult task that they had over this past year in coming together on this legislation.

I also want to express my very serious disappointment on what happened in the conservation accounts in the Interior appropriations portion of this legislation, that we were not able to fund the commitments that we had made that so many local communities and conservation organizations rely on, where we have partnerships with business and civic organizations and individuals coming together to try and provide for the conservation of our lands and our open spaces, which have been terribly successful.

The urban parks being zeroed out is a major disappointment to so many urban areas where we have, again, put together coalitions from the NBA, from women's sports to neighborhood organizations, from the Urban League and so many to rebuild these recreational facilities and opportunities for young people. It is a major disappointment.

I also must tell my colleagues that the forest stewardship contracts now simply open up the forest in a most unregulated fashion.

The disappointment is really this, and it is not the fault of these appropriators, it is the process. Because with this process it is not a fact that I did not get to be heard on this bill at one particular time or another, but my constituents did not. So many millions of Americans that are deeply concerned about the health of our environment, about the health of our forest, about the activities on our public lands are shut out from this process because those decisions were made last night or this morning or the night before, and they have had no time to respond to them. The vote will be taken about it, and they will read about it in the newspapers over the coming weeks.

That is a major affront to democracy. That is a major affront to the basic principles of this institution, to the basic principles of representative government, that the people in this country have been closed out of this process.

Yes, the process has gone on a lot longer than it should have, but it was far more closed than at any time in the history of the House of Representatives. And that is a major, major disappointment for those of us, as we sit here on the brink of war talking about freedom and we think about bringing freedom and democracy to other countries and we see it shut down in the people's House.

Legislation sits here and nobody has the ability to read it. Nobody knows what is in it, but we are going to be asked to vote for it. That is not the democracy we should be exporting. That is not the process we should be exporting.

It is a process that denies our constituents. Whether they are interested in education or the environment or public health or aerospace, it denies them the opportunity to be heard; and it is a corruption, an outright corruption of the basic and fundamental principles of our government, of our constitution, and of this institution, and it ought to be stopped.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), who is chairman of the Committee on Education and the Workforce and author of No Child Left Behind.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time, and let me congratulate the gentleman from Florida (Mr. YOUNG), his staff, the committee members, along with the gentleman from Wisconsin (Mr. OBEY) and his staff, for a product well done, considering the handicaps of never having a budget and never having appropriation bills from the Senate.

Mr. Speaker, this Congress has promised to do its part on behalf of America's school children, and the spending bill we debate today more than delivers on those promises. Much like the President's budget itself, this agreement is particularly generous towards education. It will provide yet another large increase in Federal education funding on top of record increases provided last year and the years before. This means that more than enough is being provided for States and public schools to carry out the reforms in the bipartisan No Child Left Behind Act.

Not only are we providing enough money, we are providing more than enough. For 35 years, this Congress spent billions of dollars in education without ever insisting on results for the children that it was meant to serve. Just over a year ago, on this very floor, Democrats and Republicans stood proudly together to bring that era to an end. And as my colleagues rightly pointed out, we made a commitment to our children on that day.

But maybe some of us need to be reminded of what that commitment was. What No Child Left Behind promised was that politicians would stop using money as an excuse for a 35-year failure to close the achievement gap. Thirty-five years and $150 billion later, the achievement gap has not changed at all over that period of time. We have now significantly increased our funding for education, twice since the bill was signed into law, and there are no more excuses. Our children need results.

Let us look at title I. Under this agreement, aid to needy and disadvantaged schools through title I is increased by another $1.4 billion. And this is on top of the $1.5 billion increase provided as a result of last year's spending bills.

□ 1800

In other words, title I has virtually doubled since fiscal year 1995. Are we spending too little? I do not think so.

Let me look at the second chart which is even more striking, and this is on special education, IDEA. As the chart shows, we have increased IDEA in this agreement by $1.4 billion. That is on top of the $1.2 billion that we increased it last year. Since fiscal year 1995, we have increased funding for IDEA 400 percent. That quadruples the amount of money that we are spending for our special-needs children.

In addition to that, we put another $100 billion increase in the Teacher Quality Program. We increased Pell grants and pay off the shortfall from the prior year, and we increased Head Start funding by another $131 million.

Mr. Speaker, if money alone can solve the problems in education, they would have been solved a long time ago. What we need to do is work to change attitudes in America that says that all of our children deserve a chance at a decent education.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I must say, I am amused by the prior speech. I would simply observe with respect to title I, the Republican Party in this House had to be dragged kicking and screaming into supporting the very funds which the gentleman so proudly now pointed to on his chart.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I rise in support of the motion to recommit which would remove the corrupt, dirty little disgusting antienvironmental riders that were picked up on this bill as it went through this process that simply are wrong. We ought to remove them. We ought to be ashamed of the antienvironmental riders that were added like leaches on the body politic.

We should have good, honest debates about money around here; but we should be ashamed of the leaches that get added to legislation in the dark of night that are against the environmental values of this country, and there are three of them that ought to be removed that will be in the motion to recommit, and I will tell Members what they are.

Antienvironmental leach number one: we in Congress pass environmental laws, and they ought to pertain to everywhere in America, in all 50 States in America. But in an unprecedented antienvironmental rider, the majority party, unless Members vote for this motion to recommit, says that the environmental laws of the United States passed by this Congress do not apply in one of the most beautiful places in America, the Tongass National Forest in the State of Alaska.

What possible excuse is there for telling Americans that in one of the pristine spots in this country the laws of the United States of America do not apply? What excuse is there? Members have said in this wilderness designation there is no judicial review.

What kind of Congress passes laws and then says we let the executive ignore the law by not having a judicial review? That is not a Congress that I know or should be proud of. We should get rid of this antienvironment rider.

Leach number two: the other side in this bill has attempted to simply say we are going to salvage logging, essentially without meaningful protection or laws. We have to remove it.

Leach number three: there is a dirty little secret of a back-door deal to try to open up the Arctic wilderness to oil drilling, and that is wrong. It should not be done in the dead of night. Join us to pass this motion and get rid of the antienvironmental riders.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services and Education.

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

Mr. REGULA. Mr. Speaker, today I rise in strong support of this omnibus appropriations conference report. I want to share with my colleagues some of the things that are covered by this conference report.

Our subcommittee section totals $133.4 billion, and I would emphasize this is the amount of the President's budget request. It includes funding for programs that touch the lives of all Americans from newborn health screening, Head Start, dozens of education programs, health research and prevention programs, training for dislocated workers to older Americans programs and the efficient administration of our Social Security and Medicare programs. All of these are encompassed in the bill.

And for the education portion, it brings funding to title I to $1.4 billion, an increase overall in education funding of 7 percent. I think as was pointed out by the gentleman from Ohio (Mr. BOEHNER), this is a record. I think it is something we can all take pride in supporting on behalf of the people of this Nation.

Mr. Speaker, today I rise in support of this omnibus appropriations conference report and to share with my colleagues the important programs we are funding within the Labor, Health

and Human Services, Education and Related Agencies title.

Mr. Speaker, this portion of the bill totals $133.4 billion, the amount of the President's budget request. It includes funding for programs that touch the lives of all Americans from newborn health screening, Head Start, dozens of education programs, health research and prevention programs, training for dislocated workers to older American programs and the efficient administration of our Social Security and Medicare programs. All these programs and more encompass this bill.

As my colleagues know, students, parents and teachers are working together to see real gains in student achievement as established in the No Child Left Behind Act passed by this Congress a year ago. This bill provides the vital funding to bring the goals of the new law to fruition, including a $1.4 billion increase in Title I funding, aiding disadvantaged students.

In the area of special education, we have also included an increase of $1.4 billion over fiscal year 2002 as we continue to increase the federal portion of special education dollars. And to assist those seeking to improve their skills through higher education, we have increased the maximum Pell grant to $4,050 while also addressing a shortfall in the program that has resulted from a larger than expected number of students returning to school by providing more than half a billion dollars over the President's request for the program.

I am pleased to report that the bill includes the fifth and final year of a commitment to double biomedical research funding for the National Institutes of Health with funding set at $27.2 billion. At this level NIH will be able to fund more than 38,000 research project grants, the highest number ever funded. These grants span countless areas including basic research as well as that for specific diseases that are the leading causes of death and disability—Alzheimer's, Parkinson's, diabetes, cancer, AIDS and hundreds of others, including rare diseases.

The Centers for Disease Control and Prevention (CDC) have been key in bringing new health research into practice through health promotion programs. Now, as we face continued threats to our homeland we call upon the CDC to act as our first line of defense against bioterrorism as well. We have provided $4.3 billion to the CDC for these important activities.

Within the Health Resources and Services Administration we have included $1.5 billion for Community Health Centers, access points to those who have no health care, and $2 billion for Ryan White Aids program, a $96 million increase.

The bill provides funding for services for our neediest people, including $1.8 billion for the Low Income Home Energy Assistance Program (LIHEAP) and $1.376 billion for programs for older Americans, including nutrition programs such as Meals on Wheels and totaling nearly $719 million.

This bill funds the Department of Labor at $11.9 billion, $116 million below last year. However, within the account for the Workforce Investment Act, we have tried to focus our resources on the needs of the many people in our country who have been dislocated from their jobs by boosting support for dislocated workers by $92 million overall. We are hopeful that the many good people in our local communities working to provide job placement assistance to these unemployed workers will use this funding to assist these workers in re-gaining employment as quickly as possible. Finally, Job Corps, an outstanding program that partners with so many businesses to train our nation's youth for productive employment is increased by $60 million. Job Corps provides a needed second chance to many of our youth who had not found initial success in school or work.

Mr. Speaker, these programs serve the people of our great nation well and help to strengthen the educational, health and job opportunities for all Americans. I urge the support of the Members of this body in passing the bill today.

In closing, Mr. Speaker, I would like to commend the members of my staff and that of Mr. OBEY in the endless hours of work they have provided to bringing this bill before us today. Craig Higgins, Sue Quantius, Susan Firth, Meg Thompson, Nicole Kunko, Francine Mack-Salvador, and Elizabeth Bowles, as well as David Reich, Cheryl Smith and Linda Pagelsen have done a terrific job in producing the product before us. Thank you to each of them.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. HARRIS) for the purpose of a colloquy.

Ms. HARRIS. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for the opportunity to briefly discuss the importance of ensuring that Miami, Florida, is selected as the location of the Permanent Secretariat for the Free Trade of Americas.

Due to its role as the headquarters of the FTAA, the Permanent Secretariat will operate as the critical nerve center of an unprecedented economic colossus twice the size of the European Union.

The Permanent Secretariat will provide vital administrative services for FTAA member nations, while providing the situs for dispute resolution and other critical proceedings established under the FTAA agreements.

Although the FTAA will not be established until 2005, the site selection process for the Permanent Secretariat is currently ongoing. I wish to bring to the committee's attention the fact that should the FTAA become a reality, its success as well as the effective promotion of our national interests will depend significantly upon the placement of the FTAA's Permanent Secretariat in Miami, Florida.

The Permanent Secretariat's ability to effectively discharge its crucial functions will depend upon its geographical proximity to member nations, the reliability of the communications, the security of its facilities, and the quality of the transportation infrastructure.

Only a location in the United States can meet all of these criteria, and Miami is uniquely qualified. Miami is also universally recognized as the top of three prenegotiated candidates for the Permanent Secretariat, which also includes Panama City and Mexico City.

Due to the Bush administration's drive to accelerate negotiations, the beginning of negotiations next week, and the occurrence of a ministerial meeting in November, the committee's attention to this issue could not be more timely.

Mr. YOUNG of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. HARRIS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would say to the gentlewoman that throughout the 2004 process, we will continue to work with the gentlewoman and the Florida delegation for this purpose.

Ms. HARRIS. Mr. Speaker, I thank the gentleman for his acknowledgment of my request and his support.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I want to take this time, and so does the gentleman from Pennsylvania (Mr. MURTHA), in order to express the House's appreciation to Greg Dahlberg, who has served this institution so ably and for so long. For over 20 years he served on the Committee on Appropriations on the Subcommittee on Transportation, on the full committee central staff, and on the Subcommittee on Defense. Since 1994, he was a senior Democratic staffer for defense appropriations which covers virtually all of the military operations in the government.

He was appointed Under Secretary of the Army the last 6 months of the Clinton administration. He volunteered to help the new administration get started, and stayed a few extra months. He has been a personal adviser and great friend to the gentleman from Pennsylvania (Mr. MURTHA) and myself. He has served over 200 Democratic members to help them understand defense issues and to deal with those issues in their districts. He has a deep concern for the soldiers, sailors, airmen and marines deployed throughout the world. He loves this institution, and he has given help many times to both Democratic and Republican Members of this institution.

In the defense world there are many opportunities for qualified staff to leave the Hill for more lucrative jobs. Greg has resisted that temptation for many years, and for that we are grateful. We certainly wish him well in his future endeavors. He has been the institutional memory of this House on the budget process and on defense intelligence. He is one of the finest, most dedicated public servants, and one of the most decent human beings I have ever had the privilege to work with.

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

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, the gentleman from California (Chairman LEWIS) reminded me that Greg Dahlberg was still here. I thought he was gone.

Yesterday we praised him in a closed briefing. Not only did the gentleman

from California (Mr. LEWIS) and I praise him, but the Secretary of Defense praised him because not only was he Under Secretary, he was Acting Secretary of the Army for a period of time.

I was shocked when he came back. This guy went over there, he had an office as big as this room here. He had a bathroom, car, an airplane, and he came back to the cubbyhole where we share a little room 12 by 12 with six other people.

Greg Dahlberg is a dedicated staffer. I have never seen a guy so dedicated. This guy is one of the finest people I know. It is completely bipartisan. He tries to get things done. He wants to take care of not only the military, but every other job he has been involved in. We are going to miss the honorable Greg Dahlberg. This is his last day.

Mr. OBEY. Mr. Speaker, whether it is within the rules of the House or not, I think this institution owes Mr. Dahlberg a round of applause for his service.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding me this time, and it is very appropriate that I should follow with my remarks those of my friend and colleague and partner in this business, the gentleman from Pennsylvania (Mr. MURTHA). The gentleman from Wisconsin (Mr. OBEY) was very kind to begin his remarks with a tribute to Greg Dahlberg.

I wanted to mention that the work of our subcommittee, that is the Subcommittee on Defense, along with MILCON, got their work done last year for the 2003 year; and it is largely because of the very fine relationship we have with our professional staff and with the gentleman from Wisconsin (Mr. OBEY), the ranking member.

Just the day before yesterday in our meeting, the chairman of the Joint Chiefs of Staff, responding to the needs that are within this bill, and this bill includes a $10 billion package which is an additive to the 2003 bill which was not included in that budget relative to some of the costs carrying forward the war on terrorism. It is costing us over $1.5 billion a month, and we are very cognizant of the importance of this legislation in connection with that defense effort. Indeed, I want to have in the RECORD a copy of the letter from the chairman of the Joint Chiefs of Staff that reflects his support for this legislation.

But probably this piece would not be a part of this package or would not be effectively here if it were not for the work of our very fine staff.

□ 1815

Greg Dahlberg reflects the finest of those professionals that we have around this place. We have them on both sides of the aisle, and especially among those committees that deal with the work on behalf of defense.

I think the Members know that, year in and year out, we come to the floor with a major portion of our discretionary money in the defense arena and we carry those bills forward with almost no rancor, taking usually very little time on the floor. And I think, generally speaking, those who are watching the action on the floor today should know that a significant reason for this bill going forward, so important that it go forward now, is that we do have this rather sizable piece of money that is critical to our being able to be consistent in moving forward with the war on terrorism.

And so while Greg leaves us officially in the near term, shortly, sometime, I am not sure when, I am sorry to see him leave. I am proud to be a friend of his; I expect to work with him in the months and years ahead, but in turn, I want to thank him for helping us get the kind of bipartisan support we expect to have for this bill as it passes.

CHAIRMAN OF THE JOINT
CHIEFS OF STAFF,
Washington, DC.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During our meeting yesterday you asked Secretary Rumsfeld and me how significant the $6.1B for Defense currently in the FY2003 Omnibus Appropriations Bill is to the Armed Services. The following elaborates on our answer of yesterday.

The Global War on Terrorism is costing about $1.6B per month. This expense is not part of the Services' FY 2003 budgets. As a result, the Services are dipping into their budgeted 4th quarter operating accounts—we are in fact dipping into Service 3rd quarter operating accounts now—to fund first and second quarter FY 2003 expenses associated with the war. Without the $6.1B funding in the FY 2003 Omnibus, we will need to take immediate actions to reduce spending. These actions will negatively impact readiness.

I offer my support for your efforts in passing the Omnibus (H.J. Res. 2) before the President's Day recess. The package you have worked includes essential funding for the Defense Department; that is important to our national security.

The men and women of our Armed Forces deeply appreciate the support of your Committee and that of the entire Congress.

Sincerely,

RICHARD B. MYERS,
Chairman of the Joint Chiefs of Staff.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to remind the Members of the House what the content of the recommittal motion will be. We will simply strike the antienvironmental riders exempting the Tongass National Forest plan from administrative and judicial review, expanding the Forest Service stewardship contracting demonstration program throughout the United States, turning over the forests of the country to the timber companies lock, stock and barrel if they choose.

It would also reconsider language in the conference agreement which removes the restriction in the House-passed Interior bill which prohibited the use of fiscal 2003 BLM funding for activity related to oil drilling in ANWR, the Arctic National Wildlife Reserve.

It would add funding for critical conservation resource programs at not less than 2002 levels. That is consistent with an agreement that was made and should be abided by until the year 2006.

And it also would add up to $500 million above the current conference levels to fund training, equipment and assistance for first responders; in other words, bringing it up to the presidential request.

Mr. Speaker, I full well recognize that there are many good things in this bill. Even a stopped clock is right twice a day. There are many things that we have to provide. And so I am certainly not going to ask Members to vote against the bill, but I am going to ask them to vote for the recommittal motion if you care about our environmental stewardship and if you really care about providing the equipment and the support necessary to our first responders, our policemen and firemen.

If indeed you want to send them the resources they need rather than duct tape, vote for the motion to recommit.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 15 seconds to the distinguished gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, included in this legislation is $1.1 million for the Roanoke River Upper Basin Project. Is it the gentleman from Ohio's intention and expectation that the contract for construction will be awarded only on an open and competitive bidding process?

Mr. HOBSON. If the gentleman will yield, yes, I agree.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

I do so, Mr. Speaker, to say also a sad good-bye to Greg Dahlberg, who was not only a trusted staff but a trusted friend.

Greg, you know that we are going to miss you.

I want to thank the gentleman from Wisconsin (Mr. OBEY) for spirit of cooperation that we have enjoyed with each other working through this process. And I also want to say, please vote against his motion to recommit. I want to thank the Speaker of the House for the strong leadership that he gave us in trying to come to a conclusion on some very thorny issues, as well as the distinguished majority leader of the Senate. As for Senator STEVENS, I tell you he worked miracles, because he had to come down $9 billion more than we had to come down in order to meet this number.

I want to pay a special tribute to Vice President CHENEY. The Vice President weighed in as we were trying to solve some very difficult issues. He was

extremely effective. I just really appreciate the fact that he helped us get to where we are today, where we can finally pass this bill out of here, conclude the work of fiscal year 2003 and begin the work of fiscal year 2004.

And, yes, by the way, again, please vote against the gentleman from Wisconsin's motion to recommit.

Mr. STARK. Mr. Speaker, I rise today in opposition to this omnibus appropriations bill. It is unfortunate that Republicans felt it necessary to use this legislation as a vehicle to peddle their anti-environment agenda while forcing cuts in basic priorities. I would have liked to support many provisions included in this bill.

This bill contains funding I have worked for to fund two Army Corps of Engineers flood control studies that will help communities in my district to evaluate flood problems. It will also provide money for a pilot program in Alameda County to protect children at risk from entering the long-term foster care system. I strongly support these vital programs. However, I have no choice but to oppose the legislation before us today.

I cannot in good conscience support this Republican bill because it will open the door to an unprecedented assault on our environment. It grants logging companies unfettered access to public lands to devastate and degrade our national forests. It specifically invites the timber industry to invade Alaska's Tongass Rainforest and reduce the splendor of this wilderness to a patchwork of clear cuts. It opens the pristine landscape of the Arctic National Wildlife Refuge for the gas industry to make another oil field. An it leaves little money for the unkeep of our national parks and conservation efforts.

Beyond assaulting our environment, this bill continues to shortchange education and will leave our children behind regardless of the President's rhetoric to the contrary. It calls for an across-the-board cut in federal investment in our schools, a cut of over $300 million this school year. This bill also makes it more difficult for parents and students to pay for college. The meager increase for Pell grants doesn't even keep pace with the rising cost of inflation.

The bill makes a drastic cut in housing subsidies for poor families. In this tough economy, there is little reason to make times harder for those who have already been hardest hit by this tough economy.

Finally, this bill makes a mockery of homeland security and public safety. While the President continues to raise fears about impending terrorist attacks, his Republican cronies aren't funding the first responders who will be on the front lines if such an attack occurs. This bill also contains cuts in security at our ports, dams, and nuclear facilities that if breached could have a catastrophic impact.

I urge President Bush and Congressional Republicans to end their assault on our basic priorities. I ask my colleagues to support Representative OBEY'S motion to recommit, which would remove the disastrous anti-environmental riders from this bill. And, if that motion does not pass—which it won't—I urge my colleagues to vote against the entire bill.

Mr. UDALL of Colorado. Mr. Speaker, I would like to be able to vote for this conference report, because it does include some things that I support and that are very important for Colorado and the country. If those items, or even the parts of this omnibus bill that included them, were being considered separately, I well could vote for them.

But that is not the situation today. Instead, today Members of the House are presented with a more difficult choice. We must vote yes or no on this entire conference report, which rolls into one enormous package no fewer than 11 of the regular 13 appropriations bills that together cover all of the government except the Department of Defense.

This is not the way the House should do its work. It is an embarrassment for all of us. But the responsibility lies solely upon the Republican leadership. They are the ones who refused to allow the House to consider only a few of the regular appropriations bills last year, either before the November elections or in the subsequent lame duck session. They are the ones who have brought this embarrassment, this shame, even, upon the House.

Nonetheless, each of us has had to try to review the results, weighing its good and bad features, without adequate information and in undue haste—haste now, after months and months of delay—and decide, on balance whether to support it. So I have done my best to review and understand what is before the House. And, on balance, with some regret, I must vote against it.

Let me briefly explain how I reached that decision, weighing the good parts of the bill against its serious defects.

GOOD ASPECTS OF THE BILL

Here are some of the good things in the bill:

COLORADO FUNDING ITEMS

The omnibus bill provides funding for several important activities in Colorado. I want to highlight just a few:

Rocky Flats Cleanup Funds—I am very glad that the omnibus bill includes $664 million to continue the ongoing cleanup of the Rocky Flats Site. This is a matter of the highest priority to all Coloradans, because this former nuclear-weapons production site, with its large quantities of radioactive materials, toxic chemicals, and other dangers is just 15 miles from the heart of our largest metropolitan area. The Department of Energy, through its contract with Kaiser-Hill, is working hard to have it cleaned up so it can be closed and transferred to the Department of the Interior for management as a National Wildlife Refuge. The funding included in the omnibus bill will enable that effort to continue, so this is definitely a good part of the overall package.

NIST laboratory repairs—I am particularly glad that these include more than $11 million to enable the National Institute of Standards and Technology, NIST, to begin what the conferees very accurately describe as ''urgently needed construction and renovation'' work at NIST's laboratory in Boulder. The condition of this laboratory has been of great concern to me, and I want to express my thanks to Chairman FRANK WOLF and Ranking Member JOSE SERRANO for making sure that these funds were included. I look forward to continue working with them and the rest of the appropriations committee so we can complete this important task.

Beaver Brook acquisition—The conference report includes $2.5 million for the Forest Service to continue with acquisition of lands in the Beaver Brook watershed, in Clear Creek County, now owned by the City of Golden. I am glad that this is included, but regret that the amount is significantly less than the $4 million for this purpose that was included in the Interior appropriations bill passed by the House. I will seek to have sufficient funds included in the appropriations bill for fiscal 2004 to enable the Forest Service to stay on schedule for completion of this acquisition.

Great Sand Dunes—The bill includes $7 million to acquire lands slated to be included in this National Park System unit, and another $5 million for acquisition of lands that will be included in the adjacent unit of the National Wildlife Refuge system. I support these acquisitions.

Other good aspects of the bill include the following:

MEDICARE PROVISIONS

The omnibus bill includes increased payments for Medicare physicians and rolls back a scheduled March 1 pay cut that could result in serious health care access issues for our nation's seniors. I have long supported increased Medicare payments for providers and have cosponsored legislation to roll back the Centers for Medicare and Medicaid Services physician payment cuts scheduled for 2002 and 2003, and to devise a formula that better reflects the cost of care. So my vote against the omnibus bill should not be perceived as a vote against increasing payments for Medicare doctors. My record proves otherwise.

DROUGHT ASSISTANCE

The drought Colorado and other states are suffering from has devastated many farmers and ranchers. Some of us in Congress have been asking for drought relief for almost a year. I am encouraged to see that there is some relief in the omnibus appropriation bill, but I am concerned that for many people it may be coming too late. It would have been appropriate for drought assistance funds to have been included in the supplemental appropriation passed last year, but the resistance of the Administration meant that didn't happen. And the refusal of the Republican leadership to act in a more timely fashion on the regular appropriations bills has compounded the problem.

LIMITS ON INFORMATION PROGRAM

I am very glad that the conference report retains the Senate's provision limiting the Defense Department's ''Total Information Awareness'' program. I thought the potential for abuse of this program outweighed its purported advantages, and think the restrictions included in the conference report are most appropriate.

INTERNATIONAL ASSISTANCE

The conference report includes $295 million for humanitarian assistance to Afghanistan and $800 million for international HIV/AIDS programs. Bother are needed.

NASA

The conference report includes $50 million for NASA to investigate the cause of the Columbia shuttle tragedy, which is very important. It also provides that the general funds provided for the shuttle program will be exempt from the across-the-board rescission made by the bill—something that I support.

ELECTION REFORM FUNDING

The conference report includes funding to implement the Help America Vote Act, including funds to help Colorado and the other states to modernize their voting equipment. I strongly supported that election-reform law, and regretted that the President chose not to

spend the funds provided last year for its implementation. So I am glad these funds are included in this omnibus bill.

BAD ASPECTS OF THE BILL

If those are some of the good things, what are the bad? Here is a partial list:

SHORTCHANGING FIRST RESPONDERS

I have strongly supported efforts to improve our homeland security against terrorism. I supported establishment of a Homeland Security Department, as recommended by former Senators Gary Hart of Colorado and Warren Rudman of New Hampshire, and did so even while the Bush Administration was opposing the idea. Central to those efforts will be the ability of our first responders, police, firefighters, and others, to meet the challenges they are facing. Unfortunately, in my opinion, the Administration's attitude toward them has been nothing short of shameful, and the Republican leadership of the House has slavishly followed the Administration's lead. The President and Homeland Security Director Tom Ridge have repeatedly promised the nation's police and fire departments $3.5 billion in ''new'' first responder grants. The President first pledged this ''new money'' in a February 25, 2002 speech to the nation's governors. However, last year, he threatened to veto the post-9/11 Homeland Security Bill if it included additional homeland security money. And in August, the President refused to spend the $5.1 billion homeland security package, which included $150 million in emergency first responder grants and which was developed on a bipartisan basis. Then, in December of 2002, the Justice Department announced that it would ''suspend awarding grants to aid first responders to terrorist attacks'' even though Congress had provided stopgap funding for first responders in continuing resolutions. And just last month, our Republican colleagues, following the lead of the Administration, voted down legislation to immediately fund the promised $3.5 billion in new money for first responders.

Now some of our colleagues are saying that this conference report funds the President's supposed request for $3.5 billion in ''new'' money for first responders. However, the fact is they are counting previously existing law enforcement and firefighting grants, as well as the new first responder initiative. For comparison, in 2002 those existing programs actually received roughly $2.3 billion. So, in reality the conference report includes only $1.2 billion in ''new'' money—far less than the $3.5 billion in ''new'' money that was promised.

UNDERMINING ORGANIC FOOD STANDARDS

Organic food products have become a $10 billion dollar industry in America—and Colorado is the number-two producer in the nation. The success of this segment of agriculture is built on consumer confidence in the USDA's standards represented by the ''organic'' label. Yet, this omnibus appropriation bill undermines some of the integrity of those standards by allowing meat to carry the ''organic'' label even though the livestock were fed on non-organic feed. The USDA took years to develop the organic standards working with a states and private entities.

WEAKENING ENVIRONMENTAL PROTECTION

As others have pointed out, the bill includes many provisions contrary to good environmental policy. Not only are these bad in themselves, their inclusion in an omnibus appropriations measure makes them doubly objectionable.

This is particularly important to me because I was a member of the Resources Committee during the 107th Congress, and am looking forward to membership on both that Committee and the Agriculture Committee in this Congress. Many of the provisions in this omnibus bill are legislative in nature, and should properly be dealt with in legislation originating in one or both of those Committees. Particularly notable in this regard are the provisions related to ''stewardship contracting'' as an aspect of forest management. While I understand why some of its proponents find it attractive, it is a subject that needs careful review and consideration, and should not be dealt with as a minor part of an omnibus appropriations measure.

If the motion to recommit had been adopted, many of my concerns regarding this conference report would have been resolved. That the motion did not succeed adds a great deal to my reluctance to support this conference report.

INADEQUATE FUNDING IN MANY AREAS

Overall, the conference report reflects the fact that the Republican leadership, not the appropriators, but their leadership, acted as agents of the Administration by imposing arbitrary and unrealistic constraints on funding for vital functions of government.

CONCLUSION—NO WAY TO DO BUSINESS

This bill is a textbook example of how we should not legislate, behind closed doors, without meaningful participation by more than a small number of Members, and under ''crisis'' conditions resulting from deliberate strategy. This along is a major reason that I cannot support the conference report.

So, Mr. Speaker, as I said, while it was not an easy decision, I have decided I cannot support this conference report.

Mr. KIND. Mr. Speaker, I rise in support of the Obey motion to recommit because this massive piece of legislation falls short in some issues critical to our nation, and includes certain controversial provisions that need to be debated and considered through the legislative process, not in closed conference.

I agree with my colleague from Wisconsin that there are homeland security priorities that we can and must fund that are not adequately addressed in this 1,100 page bill. For example, this legislation funds only one-fifth of what the U.S. Customs Commissioner says is needed to effectively inspect the thousands of cargo containers that enter our nation everyday. This presents our nation with an unfortunate vulnerability to terrorism and Congress must fund this priority.

In addition, as a member of the House Resources Committee, I feel provisions included in this legislation, such as a rider potentially allowing significant commercial logging in some of our most ecologically sensitive areas, and the funding of preliminary work for opening up the Arctic National Wildlife Refuge to drilling, are uncalled for. These important and controversial issues should be fully debated and open to amendment through the normal legislative process. In addition, the cutting of important conservation program funding by $200 million dollars will set our nation further back in protecting our most important resources. These programs are supported by the states, and especially important to my home state of Wisconsin.

Further, thanks to an 11th hour provision inserted into the fiscal year 2003 omnibus appropriations bill, consumers of some organic food products may not know if their food is truly organic. This provision seriously undermines both consumer confidence in organic food labels and the USDA standards. The provision will permit some livestock to be labeled ''organic'' even though the livestock products do not meet the strict criteria established by USDA. Most significantly, producers of select livestock (chicken and other poultry products) would not have to meet the requirement that the animals be fed organically grown feed.

The recently enacted organic standard was the result of many years of careful deliberation and public input. Overwhelmingly, organic producers and consumers have supported the new standards. Due to this outrageous omnibus provision, organic producers and consumers will no longer have confidence in the organic labeling process.

Such a massive omnibus bill incorporating 11 spending bills and totaling nearly $400 billion, also lends itself to abuse through the inclusion of numerous pet projects that are not based on necessity and would not be justifiable to the public if considered in the light of day.

Mr. Speaker, we must have priorities in our funding. We must confront the threats facing our land while ensuring our children have access to quality education and our most needy have access to healthcare.

This legislation does meet many of the obligations of our government, and on their own merits, I would have supported them. However, the inclusion of funding for countless projects and programs that were never debated or considered on the House floor makes this bill unsupportable in its current form.

I urge my colleagues to support the motion to recommit so that we can address some of the most damaging aspects of this bill.

Mr. RADANOVICH. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriations Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installments is ''not otherwise provided for'' as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. DOOLEY of California. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriation Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to

pay such installment. By so indicating, it is further intended that payment of the Peck judgment installments is ''not otherwise provided for'' as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. VAN HOLLEN. Mr. Speaker, today the House passed the Omnibus Appropriations bill, to fund federal government operations for the remainder of Fiscal Year 2003.

This Omnibus package combines 11 of 13 separate funding bills that should have been completed months ago. But rather than conduct hearings and encourage thoughtful debate on America's budget priorities, the Republican leadership in this Congress has cobbled together a 3000 page, $400 billion megaspending bill in mostly back room deals. And now they ask for a simple yes or no vote on this huge package.

Mr. Speaker, I am a new Member of Congress and I am extremely disappointed by the process. The American people have been shut out of the process. I wish, Mr. Speaker, that I could use this vote as a lesson for my three children and children throughout my district, to teach them how the great democratic institutions of our land reflect the will of American people.

But today, Mr. Speaker, the democratic and deliberative process have been hijacked. The Committee system of this Congress has been bypassed. No hearings. No testimony from impartial experts. No debate. No markup. Nothing.

Mr. Speaker, this is no way to begin this new session of Congress. The full House has been given little opportunity to debate, and no opportunity to amend this huge bill. This is a dreadfully flawed backroom process that has allowed logging and oil interests to attach riders that are harmful to our environment. These riders, which have nothing to do with the appropriations process, allow for clear-cutting in national forests, prevent Forest Service administration decisions from being challenged in court, and remove a House-passed provision that would have barred preliminary work on a drilling program in the Alaska National Wildlife Refuge.

But at the same time, this omnibus spending bill does include certain provisions that I strongly support. Among them are the full 4.1 percent cost-of-living pay raise for federal employees that the Administration had so strongly opposed, and a desperately needed adjustment to the Medicare reimbursement formula for doctors, hospitals and other health care providers that will improve access to care for thousands of patients. This matter should have been addressed months ago; it should not have been necessary to include it in this bill.

Although I support the federal pay raise and the Medicare formula fix, I am angered that they are being held hostage by the disastrous, short-sighted riders that wreak havoc on our environment. I object to this kind of back-room political extortion, a cynical abuse of the legislative process to advance the interests of a few over the needs of many.

That is why I voted in favor of the Motion to Recommit this bill and consider an alternative that better reflects our needs and priorities.

But since the motion to recommit did not pass, I was forced to cast a yes-or-no vote on the final package. Even with the terrible riders, I could not vote to deny our federal employees the pay raise they deserve, or to deny seniors access to Medicare by failing to adjust the reimbursement formula, or to deny funding for schools or homeland security or the many other needs that are funded in this bill.

But, Mr. Speaker, those of us who support progressive environmental and conservation policies will persevere. We will keep fighting these short-sighted policies. The American people do not support them and they will not stand.

Mr. Speaker, the American people deserve better so we can do better. We can do so much better.

Mr. BLUMENAUER. Mr. Speaker, in the past, I have often been reluctant to support omnibus bills, which package multiple pieces of legislation into one. It is poor policy to legislate in this manner. This particular omnibus appropriations bill, combining eleven appropriations bills totaling $397.4 billion is the worst example of this that I have seen.

Many of the individual bills were never brought before the relevant committees and we are barred from offering amendments on the floor. The final draft of more than 1,000 pages were first made available to the full Congress less than 12 hours before we are being asked to vote on it. Nobody knows the extent of the riders, earmarks and provisions that have been added to this bill. What we do know is in here includes some of the most egregious environmental riders imaginable: allowing nearly unlimited clear-cutting of our national forests; exempting the Administration's Tongass National Forest management plan from all judicial or administrative appeals; and, allowing preliminary work for drilling for oil in the Arctic National Wildlife Refuge—despite the fact that it is currently illegal to drill there.

Many of my constituents have expressed concern about the process that has taken place to get us to this point. I am not able to defend the process to them and, therefore, cannot support final passage of this bill. It is not fair to legislators or the people they represent to conduct Congress in this manner. I look ahead with promise to a new fiscal year when Congress can again return to legislating.

Mr. HOLT. Mr. Speaker, I will vote for final passage of the FY 03 Omnibus Bill, but I will hold my nose as I do so.

Let me first note one positive aspect of the omnibus—the increase in Medicare provider payments. I'm very pleased that the conferees approved a 1.6 percent increase this year, to prevent the drastic payment cuts that threatened seniors' access to healthcare.

But all is not well, unfortunately. I believe, as do so many of my colleagues, that these are unusual and dangerous times that require urgent action. We cannot continue to leave this government limping along with frozen budgets, trying to meet the challenges of a new world. So I find myself compelled to vote for this bill, to protect my constituents and the people of the United States. Our federal agencies need to have appropriate funding to deal with the threats and challenges of the world as we see it today.

Mr. Speaker, the House leadership did not think it necessary to give our local first responders the funding they need to deal with emergencies. We've heard so much rhetoric about the need for this country to be prepared for the dangers around us. So why have we shortchanged the police, firefighters, and emergency medical personnel who are so crucial to these preparedness efforts? I voted for the motion to recommit because it added $500 million above the conference-approved levels for training, equipment, and assistance for first responders.

What I also cannot condone is the senseless assault on our environment contained in this bill, including language that removes oversight of public land management in areas like the Tongass National Forest. I also cannot condone a decrease in funding for conservation programs, which are so crucial as we consider how to end our dependence on foreign oil.

These are only two of the things I can find wrong in this bill, because we had less than one day to work on it. Who knows what else have been slipped in? I will vote for this bill, Mr. Speaker, but I do so with great reservation.

Mr. DREIER. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriations Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installment is ''not otherwise provided for'' as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. KOLBE. Mr. Speaker, I rise in support for the conference report.

This omnibus act includes the fiscal year 2003 appropriations act for foreign operations, exporting financing, and related programs. As chairman of the Subcommittee, I'm pleased we'll finally enact into law important funding provisions and policy language that the Appropriations Committee considered last fall. It is vital that the Congress maintain a partnership with the Administration, both in funding for foreign assistance and in the development of the policy that accompanies and guides that assistance. Failure to enact foreign aid appropriations bills in a timely manner erodes and compromises the constitutional role of Congress in both these important areas.

The foreign operations division of this conference report totals $16.3 billion in discretionary budget authority. It is $250 million below the level approved last year by the House Appropriations Committee, $130 million below the Senate level, and $171 million below the President's request. However, despite these reductions we have managed to fund important initiatives in funding for HIV/AIDS, assistance for Afghanistan, and in the War on Terrorism.

Assistance to combat HIV/AIDS in the foreign operations division of this conference report totals $800 million. That compares to $475 million in the fiscal year 2002 appropriations act. As part of this funding, $250 million is a contribution to the Global Fund to fight

AIDS, Tuberculosis, and Malaria, bringing the total United States contribution to date to $725 million.

In the two years since I became chairman of the subcommittee, we've raised funding to combat HIV/AIDS from $300 million to $800 million, an increase of over 250 percent. I know everyone would like more, and the President recommends major increases in future budgets. However, I think we can take some satisfaction in the way this Congress has responded to the needs in this area.

The conference report also includes the recommendation from the House bill that provides a minimum funding level for Afghanistan of $295.5 million. The President's budget stated that final funding levels for Afghanistan were yet to be determined, but I believe it is necessary to maintain an emphasis on reconstruction of the physical infrastructure as well as building institutions of democracy in Afghanistan. For that reason funding in this bill for disaster assistance and refugee assistance is increased above the levels recommended by the President.

Total refugee assistance in this conference report is $813 million, compared to the President's request of $720 million. Many members of the House wrote to us last year to support as high a level as possible for refugee assistance, and we have responded.

We also have a new focus in this conference report on economic growth, including trade capacity building, basic education, and clean water. We include bill language providing that not less $452,000,000 should be provided for trade capacity building in the developing world. This is an issue close to my heart, because I believe that without the ability to participate in the international trading system, developing countries will be left behind in the global economy.

We also maintain and enhance assistance for our allies in the War on Terrorism. Israel will receive almost $2.8 billion in assistance, including an increase of $60 million in military assistance. Jordan will receive $250 million in economic assistance, an increase of $100 million. In addition, Jordan will receive $198 million in military assistance, an increase of $123 million. Anti-terrorism training for the security forces of our allies will increase from $38 million to $64 million.

I am disappointed we were not able to fund $200 million for additional anti-terrorism assistance for Israel as I recommended twice last year—once in the supplemental and once in the regular fiscal year 2003 bill. In this conference agreement, we were forced to reduce the overall level of the House bill by $250 million, and the Senate bill did not contain this funding. Therefore it was impossible to accommodate this increase without damaging cuts to other programs. However, it is my expectation we will be addressing this matter as part of the supplemental appropriations request we should be receiving from the Administration in the next month.

It should come as no surprise to learn that we do not continue funding for the heavy fuel oil costs of the Korean Peninsula Energy Development Organization, or KEDO, since North Korea has abrogated the Agreed Framework. This results in a reduction of $70 million from the President's request.

This conference report continues assistance to Eastern Europe and to Eurasia through out regional accounts. Funding for the Former Soviet Union and Eurasia is provided at a level of $760 million while assistance for Eastern Europe is funded at $525 million. However, we include language similar to that contained in the House bill prohibiting funding for the Government of Urkraine unless the President certifies that it has not provided arms to Iraq. We do not want to reward governments that are aiding Saddam Hussein.

We also retain important language initiatives from the House bill, including language that tightens oversight on both the West Bank and Gaza assistance program of AID and on our funding to the United National Relief and Works Agency. In neither case do we prevent funding for the important humanitarian work done by these agencies; we only ask for oversight by the USAID Inspector General in the case of the West Bank and Gaza Program, and a report by the GAO on whether current law is being followed by the State Department in providing assistance to the UN Relief and Works Agency.

After long negotiations with the Senate, the Committee came to a compromise on the Andean Counterdrug Initiative. The conference report funds this account at a level of $700 million, which is $75 million more than last year and $31 million less than the request. The conference report includes a permissive transfer of $31 million from the regular International Narcotics Control and Law Enforcement account from this or previous Acts, therefore if the authority is exercised, the Andean Counterdrug Initiative will be fully funded.

While I am a strong advocate of properly managed United States foreign assistance programs, the Committee learned last year that some foreign governments have assessed taxes against our aid programs. This is unacceptable, and we owe it to the American people to ensure that tax dollars intended for programs to help people are not transferred to the treasuries of foreign governments. Therefore, we include language from the House bill mandating that the Department of State take definite action to halt this practice. We further require that any tax that is collected and not properly reimbursed to the United States government will be deducted at a level of 200 percent from the aid that would be provided to that country in fiscal year 2004. Half of these funds will be returned in a rebate to the Treasury, thereby providing the first ''tax relief'' Congress will consider this year.

Finally, we have recommended language for the U.N. Population Fund that almost no one likes, but which almost everyone is prepared to live with. This bill respects the concerns of the majority in the House who insist that U.S. funds going to the UNFPA are contingent on that organization's commitment, action, and adherence to a policy of opposing coercive abortions in China in compliance with the so-called ''Kemp-Kasten'' amendment. I have also tried to recognize our common belief that it is imperative that U.S. maintain and continue to project positive leadership in international affairs in a way that helps us secure our very broad foreign policy interests. That is why both the fiscal year 2002 funds of $34 million, and $34 million in fiscal year 2003 will be available to UNFPA if they are in compliance with Kemp-Kasten.

Mr. Speaker, I have highlighted only the most important provisions of the foreign operations appropriations act. I think we have done a good job responding to the President's needs in this area while protecting programs important to the Congress. I strongly support this conference report and urge its adoption.

Ms. MCCARTHY. Mr. Speaker, I am deeply disappointed that we were given less than twenty-four hours to evaluate this critical and massive omnibus appropriations bill. I object to this flawed process.

This bill includes a number of anti-environmental provisions that significantly endanger our nation's public lands, forests, wildlife, clean water, endangered species and other national treasures. These are environmentally harmful and fiscally wasteful projects. H.J. Res. 2 makes deep cuts to the Conservation Trust Fund. Congress established this fund to address the chronic underfunding of our nation's parks, refuges, wildlife protections, open space, and historic and cultural resources. The Conservation Trust Fund has responded to the concerns of thousands of conservation, environmental, preservation and recreation interests and a broad array of state and local interests. This proposal cuts this funding by more than $200 million. This proposal will also authorize unlimited private contracts for logging in national forests. This will open the doors of our nation's forests to the timber industry, allowing widespread logging under the guise of forest management.

H.J. Res. 2 will allow the Department of the Interior to conduct preleasing activities in the Arctic National Wildlife Refuge, even though Congress recently rejected oil and gas leasing in the Refuge. This will potentially open up the area to environmentally hazardous oil exploration. H.J. Res. 2 does not provide adequate funds to our homeland security which is needed to protect our nation from potential threats. The safety of individuals within our nation is a high priority and we must do everything we can to adequately fund projects that protect our citizens, as well as uphold our democratic principles.

Representative OBEY's motion to recommit will strike the anti-environmental riders. It will exempt the Tongass National Forest Plan from administrative or judicial review. His motion to recommit will add funding for critical conservation resource programs at not less than 2002 levels; and add up to $500 million above the current conference levels to fund training, equipment, and assistance for first responders. I will support Representative OBEY's motion to recommit because it will protect our environment while addressing concerns over our homeland security.

Not only do we need to protect our nation from potential threats from outside nations but we must also protect our citizens from environmental damage that will impact our health, land, and natural resources. The environment and health of our nation is not something I am willing to gamble with. I strongly urge my colleagues to support Representative OBEY's Motion to Recommit.

Mr. DOOLITTLE. Mr. Speaker, the Conference Committee for the FY 2003 Omnibus Appropriations Bill has included language relating to the funding of the installment due on or before September 30, 2003 under the Consent Judgment entered on February 7, 2003 in Sumner Peck Ranch, Inc. v. Bureau of Reclamation. By including this language it is not Congress' intent that the United States default in the payment of that installment. Creating such a default would be unwise. Instead, the

intent of the language is to indicate that funds under the Energy and Water Development Appropriation Act are not authorized to pay such installment. By so indicating, it is further intended that payment of the Peck judgment installment is ''not otherwise provided for'' as that phrase is used in Section 1304 of Title 31 of the United States Code. Appropriations exist and are available under Section 1304 for payment of such installment, and it is intended that such appropriations be so utilized.

Mr. MICHAUD. Mr. Speaker, today, the House considered the Omnibus appropriations measure for Fiscal Year 2003. It is the legal duty of the Congress to fund the government, and the time to vote on this funding was long overdue.

As is often the case, the majority decided to use this desperately-need bill as a vehicle to insert ''riders'' and other language that would be unlikely to pass on its own. In this bill, there was language that would open the way to preliminary studies of the feasibility of oil drilling in the Arctic National Wildlife Refuge. There was language that would increase logging in national forests. There was a cut to conservation programs, and a severe underfunding of border security and first responders money.

I object to these provisions in the strongest terms. This is a sneaky, underhanded way of creating policy. At a time when funding for so many valuable programs in Maine and across the country is desperately needed, it is wrong to extort the Members of Congress into voting on these highly controversial measures. The majority is saying: vote in favor of this bill, with these odious measures included, or lose the entire bill.

So when the Motion to Recommit was offered, I gladly voted in favor of it. This motion would have instructed the Appropriations Committee to remove this offensive language, and pass a clean bill to fund the government. I would welcome the idea of a short delay in passing the omnibus if it were to mean removing these environmental sneak-attacks.

However, when that motion failed, I felt that the remainder of the bill was too important for Maine to be allowed to fail. The omnibus includes millions of dollars in direct aid to Maine. I have worked hard to obtain funding for projects in agriculture, health, transportation, construction, science, and labor. This includes $900,000 that I was able to convince my colleagues to include to help the workers in Millinocket and East Millinocket who have lost their health care in the wake of the Great Northern Paper Bankruptcy. This includes language that I was able to insert prohibiting the Department of Labor from consolidating the Bangor and Portland OSHA offices without further consultation with Congress. This includes Medicare payments to physicians and support to rural hospitals in Maine, money to develop the East-West Highways, money for education, federal housing loans, and small business loans.

I voted in favor of the omnibus so that Maine would not be deprived of all of these vital resources. I am extremely disappointed that this bill contained such detrimental, misguided environmental policy as well. I will continue to oppose measures such as these. I have already worked hard in my first month in Congress to oppose drilling in ANWR, to safeguard our environment, and to promote energy efficiency and alternative fuel sources. I have written letters, cosponsored bills, and worked with my colleagues already on these issues, and my determination to advance these causes will not diminish.

I am pleased that we could pass this bill, and bring important funding to programs in Maine and around the nation, and I wish that the majority party had not exacted such a high price.

Mr. PETRI. Mr. Speaker, I want to commend the Committee for setting an obligation limit of $31.6 billion for the federal highway program in 2003. As we are facing a struggling economy and overwhelming transportation challenges, it is essential that we continue to invest now to preserve jobs, save lives, and provide the basic infrastructure we need to get back on the road to economic growth. The Trust Fund can support this spending as we have a $16 billion balance and, at a time when we are looking at an economic stimulus package, it does not make sense to shortchange a program that helps grow the economy and provide good, well-paying jobs.

That being said, I am disappointed that once again the Committee has changed the way the program functions and, in essence, amended TEA 21 in the process. Once again funds—$269 million worth—which would otherwise go to the states are held back in order to expand earmarking opportunities, and at a 100% federal share. In addition, $285 million is appropriated from the Highway Trust Fund and $90 million is appropriated from the General Fund for further earmarking. And it appears that obligation authority is distributed in a way that favors program earmarked by appropriators at the expense of other apportioned or allocated programs. As last year, contract authority distributed to the states under the core programs is rescinded. It is only in the last two years that these types of activities have been approved by the appropriators, and it is a trend that should end with this bill.

I again want to praise the overall level of highway spending provided in this conference report. Now that we are finally finished with fiscal year 2003, and begin the 2004 appropriations process, I hope we can return to a process that respects the jurisdiction of the authorizing committees, that does not take funds away from the states, and that we can work together to advance the transportation agenda of our nation.

Mr. SMITH of Texas. Mr. Speaker, I commend the Leadership and Members of the Appropriations Committee for bringing this legislation to the House floor and in concluding the FY 2003 funding process.

This bill provides critical resources for essential and much needed scientific, research and advanced technology initiatives.

As a member of the Research Subcommittee of the House Science Committee, I would like to express appreciation for the continued funding of many valuable research programs, both within the government and for the commercial sector.

Funding continues for the many federal research programs, including NIH, NSF, NOAA, NASA and the National Institute of Standards and Technology (NIST).

Within NIST, funding for the Advanced Technology Program is provided. ATP assists in the commercialization of promising technologies and provides federal resources that are much needed and scarce in the current economy and investment climate.

I would like to recommend an additional category for consideration in the use and awards of ATP funds for FY 2002–03 grants. Important advances in digital holographic technology are being developed, with broad applications for commercial as well as governmental uses, both defense and non-defense.

This important scientific work by mostly small companies has been funded through private capital, which is now largely unavailable at this critical period of technology development. With uses of this three-dimensional visualization technology pending in a number of critical areas, capital is needed to accelerate the R&D programs.

I urge NIST to include within the areas under consideration for ATP funding this emerging field of digital holographic technology and its great commercial potential.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this House Joint Resolution 2, the Omnibus Appropriations bill for Fiscal 2003.

At the outset, I'd like to recognize the valiant efforts of the Chairman of our full Appropriations Committee, the gentleman from Florida, Mr. YOUNG. The Chairman has provided energetic and stalwart leadership throughout this unusually long appropriations cycle and this House owes him a debt of gratitude. The Conference Report before us is a better piece of legislation today for his efforts and those of the rest of the Subcommittee Chairmen. I want to thank our House Conferees and thank you, Mr. Chairman.

Mr. Speaker, I will support this Conference Report. In doing so, I echo the comments of many of my Colleagues. There is much to be proud of in this bill.

We provide:

Another $10 billion for intelligence and defense activities, the immediate need of which is self-evident;

$825 million for our first-responders—those on the homefront we task to help our citizens in time of need;

An additional $3.1 billion over the President's request for education—to keep our commitment to the No Child Left Behind Act;

And the single largest program increase in the bill goes to NIH—the agency on the cutting edge of medical research and thus better support he collaborative efforts for basic research with our colleges and universities;.

No, this bill is not perfect. Given sole responsibility to draft this $397 billion package, we all would have rearranged priorities a bit, taken out some of the legislative riders and redrafted others.

But, my colleagues, we cannot let ''the perfect'' be the enemy of ''the good.''

We have a responsibility to govern. We have a responsibility to lead.

And at a time when this nation is waging a war on terror, defending our homeland and possibly preparing to send our young soldiers into harm's way, we should pass this bill and get on with the business of governing and reviewing the President's new proposal for FY 2004.

Once again, I thank Chairman YOUNG for his leadership. I urge adoption of the Conference Report.

Mr. HOBSON. Mr. Speaker, I am pleased to support the conference report on H.J. Res. 2, which includes the Energy and Water Development Appropriations Act for the fiscal year 2003.

We were able to work out the differences between the House and Senate bills in such a way that the critical priorities of the House and Senate were protected. The product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure, and increase our scientific knowledge.

The total amount included in the conference agreement for energy and water programs is $26 billion. This is $858 million over fiscal year 2002 and about $287 million over the budget request.

I am pleased with the level of funding we have recommended for the Civil Works program of the U.S. Army Corps of Engineers. At $4.6 billion, the recommended funding is $456 million higher than the Administration's inadequate budget request. While that may sound like a large increase, the amount we have recommended is actually $27 million less than the Corps spent in fiscal year 2002. If we had funded the Corps' program at the level requested by the Administration, the result would have been schedule delays, increased project costs, and the loss of project benefits. In addition to providing more funds for ongoing projects, the conference agreement includes funding for a number of new construction starts.

For the Bureau of Reclamation, we have provided $953 million, which is $72 million above the budget request. This includes $23 million for the Bay-Delta Ecosystem Restoration Program in California.

For the non-defense programs of the Department of Energy, we were able to provide modest increases over last year for several programs. The basic research performed by the Department of Energy has led to many of the technological breakthroughs that have helped our economy grow. These programs will be even more important as we move into the 21st Century.

For the atomic energy defense programs of the Department of Energy, the conference agreement includes $15.7 billion, a slight increase of $33 million over the budget request. These funds will ensure that we have a reliable and safe nuclear weapons stockpile, continue to fund important nuclear nonproliferation programs to secure nuclear materials in Russia, and meet our commitments to communities throughout the United States to clean up the damage done to the environment over the past forty years.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his Ranking Minority Member, Senator HARRY REID, for their cooperation and hard work. I am especially grateful to my good friend and the Ranking Minority Member of the House subcommittee, the Honorable PETE VISCLOSKY, for his tremendous efforts on behalf of this conference report. I also want to thank our full committee chairman, Mr. YOUNG, and the full committee ranking member, Mr. OBEY.

Finally, I would like to express my appreciation to the Subcommittee staff for Energy and Water Development—Bob Schmidt, Jeanne Wilson, Kevin Cook, Dennis Kern, Tracey LaTurner, Dave Kilian, Rich Kaelin, and Chris Altendorf. Their expertise, knowledge, and negotiating skills have been invaluable throughout this process.

I urge the unanimous support of the House for adoption of this conference report. I would hope we could quickly conclude action on this conference report so that we can get this bill to the White House for signature.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate on the conference report has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. At this stage, I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on the joint resolution, H.J. Res. 2, to the committee of conference with instructions to the managers on the part of the House to:

(1) disagree to section 323 in Division F of the conference report (expanding logging in Federal forests);

(2) disagree to section 335 in Division F of the conference report (preventing any administrative or judicial review of the Tongass Land Management Plan);

(3) reconsider its decisions on the Bureau of Land Management, Energy and Minerals program;

(4) fund, within the scope of conference, conservation spending category items in Division F (including National Park Service grants to States and U.S. Fish and Wildlife Service programs) at no less than current rate; and

(5) increasing funding for training, equipment, and assistance for first responders provided through the Office of Domestic Preparedness to levels as close to the levels requested by the President as is possible within the scope of conference.

Mr. KIND. Mr. Speaker, I rise today to speak against a provision in the FY2003 Omnibus Appropriations Bill that weakens the organic label standards related to livestock production. This 11th hour provision weakens national organic standards by no longer requiring organic poultry producers to feed their birds only organically raised feed grains. This language, hidden in the Congressional Appropriations Bill, is contrary to the intent of organic livestock production and would severely undermine the organic standards that we currently have in place.

Organic foods have been one of the fastest growing components of the agriculture consumer marketplace, a market that is built upon trust. Millions of American consumers have growth to trust the quality, wholesomeness and integrity of organically labeled meats and vegetables. Should this provision prevail, the American consumers will no longer be able to trust organic labeled meat as truly organic. This provision will undermine both consumer confidence in organic labeling and the existing USDA standards.

Select livestock producers, specifically chicken and poultry product farmers in Georgia, would be able to market their products as organic without raising the birds on organically grown feeds. This provision is inconsistent with organic consumers perceptions of the origin of organic poultry and the intent and regulations of organic producers.

The recently enacted organic standards was the result of many years of careful deliberation and public input. Overwhelmingly, organic producers and consumers have supported the new standards. Due to this outrageous omnibus provision, organic producers and consumers will no longer have confidence in the organic labeling process.

I strongly urge you to vote for the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 193, nays 226, not voting 16, as follows:

[Roll No. 31]

YEAS—193

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin

Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Linder
Lipinski
Pascrell
Payne
Sanchez, Loretta
Slaughter
Smith (NJ)
Tiberi
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1839

Messrs. SAM JOHNSON of Texas, TURNER of Texas, and HALL changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 31. Had I been present, I would have voted ''aye'' on rollcall vote 31.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 338, noes 83, not voting 14, as follows:

[Roll No. 32]

AYES—338

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clyburn
Coble
Cole
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Fattah
Feeney
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutierrez
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—83

Ackerman
Akin
Baird
Baker
Baldwin
Ballance
Bartlett (MD)
Blumenauer
Brown (OH)
Cannon
Chabot
Clay
Conyers
Cooper
Costello
Cox
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Doggett
Eshoo
Etheridge
Evans
Farr
Filner
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gibbons
Green (WI)
Grijalva
Gutknecht
Hastings (FL)
Hefley
Hensarling
Hinchey
Hoekstra
Hostettler
Jackson (IL)
Jefferson
Jones (NC)
Kind
Kucinich
Lewis (GA)
Lofgren
Markey
McDermott
Miller (FL)
Miller, George
Musgrave
Oxley
Paul
Petri
Pitts
Ramstad
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Schakowsky
Sensenbrenner
Shadegg
Smith (MI)
Smith (WA)
Stark
Tancredo
Tanner
Tauscher
Taylor (MS)
Tierney
Toomey
Towns
Udall (CO)
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—14

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Linder

Lipinski	Payne	Tiberi
Pascrell	Sanchez, Loretta	Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to record their votes.

□ 1900

Mr. LARSON of Connecticut, Mr. MENENDEZ, and Ms. JACKSON-LEE of Texas changed their vote from ''no'' to ''aye.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, February, I was unavoidably detained due to a prior obligation in my district.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting. I would have voted ''no'' on rollcall No. 27,''yea'' on rollcall No. 28, ''yea'' on rollcall No. 29, ''no'' on rollcall No. 30, ''yea'' on rollcall No. 31, and ''yea'' on rollcall No. 32.

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, I will be unable to vote during the following rollcall votes this afternoon because I am departing on the Speaker's CODEL to visit our troops in the Middle East. However, if I had been present, I would have voted as indicated below.

Rollcall No. 29 (Motion to recommit H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003, with instructions)—''nay''; rollcall No. 30 (Final Passage of H.R. 4)—''yea''; rollcall No. 31 (Motion to recommit H.J. Res. 2, Making Further Continuing Appropriations For The Fiscal Year 2003)—''nay''; rollcall No. 32 (Final Passage of H.J. Res. 2)—''yea''.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, for security reasons our delegation trip departed prior to the conclusion of legislative business. Had I been present for the conclusion of legislative business, I would have voted ''nay'' on the Motion to Recommit (rollcall No. 29), and ''yea'' on Final Passage (rollcall No. 30) of H.R. 4—Personal Responsibility, Work and Family Promotion Act of 2003.

In addition, Mr. Speaker, I would have voted ''nay'' on the Motion to Recommit (rollcall No. 31), and ''yea'' on Final Passage (rollcall No. 32) of H.J. Res. 2—the Fiscal Year 2003 appropriations Conference Report.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, due to an official congressional delegation trip to Afghanistan, I was unable to cast votes on rollcall Votes 29, 30, 31, and 32. Had I been present, I would have voted ''yea'' on rollcall 29, ''nay'' on rollcall 30, and ''yea'' on rollcall 31, and ''nay'' on rollcall 32.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 71, the House is considered to have adopted House Concurrent Resolution 35.

The text of House Concurrent Resolution 35 is as follows:

H. CON. RES. 35

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

Amend the title so as to read: ''Joint Resolution making consolidated appropriations for the fiscal year ending September 30, 2003, and for other purposes.''.

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 23, CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, in order to allow ample time for the House to move this bill now to the Senate and for the Senate to debate it, pass it, and to engross the bills and get them to the President and give him a little time to review this bill, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution, (H.J. Res. 23), making further appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to consideration of the joint resolution?

Mr. OBEY. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized under his reservation.

Mr. OBEY. Mr. Speaker, in a democratic institution, when we have nothing else, the only protections that remain for individual Members and for the constituents that we represent lie in the normal processes of the House. We have just passed a bill in which 90 percent of the dollars contained in that bill were dollars that were never debated on their merits on the House floor. For the last year, this House has engaged in a process of refusing to allow the democratic process that is fundamental to this Nation to manifest itself on the floor of this institution. And as a result, we have never had an opportunity to debate the wisdom of, for instance, cutting the first responders below the President's budget or doing a number of other outrageous things that happened in this bill tonight.

Because I take my institutional responsibilities seriously, I, in the end, most reluctantly voted for the bill that just passed, despite the fact that I am outraged by the process that produced it; I am outraged by the rigidity with which the White House has dealt with these issues; I am outraged that the White House, especially the Office of Management and Budget, have seemed to have determined that it is their way or the highway on all occasions.

I am used to give-and-take and I have had a cooperative relationship, not necessarily a loving relationship, but a cooperative relationship with virtually every President I have served under, including this President's father, and I want to have the same kind of relationship with the White House under these circumstances. But now we are being asked to provide for consideration of a motion tonight which, under the Rules of the House, ought to be brought up tomorrow; and we are being asked to pass a continuing resolution which gives the President more time to consider the very items that we were given no time whatsoever to consider on this floor today. I find that double standard both interesting and quaint and outrageous.

And so I have great respect for the job the gentleman has tried to do, but there are two ways to handle massive legislation like this on the House floor. One is to try to work out differences; and in working out those differences, it is important that one keeps to his or her word. Secondly, the other way to deal with it is just to ram the other side. And in too many instances, including the conference that took place, the full conference that took place the night before last, issues were rammed rather than working out an honest give-and-take arrangement.

So, in my view, if this body believes that the President needs more time to continue to study the document which we were not allowed to study before we voted on it, I am only the ranking Democrat on the committee and I have no idea of the impact of dozens of provisions in this bill; and I simply want to say that because of that, I think that the White House ought to have to exist under the same conditions that we have been forced to exist under. If we have to consider legislation without having an understanding of what is in it, and incidentally I know that Mr. Daniels, the OMB director, told his staff that he was going to be in charge of the conference.

Now, if he has not told the President of the United States what is in this bill, it is a little late, because they have imposed this product on us. So with all due respect, if the House wants to consider a continuing resolution, then it ought to do so under the regular processes of the House by bringing it up tomorrow.

Now, that is going to inconvenience me in a major way. I know it is going to inconvenience a number of my colleagues. But once in a while we have to put duty ahead of convenience, and I to intend to do so in this instance.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Now, under my reservation, I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding; and

the purpose of my request is to make sure that the bill does not get bogged down administratively between here, the Senate, engrossing the bill, and getting it delivered. That does take some time. And the present CR runs out on February 20. The House will not be in session on February 20.

Mr. OBEY. Mr. Speaker, perhaps it should be.

Mr. YOUNG of Florida. Well, that is a subject for discussion. But as of this moment, the House will not be in session on February 20. All we would ask for in this CR is to go to February 24 to give the President those few extra days. The gentleman has every right to exercise his right to object and if he does, so be it; and then the leadership will determine whether we will be here tomorrow or Saturday or whatever.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Continuing under my reservation, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am puzzled. I thank the gentleman from Wisconsin for standing up for democratic procedures, but as I understand it, we will not be in session. The President does not have an item veto. I am interested to learn that the President is somewhat distrustful apparently of the Republican majority and does not want to sign anything from them without having a chance to hold it up to the light, and maybe he has a point there. But when he reads it if he does not like it, what is he going to do, veto the whole thing? In that case, the CR probably ought to go to March or April.

We are giving the President not much of a choice if we go with a CR to the 24th; we are still not in until the 25th. So if the President does catch you at something, and apparently there may be some things in there he is a little nervous about, what is his remedy? Veto the whole omnibus? I mean, if you had not done it in this way, we would all not be in this bind. But it does not make sense to me that even giving the President these extra few days, he will have no remedy if he does find something he does not like, because if he vetoes this, the CR is out on the 24th, then there is nothing and we do not come back until late on the 25th and you have that thing anyway. So I do not understand what this accomplishes, in any case.

Mr. OBEY. Mr. Speaker, continuing under my reservation, let me just address one bill: the Labor, Health and Human Services and Education bill. That is really the guts of what we do domestically each year.

Now, we have a right to have issues like that debated. We have seen a strategy for the entire previous year which denied the minority the opportunity to even address the substantive issues related to education and health care, worker protection and the like, because there was a conscious strategy on the part of the majority to deny this House the opportunity to even consider those bills until after the election, because they were devoted to a budget resolution which made no sense and did not reflect what even majority party members would vote for after the election was over. So we were asked for a year to frustrate the ability of this institution to consider those major issues; and then after the election, it is all dumped into this pile, and we are told to vote for it, up or down. That is a fundamental abuse of this institution.

We are in the minority. We do not expect to win votes. You are in the majority; you won it fair and square, I honor you for it, and that means that you have a right to run this institution. But you have to run it in a way, if you are true to the traditions of this place, you need to run this institution in a manner which gives both you and us an opportunity to exercise our responsibilities. We have been denied that opportunity for an entire year. And that means that we cannot fulfill our fundamental responsibility as a minority, which is to offer alternatives on appropriation bills if we do not like the product you bring to the floor. And if you have the votes, you win. If you do not have the votes, then you do not. The problem is, we have never been able to figure out who had the votes, because we have never been able to vote.

So, under those circumstances, we have engaged in a charade for a year, and this is the product of the charade. And there is a lot of garbage in this pile, and I am telling my colleagues that a lot of people who voted for it are going to wish they had not voted for it, and there is a lot of garbage that would not be in this pile if we had been able to consider these bills on an individual basis.

So all I am saying is, after we have seen this total abuse of process for now over a year, we are now asked, once again, to forgo the right of the minority to notice on an issue, again for the convenience of the very people who put us through this in the process. I do not believe in the Bridge on the River Kwai syndrome. I do not believe in cooperating with people who are abusing the process by which this institution is supposed to run. So despite that fact, I have given my cooperation in many instances, as the gentleman knows, procedurally.

But it is very simple tonight. If you want a continuing resolution, I want us to get back to the normal processes, and I want us to deal with people on the basis of those normal processes; and that means that the normal process is if you really want a CR, come in tomorrow and pass it. But I do not intend to give unanimous consent request to consider it tonight.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding, and again I thank him for the cooperation that he has shown. There is no doubt we spent a lot of time putting this bill together. But I think the gentleman and his ranking minority members on all of his subcommittees and their staff would concede the fact that we were totally open and as we went from point to point, issue to point, project to project, that we were open with the minority, the ranking members and their staff. So this should not be a big surprise to anybody that paid attention to their appropriators on either side of the aisle. That was a very open process, a difficult process, one that I hope we never have to go through again, as well as the gentleman from Wisconsin. But we did the best we could with what we had to work with.

I would hope the gentleman would let us do this CR tonight to extend for merely 4 days, just to make sure that this gets to the President and he has time to at least look at it, and I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would simply say that I think the gentleman has been totally open. I fully agree with that. The problem has not been him.

The problem has been that while he has tried to keep the process open, we have been denied our fundamental right as a minority to even offer amendments to the products that your committee has produced, and then all of the deals are made behind closed doors. If anyone attended the conference two nights ago, one of our members asked Senator STEVENS, he said, what is the process by which we are going to determine the outcome of the items that are still open in conference? And the response he got from the chairman of the conference was, the same process that was used to consider the items that are already closed. That process was simply a process in private where decisions were made by the majority.

Now, in the end, the majority is going to win most of these; I understand that. But we have a right to have honest differences considered, and at least we have the right to have those honest differences addressed in full view of the public and the press so that the public can determine which argument has the better of it, but they have been denied this time and time again, and we are fed up.

□ 1915

I am fed up with it. So I am going to, at every opportunity, take full advantage of whatever rights we have on the floor to try to see to it that we never have happen again in this institution this kind of nonsense because of the denial of the regular legislative process over the course of many months.

So I most regretfully suggest, if the gentleman wants to extend a courtesy to the White House that the majority would not extend to its own Members

and to us, then by all means, I am ready to consider that tomorrow, but not tonight.

Mr. Speaker, if the gentleman does not have any further questions, I regretfully object.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 354, HUMAN CLONING PROHIBITION ACT OF 2003

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

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of February 24 to grant a rule which could limit the amendment process for floor consideration of H.R. 354, the Human Cloning Prohibition Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 12 noon on Wednesday, February 26.

Members should craft their amendments to the bill as reported by the Committee on the Judiciary on February 12, 2003, which is expected to be filed on Tuesday, February 25. Members are also advised that the text should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules by that time.

Members should use the Office of Legislative Counsel to make sure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LAYING ON THE TABLE HOUSE RESOLUTION 48

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 48 be laid on the table.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2003.

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

DEAR MR. SPEAKER: Effective February 13, 2003, I hereby take a leave of absence from the Committee on Science due to my appointment to the Select Committee on Homeland Security.

Sincerely,

SHEILA JACKSON LEE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

CERTIFICATION REGARDING AUSTRALIA GROUP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

HONORING SUSAN B. ANTHONY

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, Saturday, February 15 commemorates the 183rd birthday of one of the true heroines of our country, Susan B. Anthony. Best known for being a pioneer of the women's movement, Ms. Anthony dedicated much of her life to the fight for equal rights between the sexes. However, it would be in error to speak about the life of Ms. Anthony and not to mention her diligence in defending the rights of the unborn.

As a natural outgrowth of her beliefs that all humans deserve equal protection under the law, Ms. Anthony spoke out courageously against abortion. Indeed, she believed that abortion violated the rights of both women and their children, by exploiting women and by denying their unborn children the most precious of our rights, the right to life.

The courage and hard work of Susan B. Anthony has not left one woman in our country untouched. It is my sincere hope as we reflect upon her life and achievements, the women's movement will recognize the need to return back to our roots, to the vision that Susan B. Anthony had for us.

WASHINGTON-LINCOLN RECOGNITION ACT OF 2003

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

Mr. BARTLETT of Maryland. Mr. Speaker, I am introducing legislation today that will honor America's greatest presidents, George Washington and Abraham Lincoln. The Washington-Lincoln Recognition Act of 2003 will require Federal Government agencies to call the Federal holiday we will observe this coming Monday by its proper legal name, Washington's Birthday, not President's day.

Second, the bill calls on the President to issue a proclamation each year on the anniversary of the birth of President Abraham Lincoln on February 12. Without this bill there will be no commemoration of Abraham Lincoln's birthday or his accomplishments in preserving the Union and issuing the Emancipation Proclamation.

The big lie of Presidents' Day stems from the 1968 law which shifted the observance of most Federal holidays to Mondays. There would be no United States, no presidency at all without George Washington. What is everybody's business is nobody's business. A generic Presidents' Day diminishes the accomplishments of America's greatest presidents, George Washington and Abraham Lincoln, while rewarding the mediocrity of others.

Mr. Speaker, I urge my colleagues and the American people to support passage of the Washington-Lincoln Recognition Act of 2003.

HONORING SAVANNAH STATE UNIVERSITY

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

Mr. BURNS. Mr. Speaker, I rise today to express my support for the newly introduced Rogers' resolution recognizing the contributions of historically black colleges and universities. I am very proud that my own district contains Savannah State University. Founded in 1890, Savannah

State is the oldest public historically black college in Georgia.

The role that these colleges and universities have played in our Nations' history is unmistakable. Universities like Savannah State have offered first-class educational opportunities to students for decades, and they have continued that leadership and excellence into this, the 21st century.

Today, our historically black colleges and universities form the culture and educational training grounds for many African American leaders of tomorrow. We must do all that we can to recognize the past heritage and the future potential that is embodied by these institutions.

I am pleased to give this resolution my full support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will now proceed to special orders without prejudice to resuming legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ANNIVERSARY OF PAT FINUCANE MURDER IN NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to remind my colleagues of an event that occurred 14 years ago yesterday. Pat Finucane, a Northern Ireland human rights attorney who defended individuals who were detained and targeted by the British and the RUC, was shot and killed by British loyalist paramilitaries while he sat eating a Sunday meal with his wife and three children.

Since his murder in 1989, Amnesty International and the United Nations have called on the British Government to investigate any collusion between the RUC/British Government officials and the loyalist paramilitaries. Unfortunately, after 3 years of investigation, still no report has been made public.

According to the UDA, the Ulster Defense Association, which claimed responsibility for his murder, Mr. Finucane was profiled as an individual who was helping support the pro-Catholic, pro-republican cause in Northern Ireland.

Mr. Speaker, I call on the London Metropolitan Police Commissioner, Sir John Stevens, to expeditiously complete the report on the February 1989 killing of Pat Finucane in Belfast. Sir Stevens has been investigating this case for almost 3 years.

Late last year, Sir John Stevens announced for the second time that the Finucane report would be delayed as a result of a British military witness being reluctant to speak to the police. Stevens claimed that the report will be released before next spring; however, there continues to be speculation that the report may be delayed further should a public inquiry be ordered.

There are few who will dispute the facts in this case. According to Brian Nelson, a former British military intelligence agent who also served as chief intelligence officer in the UDA, he directly assisted in the targeting of Pat Finucane and passed a photograph of Pat Finucane to a UDA member just days before the killing. However, Mr. Nelson claims that he has never been examined in an open court. To date, no one has been prosecuted for the murder of Pat Finucane.

The facts in this case seem quite straightforward, once again a pro-loyalist police force used its authority to further sectarian rule and continue the rash of violence against the Catholic community.

Mr. Speaker, I call on Prime Minister Tony Blair and London Metropolitan Police Commissioner Stevens to finally release the current report and then immediately open a full public inquiry into this matter. My hope is that by putting an end to this long-drawn-out process, we can bring both justice to the individuals who undertook this gruesome act and take steps to ensure that it does not happen again.

This whole matter, once again, reinforces my belief that for too long both the British Government, along with their police force, and the loyalist paramilitary groups in Northern Ireland have worked in tandem to usurp the rights of the Catholic community.

A full public inquiry into this matter will show the world that the only way peace can last in Northern Ireland is for a full, fair and just reform of policing in Northern Ireland. Northern Ireland must immediately implement all of the Patten Commissions' recommendations on policing.

□ 1930

Mr. Speaker, if there is to be a just and lasting peace in Northern Ireland, we must learn from what happened to Pat Finucane and ensure that it never happens again.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14, 2003, Saturday, February 15, 2003, or any date from Monday, February 17, 2003, through Friday, February 21 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by it Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO FRIDAY, FEBRUARY 14, 2003

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 26, 2003

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 26, 2003.

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

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader,

to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Friday, February 21, 2003.

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

There was no objection.

APPOINTMENT OF HON. JO ANN DAVIS OR HON. ROSCOE G. BARTLETT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 25, 2003

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

WASHINGTON, DC,
February 13, 2003.

I hereby appoint the Honorable JO ANN DAVIS or, if not available to perform this duty, the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2003.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

HONORING JIM SACKETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like the opportunity to recognize the career of a leading personality in Palm Beach County.

For 25 years, the Treasure Coast of south Florida has been graced by the reassuring voice of WPTV News Channel 5 anchorman Jim Sackett. Mr. Sackett has distinguished himself over the years by providing outstanding coverage of some of south Florida and the Nation's leading stories. From Hurricane Andrew to the 2000 presidential election, from the Lake Worth, Florida, school shooting to the horrific events of 9–11, Jim Sackett's presence on West Palm Beach's NBC affiliate station gave south Floridians a place of trust to turn to during these difficult times.

His life and work, however, have not centered solely on reporting the tragic events. Mr. Sackett is known throughout south Florida as a journalist of tremendous character and a committed member of the community. He has a weekly segment called ''Thursday's Child,'' which profiles hard-to-place adoptable children, and so far has benefited hundreds of young children. He is recognized for his continued efforts the last couple of decades. The Friends of Abused Children presented Mr. Sackett with their Child Advocate of the Year award.

Due to circumstances in his family, Mr. Jim Sackett is also a long-time supporter of the leukemia and lymphoma society and has been a passionate fund-raiser and advocate for the society. He has also served for 3 years as co-chairman of the American Heart Association's heart walk, yet another cause to which Mr. Sackett devotes his time and energy.

Mr. Sackett has been a fixture of the West Palm Beach area since 1978, both on and off air. He is a great news broadcaster, but an even greater citizen. He dedicates himself to the cause of pursuing journalistic excellence.

I want to take a moment to commend my good friend and Channel 5 news anchor Jim Sackett. I commend him for his service to south Florida. I congratulate him on 25 phenomenal years at WPTV News Channel 5, and I hope against hope that these 25 years are really just the beginning. Best wishes on his anniversary. Keep going.

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE BIOLOGICAL AND PHYSICAL RESEARCH CONDUCTED ABOARD ''COLUMBIA''/STS–107

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, on January 16, 2003, the space shuttle *Columbia* and her crew, Commander Rick Husband, Pilot Willie McCool, Specialist Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon, rocketed off launch pad 39 A, the same launch pad which was used to launch Apollo 11, the first manned mission to the Moon. I was there on that day on January 16th. It was a beautiful launch, filled with tremendous excitement and hope for the potential work of the crew of *Columbia*.

They left on a 16-day research mission, and they were performing research in a number of disciplines, from biological and medical research to physical sciences, Earth sciences and space sciences, as well as product development. In total, an amazing 86 different research experiments were ongoing during this extended shuttle mission.

This required the crew to work 24 hours a day in two different 12-hour-a-day shifts. Their motto for the mission was ''ex orbe scientia'': from orbit, science. Many people are saying that we should abandon research in low-Earth orbit and head straight to Mars, but I can tell my colleagues, Mr. Speaker, as a medical doctor, I can attest to the myriad number of medical problems a crew to Mars may face.

The crew of STS–107 was working hard on a number of experiments to help us understand better and counteract some of the challenges medically and physiologically that a crew would face on an extended voyage such as a trip to Mars. I will just cite a couple of examples of the types of research they were doing.

One of the principal challenges of zero gravity is a decline in bone mass that occurs when we are up in space. It is actually we lose 1 percent of our bone mass each month we are on orbit. If we are to venture out truly into long-duration space missions, such as a trip to Mars, we need to find ways to counteract this bone loss that occurs on orbit.

The crew of STS–107, the *Columbia* mission that was tragically lost, was trying to understand better the bone loss that occurs in space and things that can be done to counteract it. Needless to say, as a physician, I know full well the tremendous potential that this research could have yielded back on Earth. I took care of many patients who suffered personal tragedies from the consequences of osteoporosis, the same phenomenon that occurs on orbit with our astronauts.

Unfortunately, Mr. Speaker, the research experiment was actually done on the astronauts themselves, and so a tremendous amount of knowledge and understanding about the effects of space on bone loss was lost with the crew.

Additional research was being done on the immune system. As we all know, our Nation, our world, has been wracked by new challenges, medical challenges that affect the immune system in humans, and what has been discovered is that the immune system of astronauts on orbit is impaired. Whether it is the stress of rocketing off into space or adaptation to zero G or other features of the unique features of space environment, astronauts on orbit experience a loss of immune function, and the crew of STS–107 was studying this issue as well.

They were studying pharmacokinetics that are changed in space. Pharmacokinetic is the absorption of drugs from our gastrointestinal tract and how they are handled and eliminated by our body, and there are some very, very unique features of the zero G environment that this crew was studying.

Protein turnover in space. We all lose muscle mass as we age. As well, we lose muscle mass in space, and this loss of muscle mass with aging, there may be ways to counteract that, and there may be links to counteracting this muscle mass loss in space and what we

can do here on Earth to help the elderly or people with physical conditions that involved significant muscle mass.

Renal stones, they were doing research in this arena.

The vestibular system which controls our balance, they were doing research on. This is very, very critical for many elderly people who experience difficulties with their balance system and experience falls as they get on in years, and the crew of STS–107 was doing research in this area as well.

Perhaps one of the most promising areas of research for the American people is the work they were doing on cancer research. The work they were doing with prostate cancer specifically involved the bioreactor, and regretfully all of this research was lost.

Mr. Speaker, I conclude by just saying this was a great human tragedy, the loss of this crew. It was a great blow to our space program. It was also a great blow to the advancement of science.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON VETERANS' AFFAIRS, 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I submit the following for publication in the RECORD.

COMMITTEE RULES OF PROCEDURE FOR THE 108TH CONGRESS

(Adopted February 11, 2003)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a privileged motion in Committees and subcommittees. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

REGULAR AND ADDITIONAL MEETINGS

(a)(1) The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(2)(A) The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(B) The Chairman shall notify each member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the ranking minority member, or in such member's absence, the next ranking minority party member of the Committee.

WIRELESS TELEPHONE USE PROHIBITED

(b) No person may use a wireless telephone during a Committee or subcommittee meeting or hearing.

PUBLIC ANNOUNCEMENT

(c)(1) The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the Chairman or the subcommittee, Chairman, as the case may be, shall consult with the ranking minority member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(2) Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

QUORUM AND ROLLCALLS

(d)(1) A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which, a recorded vote is demanded. The result of each such record vote shall be mad available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(5) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

POSTPONING PROCEEDINGS

(e) Committee and subcommittee chairmen may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and may resume proceedings within two legislative days on a postponed question after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

CALLING AND INTERROGATING WITNESSES

(f)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the ranking minority member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the ranking minority member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) So far as practicable: (A) each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement; and (B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of the majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

MEDIA COVERAGE OF PROCEEDINGS

(g) Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4 of House rule XI.

SUBPOENAS

(h) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES

(a)(1) There shall be three subcommittees of the Committee as follows:

(A) Subcommittee on Health, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Benefits, which shall have legislative, oversight and investigative jurisdiction over compensation, general and special pensions of all the wars of the United States, life insurance issued by the Government on account of service in the Armed Force, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, burial benefits, education of veterans, vocational rehabilitation, veterans' housing programs, readjustment of servicemen to civilian life, and soldiers' and sailors' civil relief.

(C) Subcommittee on Oversight and Investigations, which shall have authority over matters that are referred to the subcommittee by the Chairman of the full Committee for investigation and appropriate recommendations. Provided however, That the operations of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees on the Committee on Veterans' Affairs for carrying out their oversight duties. This subcommittee shall not have legislative jurisdiction and no bills or resolutions shall be referred to it.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

REFERRAL TO SUBCOMMITTEES

(b)(1) The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

POWERS AND DUTIES

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so shall notify the Chairman and the ranking minority party member of the Committee of the Subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Each subcommittee of the Committee shall provide the Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

STRENGTH OF AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, I would like to make some comments to the Chair in the Chamber in part from my position as a Congressman, but also in my prior career as a psychologist at a time when America's families are facing a great deal of struggle and turmoil under the shadow of terrorism and the current code we are facing.

I believe, as I am sure the Chair did, the strength of America's future can be measured by the strength of America's families. We also know that the weapons of terrorists include more than just their horrible weapons of mass destruction or the threat to use them, but it is also in their abilities to instill fear and worry among a people, and it is important that we do not let them.

□ 1945

We all know the police, the FBI, CIA, thousands of soldiers, and our homeland security team are working to be constantly vigilant to keep out those trying to harm us and hurt our families. But I would also like to help Americans know that there are things people can be doing in each and every one of their homes, as adults and children alike are struggling at this time over what to do.

I am sure my colleagues' offices have been inundated, as have mine, with calls from folks who are hearing about such things as stocking up on goods and supplies, getting duct tape and plastic and having it around their

house in case they need it because of the level of threat and worries. These are all things that are actions we should take just probably in the normal course of things, making sure we have some safety devices around the home. But it is important we do not succumb to the types of things terrorists want us to worry about.

When terrorists threaten societies, they try to instill fear and helplessness among citizens. They seek to hold a society or government hostage by the fear of destruction or harm. It evokes a fundamental sense of helplessness, which can lead to other psychological stresses and problems. And as we are trying to cope with the irrational information that is beyond our comprehension, to know that people are trying to harm us, it can set up a whole chain of psychological events culminating in fear, helplessness, vulnerability, and grief. Those things, in turn, have an impact upon our society, our economy, as they affect our spending and our optimism.

Let me offer some suggestions that America's families and parents can use to cope with these struggles as they face us. First of all, it is very important that adults be aware of the feelings that they may be experiencing. Understand that these feelings are normal reactions to an abnormal, stressful situation. It is important that adults educate themselves on how to handle the situation, what to do in response and to prepare themselves and their families.

It is important to remember that all of us have faced adversity and trauma in the past, and try to remember what we did to pull up our own courage and strength to overcome fear and helplessness. It is also important to talk to others about our fears and understand that it is okay to ask for help. It is important to make efforts to maintain the usual routines, to think positively, to recognize that terrorists are trying to create fear, and know we should not succumb to them.

It is also important, as adults, that we limit some of our exposure to media coverage. The networks are now filled with news. The daily news, the news channels, constantly barrage us with information, and it reaches a point where people should finally turn it all off so they can get on with their lives and, of course, also do other things to reduce stress, getting out, doing their jobs, exercising.

I also want to mention some things, Mr. Speaker, that are important for children. Many children struggle with knowing just what to say and understanding their own feelings; and it is important for parents to connect with them, to talk with them and encourage them to speak about how they are feeling about events. Ask children what they have seen or heard or experienced, particularly important among preteens and teens, who may spend a lot of time on the Internet or talk to other peers. Gossip spreads quickly among kids, and it is important adults get involved and help them understand facts.

Assure children that parents and other adults are taking care of them, that they will continue to help them deal with anything that makes them feel afraid. It is also helpful to let children know that they have experienced troubles before, and let them pull up their own courage that has helped them overcome those troubles. It is helpful to remind them to do their best at whatever they are doing, their homework, their activities, their chores or hobbies, because it is that sense of mastery which gives all of us an ability to deal with these troubled times.

Let me also say it is important for parents and children to spend time praying together, for hope, for peace, and just the very act of keeping families together.

During these troubled times, let us remember this, that this Nation, this great Nation that was founded in the pursuit of liberty, fed by daily acts of courage and strengthened by exercising our freedom, will remain strong and great. And know that every family builds upon their strength and hope and courage. That is what stands between us and terrorists and that is what will help us remain victorious and strong as a nation.

Mr. Speaker, during this time I know that these are the things that will help our families in America. The bonds of our families in America will help us remain strong as we face these troubles.

APPOINTMENT OF MEMBERS TO THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Pursuant to 22 U.S.C. 1928a, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. BEREUTER of Nebraska, Chairman;
Mr. REGULA of Ohio;
Mr. HEFLEY of Colorado;
Mr. GILLMOR of Ohio;
Mr. GOSS of Florida;
Mr. EHLERS of Michigan;
Mr. MCINNIS of Colorado; and
Mr. BILIRAKIS of Florida.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

(Mr. CASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF SAFE FOR AMERICA ACT 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today the Security and Fairness Enhancement, or SAFE, for America Act of 2003. This much-needed bipartisan legislation eliminates the controversial immigration program, the visa lottery program, which threatens national security, resulting in the unfair administration of our Nation's immigration laws, and encouraging a cottage industry for fraudulent opportunists.

Each year, approximately 50,000 aliens are chosen at random to come and live permanently in the United States via the visa lottery program. This program presents a serious national security threat. Under the program, each successful applicant is chosen at random and given the status of permanent resident based on pure luck. A perfect example of the system gone awry is the case of Hesham Mohammed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of last year. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

Usually, immigrant visas are issued to foreign nationals that have existing connection with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our Nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States immigration laws. The visa lottery program does not prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws.

In addition, most family- or employer-sponsored immigrants currently face a wait of years to obtain visas. Yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family- and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A recent report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the visa lottery program multiple times using different aliases and other false personal information. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in

the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the ''guarantee'' of lawful permanent resident status in the United States.

The visa lottery program represents what is wrong with our country's current immigration system. The SAFE for America Act eliminates the visa lottery program from the Immigration and Nationality Act. The removal of this controversial program will help ensure our Nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud.

I urge each of my colleagues to support this important bipartisan legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Mrs. CORRINE BROWN of Florida 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 Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

(Mr. TAYLOR of Mississippi addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING FORT CAMPBELL SOLDIERS AND FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise today to honor our Fort Campbell family as they prepare to send America's best overseas.

Fort Campbell has already suffered the loss of four very brave men who fought for our freedom. They were Chief Warrant Officer 3 Mark Osteen, Chief Warrant Officer 2 Thomas Gibbons, Staff Sergeant Daniel Kisling, and Sergeant Gregory Frampton. They were killed during a training mission.

It is my privilege to represent much of Fort Campbell and many of the brave men and women who call it home. As we speak, the 101st Airborne Division, America's famed Screaming Eagles, are gearing up for deployment. They will be taking our thoughts and prayers with them as they serve the forces that guard our country and protect our way of life. They have been ever vigilant and ever ready to defend this great Nation, our values, and our allies since World War II. We have asked them to make certain sacrifices to advance freedom in the past, and once again they stand ready and willing to risk themselves in our defense.

I was very touched today as I read some of their thoughts as they planned for departure. ''This is the culmination of what we do,'' Sergeant Greg Weaver stated. ''This is our job.''

And from Private Jerokiah Darr, ''I don't know exactly what we're up against. All I know is we're the best-trained division in the Nation.''

And Specialist Eric Reason said, ''We've got the best Army in the world, and I'm confident in it.''

Mr. Speaker, Fort Campbell comprises much of my district. It is located in Montgomery County, Tennessee. It is an honor and a privilege to represent those men and women, and it is an honor for me to take time this evening to pause in our deliberations and to honor those men and women and the families of Fort Campbell.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON WAYS AND MEANS, 108th CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Ways and Means for printing in the CONGRESSIONAL RECORD. On January 29, 2003, the Committee on Ways and Means adopted by voice vote, a quorum being present, the following committee rules.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 108TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable. * * *

* * * 2. (a)(1) Each standing shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on February 7, 2001 adopted the following as the Rules of the Committee for the 107th Congress.

A. GENERAL

RULE 1. APPLICATION OF RULES

Except where the terms ''full Committee'' and ''Subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as to the respective Chairmen.

RULE 2. MEETING DATE AND QUORUMS

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

RULE 3. COMMITTEE BUDGET

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

RULE 4. PUBLICATION OF COMMITTEE DOCUMENTS

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the follow disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

RULE 5. OFFICIAL TRAVEL

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) the names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

RULE 6. AVAILABILITY OF COMMITTEE RECORDS AND PUBLICATIONS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 7. WEBSITES

The minority shall be entitled to a separate website that is linked to an accessible only from the full Committee's website. For any website created under this policy, the Ranking Minority Member is responsible for its content and must be identified on the introductory page.

All Committee websites must comply with House Regulations.

The content of a committee website may not:

(1) Include personal, political, or campaign information.

(2) Be directly linked or refer to websites created or operated by campaign or any campaign related entity, including political parties and campaign committees.

(3) Include grassroots lobbying or solicit support for a Member's position.

(4) Generate, circulate, solicit or encourage signing petitions.

(5) Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

B. SUBCOMMITTEES

RULE 8. SUBCOMMITTEE RATIOS AND JURISDICTION

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5, or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Select Revenue Measures. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means that relate to public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

RULE 9. EX-OFFICIO MEMBERS OF SUBCOMMITTEE

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-

officio Members of all Subcommittee. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

RULE 10. SUBCOMMITTEE MEETINGS

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

RULE 11. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

RULE 12. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

RULE 13. WITNESSES

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involve. Written statements from non-citizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

RULE 14. QUESTIONING OF WITNESSES

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

RULE 15. SUBPOENA POWER

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the House of Representatives.

RULE 16. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

RULE 17, BROADCASTING OF HEARINGS

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. MARKUPS

RULE 18. RECONSIDERATION OF PREVIOUS VOTE

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

RULE 19. PREVIOUS QUESTION

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

RULE 20. POSTPONEMENT OF PROCEEDINGS

The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment.

The Chairman may resume proceeding on a postponed request at any time.

In exercising postponement authority the Chairman shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 21. OFFICIAL TRANSCRIPTS OF MARKUPS AND OTHER COMMITTEE MEETINGS

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as ''uncorrected,'' shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the

signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

RULE 22. PUBLICATION OF DECISIONS AND LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

RULE 23. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

RULE 24. STAFF HONORARIA, SPEAKING ENGAGEMENTS, AND UNOFFICIAL TRAVEL

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. Honoraria.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. Speaking engagements and unofficial travel.—

(1) Advance approval required.—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) Request for approval.—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) Reasonable travel and lodging expenses.—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) Trip summary and report.—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. Waiver.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, tonight I want to take this opportunity to talk to all Americans who might be listening, on behalf of the Congressional Hispanic Caucus. We want to take this opportunity to once again talk about a very serious situation, one that we take extremely seriously, and that is the nomination of Miguel Estrada. Miguel Estrada is not qualified to sit on the second highest court of this land. We stand behind our position despite incorrect statements made by some of our Senate Members.

Let me say that this decision was not an easy decision for us, to go against another Hispanic, but we have to make sure that someone says ''The King has no clothes.'' Someone has to stand up and be able to say there is something wrong with this nominee.

There has been a lot of rhetoric around the debate, and some have had the gall to accuse those that oppose Estrada as being anti-Hispanic. Well, a lot of us feel that that is ridiculous. A lot of us feel that that type of language is utilized because of the fact that they cannot stand up and defend their candidate. They are not talking about the qualifications of the candidate; apparently, he does not have the qualifications, and so that is why they have chosen to talk about the negative and get into negative stereotyping.

Let me also indicate that if they feel so outraged at the treatment of Miguel Estrada because we have stood up as a Hispanic Caucus, as congressional Members, 20 congressional Members elected by a majority of Hispanics of this country, and questioned not only the qualifications of this individual, but questioned the fact that he has been unwilling to respond to questions that have been brought to him, then we ask why were the Republicans not outraged when it came to Anabelle Rodriguez, who was nominated to the U.S. District Court for the District of Puerto Rico in 1996. She waited for over 1,000 days. In the end, she was never confirmed.

Where was the outrage on the part of the Republicans for Jorge Rangel, nominated to fill a vacancy in the Fifth Circuit? After waiting 15 months, he withdrew his nomination citing that he could no longer wait in limbo.

Where was the outrage with Hilda Tagle, who sat waiting for 32 months before she was confirmed by the Senate to the U.S. District Court of the Southern District of Texas?

And where was the Republican outrage when Richard Paez, who waited longer than anyone, more than 5 years? Close to 5 years. Where was their outrage then?

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We have called into question the depth of the support from some of the Senators who are indicating their support for Mr. Estrada. Those same Senators, in fact, some of the very Senators who are accusing Democrats of being anti-Hispanic and having biases, voted against Richard Paez's nomination three different times.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The Chair will remind Members that it is not in order to cast reflections upon the Senate.

Mr. RODRIGUEZ. In fact, the National Hispanic Leadership Agenda, a coalition of leading Hispanic organizations, including one of the groups that supports Mr. Estrada, have Senate Republicans being given an average score of 25 percent when it comes to Hispanics. Why?

Mr. Speaker, as elected officials both in the House and in the Senate, we get elected and one of the first things I was asked and one of the first pieces of advice that was given to me, be very careful when you write a letter of endorsement of anyone because they might turn out to be someone whom you might not like to have your name associated with.

In so doing, I would ask the other body, they have an obligation and a responsibility to make sure when it comes to nominations to check who they nominate and who they do not nominate. So when it comes to looking at the nomination of Estrada, we ask that——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. The Chair reminds Members to refrain from urging the Senate to take any specific action.

Mr. RODRIGUEZ. Mr. Speaker, I know full well if I sign someone's letters, that I have to know them personally, and I would ask the questions that need to be asked of this candidate.

Let me take this opportunity, as we interviewed the candidate, we asked when there was a discussion in terms of the commitment to equal justice for Latinos and Hispanics, there seemed to be no record.

When we asked about a commitment regarding protecting a Latino's interests in the courts, there was no record. When we asked about support for congressional right to pass civil rights laws, there was no record. When we asked for support of individual access to courts, it remained unclear.

When we asked the candidate about support for Latino organizations or causes that he had participated in, or whether he had done any pro bono work, there was no record.

When we asked about Latino organizations or causes that he volunteered for in the community, there was no record.

When we asked for support of Latino law students or any young legal professional, there was no record. Commitment to individual Latino internships, there was no record.

I want to take this opportunity to thank the gentleman from Texas (Mr. GONZALEZ), who headed the task force on the interview. The gentleman did a great job on the interview. The gentleman has also served as a district judge.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, let me explain by way of background that the Congressional Hispanic Caucus is comprised of 20 Members of this body. There are 24 Latinos in this August body, 20 of whom are Members of this particular caucus.

Early on we realized we had a special duty and responsibility not just to our communities but to all Americans to make sure that we had the most qualified people in the judiciary, especially those that were being advanced on the basis of ethnicity, and especially because they were Latinos because they were supposed to bring something to the table that was very unique based on that particular ethnicity, in this case, being Hispanic.

So what we did is we started what we referred to as the Hispanic Judiciary Initiative, and I am going to read from a basic document which provided us the guidance as we proceeded with evaluating and interviewing the nominees that would come before our caucus in order for us to make a recommendation.

Statement of Purpose on the Recruitment and Support of Judicial Nominees.

Political leadership, particularly in the Federal Government, benefits from a diversity of thought and action. In an effort to promote this ethnicity, the Congressional Hispanic Caucus promotes and encourages Hispanic representation at all levels and every branch of government.

In order to ensure that the judicial branch more accurately reflects the communities that it serves, the caucus will actively work to identify and recommend qualified Hispanic candidates to fill Federal court vacancies. As with all positions, the caucus strives to find judicial candidates who are qualified, experienced, have demonstrated a commitment to the Hispanic community and will enhance diversity on our courts by contributing underrepresented perspectives, what we all seek when we strive to achieve diversity.

The evaluation criteria. The purpose of the criteria established for the Congressional Hispanic Caucus Hispanic Judiciary Initiative is to measure the diversity that a nominee can bring to the bench, and I emphasize that because I think it goes to the very crux of the argument and the problem that we have with the Miguel Estrada nomination.

In addition to evaluating the honesty, integrity, character, temperament, and intellect of nominees, the Hispanic Caucus will place an emphasis on concerns specific to the Latino community, equal justice and advancement opportunities for Latinos working in the judiciary. Because of the nature of our mission and the central role that the courts play towards the success of that mission, the Hispanic Caucus requires that a nominee have a demonstrated commitment to protecting the rights of ordinary residents of the United States through professional work, pro bono work and volunteer activities, and to preserving and expanding the activities that we have made on civil rights and individual liberties, including rights protected through core provisions in the Constitution, such as the equal protection clause, due process clause, first amendment, fourth amendment and the right to privacy, as well as through the statutory provisions that protect Latinos' legal rights in such fundamental areas as education, voting, affirmative action, employment, and contracting.

Then we proceeded, and we had a formal meeting with Mr. Estrada in June of last year. It lasted over an hour. The members of the caucus were there. Mr. Estrada did demonstrate that he is a keenly intelligent and talented lawyer. There is no doubt about that, and we will not argue that point; but that is not what is in controversy.

Having been licensed in 1972 as a lawyer in the State of Texas and having practiced for 10 years, and after more than 14 years on the bench and a couple more years in private practice, I can tell Members that the most gifted, talented lawyers should never sit behind the bench and pretend to be impartial and unbiased judges of law and fact.

There is a way that we can gather that information, and that is what we attempted to do in our hour-long session with Mr. Estrada. My colleague, the gentleman from Texas (Mr. RODRIGUEZ), has pointed out where we believe Mr. Estrada fell short; and I will get more specific later in the evening. However, I do not want to detract from what is the major argument here.

It is not whether someone went to an Ivy League law school, which is a great accomplishment which we do recognize. It is not that they wrote for the journal or bar review. They could have been president of the class, went on to have a highly successful professional career in a highly respected law firm. That is fine.

The Hispanic Caucus looks at those things as givens. We expect integrity and honesty and hard work and accomplishment from each and every nominee that is presented by the President of the United States, whether that President is a Republican or Democrat. Those are the givens, and the American people should expect that those are the givens.

What is so extraordinary about an individual who will put those black robes on and will sit there in judgment of his or her fellow man is what really is the issue and what is so important as we proceed with the nomination and confirmation process at the Federal level.

The first thing we have to recognize is the incredible power of the third coequal branch of the government, the judicial branch, which in my humble opinion is the most powerful branch of government. If one thinks of judges and what they do day in and day out, at the State level they will determine who raises your child. They can even determine whether you have any rights to your child. They will determine whether you have any property at the end of the day. They can deny you your freedom, and even sign your death warrant. On the Federal level the same thing. They will determine at the end of the day whether you own anything, the sanctity of a contract. They can deny you your freedom, and they can sign your death warrant.

The third branch of government can even determine in the final analysis who will sit in this Chamber or the other Chamber, or who will occupy the White House, as we all know from just a couple of years ago.

Members know exactly what I refer to, and it is our Constitution which we must all love, obey and follow. That is what is at stake here. That is what my colleagues and I are trying to impress on those that will listen.

This is not just about a Hispanic nominee; this is about a judicial officer who will have tremendous power and will sit in the second most powerful court of the United States of America for a lifetime. Based on our interview and the particulars that I am willing to go into, there is no doubt that Miguel Estrada fell short.

Would I hire him as my lawyer to represent me in some sort of transactional litigation? I probably would if I could afford him. But would I trust him to put those black robes on, listen to our argument and then render a fair and impartial decision? I think not, and I will tell Members why.

It is about life's experiences, and let no one make a mistake about when a judge sits up there, it is the totality of that judge's experiences and life experiences that form those opinions that go into the judgment-making process. It is not in a vacuum. It is based upon experience and history.

All we ask of Latino nominees presented by the President of the United States is that those nominees, they do not have to be Democrats, they do not have to be Republicans, liberals or conservatives, we do not care what schools they went to, we want them to have an appreciation for the historical role that the courts have played in the lives of minorities in this country. In the final analysis when the legislative branch lets you down and the executive branch's programs and agenda let you down, when you are a minority, many times it is your first, but definitely your last, resort in seeking justice. It comes from those men and women that put those black robes on every morning in the courthouses of the United States. That is what is at stake for us.

It is not a conservative or liberal ideology. We just want them to bring into the decisionmaking process the importance that the most powerful branch of government plays today in the lives of minorities. I need not remind Members of the landmark cases that have come from the courts that have provided us freedom and opportunity when it was not forthcoming from the legislative or the executive branch.

As we all know, whatever laws we pass here, whatever the President proposes, whatever we adopt, they are going to be interpreted and applied by the third branch of government, the judicial branch.

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And so when we take these nominees into consideration, we had better debate their merits. We had better engage in true evaluation and assessment. That is our duty and our responsibility, not just to our individual districts, not just to men and women of color, but to all Americans.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from Texas (Mr. GONZALEZ) for heading the task force on nominations and for doing such a good job. In fact, I know it was a hard decision to make and to decide. We have been there and supported many other nominees that have been Republican and we have supported those. This particular candidate we felt that we were not going to be rubber stamping anyone, and we also felt, and I am glad the gentleman did it in a very good way, we get elected for 2 years. The Senate gets elected for 6 years. These individuals, one can say I made a mistake, I am going to knock him off next time, I am not going to support that Congressman and not vote for him. With this Senate and the judges, they are appointed for life. They are appointed for life, and it is important that we take this seriously; and I am glad that at least we have some of the Members that are really looking at it and asking that he respond to these questions appropriately.

I also take pride tonight to recognize the gentlewoman from California (Ms. SOLIS), and I was really pleased to see today the breaking news from the State of California that the California LULAC had also gone in opposition to the confirmation of Miguel Estrada. And with us we have the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the chairman, and I also want to commend the gentleman from Texas (Mr. GONZALEZ), who led us in this final night here this evening with the American public to try to shed some light on a process that I think has been tainted very negatively, especially towards my other colleagues who serve with us in the Hispanic Caucus. And I would like to say before I begin my discussion, we did go through a very laborious process trying to figure out exactly what kind of candidate we would be supportive of, and I want to just run through that very quickly.

As you know and was said earlier, we assess nominees, their qualifications in the following areas: one, diversity in the judiciary, whether they have shared our views that Latinos are underrepresented in the Federal courts. Is there an acknowledgment of that? Involvement in the Hispanic community. Someone alluded to Mr. Estrada as being a leader in the Hispanic community. I would like to see that proof. Leadership, whether they have any intention to remain in the greater Latino community after being appointed to the bench. Fourth, opening the doors, whether they have worked to advance the number of Latinos in the legal profession through mentoring, through internships and through outreach efforts in our community. And, fifth, key cases, what are their views on key court cases that have heavily affected the Latino community, and what have they done to advance the issues of Latinos in the courts?

Supporters of Miguel Estrada's nomination for the D.C. Circuit Court of Appeals tout that the League of United Latin American Citizens is supportive of his nomination. These supporters should be aware that in my own State of California, as was mentioned earlier by the chairman, that the California LULAC delegation is not in support of this nominee, and we have a letter to that effect that we received today and was read at one of our meetings that we had earlier today.

These supporters should also know that Mr. Mario Obledo, the past National President of LULAC, stands in strong opposition to the confirmation of Mr. Estrada. Mr. Obledo is a strong advocate and well known nationally throughout the Latino community for his work on civil rights and his leadership in our community and issues that we care most about. Mr. Obledo has been an attorney for 34 years. He is cofounder of the Hispanic National Bar Association and was one of the first general counsels and past president of the Mexican-American Legal Defense and Education Fund. He was also cofounder of the Southwest Voter Registration. He was also former Harvard Law School professor.

Let me just share with you some of his thoughts. Mr. Obledo wrote to us and said his opposition to Miguel Estrada's confirmation is based on Mr. Estrada's unwillingness to give full answers to many of the questions posed to him by the Senate Judiciary Committee. In a statement released by Mr. Obledo, he outlines his concerns and says the following:

''There are serious questions raised by his sparse record on basic civil rights and constitutional matters. It is unclear that Mr. Estrada would recognize that the first amendment protects the rights of youths to congregate and associate on public streets. It is also likely that Mr. Estrada would not place proper limits on law enforcement as required by the fourth amendment. Given his views of enumerated rights, there are serious questions whether he would recognize a suspect's right not to make incriminating statements. His record leads me to conclude that he would not take seriously and fairly Latino allegations of racial profiling by law enforcement. Based on his actions in pro bono litigation, there is a question whether he believes that organizations which have long represented the interests of communities would have the right to represent those interests in court. In addition, his views concerning the continued viability of affirmative action programs is also suspect.''

These words all come from a longtime advocate who is known nationally who represents our community and who was past national president of LULAC.

I also want to share with my colleagues here that when we were reviewing the nomination of Mr. Estrada before the Hispanic Caucus meeting that we held back in June, one of the things that came to light for me was that this individual, while not having a lot of background working in the community, did mention his affiliation with other groups; and he mentioned those and I want to reiterate those. He said that he was a member of the Federalist Society, which is a form of conservative legal professionals and law students who wished to dismantle existing civil rights, one of the very important premises that we base our vote on, the protection of civil rights. He has also stated that he was a member of the national board of directors for the Center

for Community Interest, which as we know is dedicated to defending antiloitering ordinances which have been introduced in many communities, some in southern California, to clear the streets of Latino day laborers seeking to find jobs. These are things that raise questions and issues for me personally as well as other Members.

I want to also set the record straight that our Hispanic Caucus has indeed and in fact supported other Republican Hispanics for appointments, and I would proudly say that I can go down the list here and name them. Rita D. Martino, who was nominated but not appointed for U.S. Treasurer, who also is very active in the community, the Latino community. Gaddy Vasquez, who I know personally from Orange County, was a county board supervisor, very proudly involved in our community and sits on numerous boards related to Mexican Americans and the Hispanic community, was nominated for Peace Corps director. We proudly supported that nomination. Richard Carmona, who came in and went through also a very laborious process with us. I even got on the phone with him to ask him his personal views on a woman's right to choose. He was not specific, but everything else convinced me that he would certainly do his best to defend those issues with respect to the Latino communities like diabetes treatment, health care and access, and tearing down barriers for Latinos, poor Latinos, to receive health care in this country. I proudly supported his nomination and so did other Members of our caucus.

And lastly, Jose Martinez, whom we also supported in his nomination to the U.S. District Court of South Florida. I am proud to say again that here we were supporting a Republican Hispanic. All of them I believe came forward and said that they would defend our community, but most of all the American public; and I think that we truly base our ideals on the premise that this country should treat everybody fairly. Equal protection under the law should be guaranteed no matter what robe they wear and if one stands in a courtroom that one be treated fairly and justly and not have to go before someone who has already made up their mind because of where they come from or because of experiences that they have not had.

And I want to say something lastly tonight. I was very, very personally hurt to hear statements made last night on this floor from individuals that would call us the left, and I want to quote, if I can: ''The left is inflamed by any prospective judicial candidate with the courage to oppose their unrelenting, small-minded, intolerant hostility to the traditional foundations of American life, faith in God, reverence for tradition, respect for the true rule of law and the recognition that we are all ultimately accountable for our actions.''

I stand here to say, nothing could be so completely far from the truth. Many of us here have taken our oath of office as Members of Congress to uphold the Constitution and to do the best thing we can and to be objective; and I am insulted to know that people are thinking that members of our Hispanic Caucus do not take their job seriously, that we stand here and take an oath of office to defend every American regardless of the color of one's skin, the language that they speak or where they were born.

I am a proud Latina. My parents are both immigrants. My father came to this country as a brazero under the brazero program and worked the fields in Colorado, on the railroad, and ended up in Los Angeles where he met my mother, who is a central American. I am proud of my heritage, and I know the value of having individuals in leadership positions to bring about change in our society, and one of the ways you do it is by instilling pride and opportunities to open up doors for young people to serve. And one capacity that I see lacking in this gentleman, in Mr. Estrada, was that at every step of the way in his career he did not reach out. He did not extend a hand. He did not allow for future Latinos or Latinas to come up that career ladder, and that to me is very shocking because everybody else that we have interviewed for these positions and others that have been nominated and appointed could go back and recite exactly what they did to help improve the situation for Hispanics in this country.

So I agree with my colleagues and with those that serve in the other House that we have to block this nomination because we can do better. Americans here are expecting the best. We want the best, and we want to see that there is evidence to prove or disprove, disprove, anything that we have said here tonight. I thank the chairman.

Mr. RODRIGUEZ. Let me thank the gentlewoman from California (Ms. SOLIS) for her kind words. And let me also indicate that we cannot support someone just blindly just because they have a Spanish surname.

I want to take this opportunity also, and we have the pleasure tonight of having a leader of the Democratic Caucus, the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding.

I want to speak tonight not as the chairman of the Democratic Caucus but as a member of the Congressional Hispanic Caucus, and I want to join my colleagues in their opposition to the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals, which is generally known as the second most important and powerful court in the land.

It is not lightly or easily that members of the Congressional Hispanic Caucus come to the floor to oppose a nomination of an American of Hispanic descent to such a high position; but we do it out of a principled view, and those principled views are based in the fundamental belief that the reason that we advocate for Americans of Hispanic descent who are qualified, who are competent, who have the judicial temperament and the experience to be able to serve admirably for all Americans on the bench is because we want to bring to that institution and to other institutions the experience of what it is to be a Hispanic American in this country, to bring the challenges and the obstacles in this case in the judicial system.

I will never forget when I was actually trying cases of having judges who would yell at me about having my client look at them straight in the eye when they were talking to them and having to explain to that judge that in the culture of which my client came from that in fact it was a sign of defiance to look the judge straight in the eye but a sign of respect not to be doing so. I will never forget the trucker with a family of four who was trying to keep his job and who had been given a ticket for refusing to take a Breathalyzer test, but when we looked at the videotape of his particular case and saw that an officer who was not bilingual was telling him to breathe in instead of to blow out into that Breathalyzer machine gave him a ticket for refusal which would have meant a loss of his license. Luckily that case was won. But they are two simple examples of culture and language that affected the livelihoods and the futures of individuals who came before the court system.

And having someone from the community, as the White House has heralded this individual being, it was the White House in the first instance who said that Miguel Estrada, we are nominating him and he is a Hispanic American, he has a great Horatio Alger story, and in fact we are proud to be doing so. Once one puts that as one of the merits of the individuals, then it is truly legitimate to look at what experiences that individual has in the context of our community.

When Mr. Estrada came before the Congressional Hispanic Caucus for nearly an hour, he demonstrated no sense of what it is to be Hispanic American in this country.

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He never participated in any national organization, he never participated in any State organization, he never participated in any local organization in the Hispanic communities. He never used the ability that he had as a lawyer to do work pro bono work on behalf of any individual or cause or community organization. He never used the opportunity in his firm to bring someone in from the Hispanic community, to open the door of opportunity for others.

He did not know some of the landmark cases that are crucial to the Hispanic community, like Lau v. Nichols, which is the question of what services a limited-English-proficient student

should have, a landmark case. This was not to discuss how he would judge in the future, but simply to say, what do you think about that ruling? Did that ruling make sense? Do you agree with the ruling or disagree with the ruling? Did the court go too far? That was only one of many examples.

Now, either this candidate did not know, in which case it is rather appalling, because even those, Mr. Chairman, as you have suggested in some of our meetings, who may not be lawyers, know about these landmark cases because of how important it is to our community. Yet this individual did not.

Nor did he seek to answer other questions as it relates to other landmark cases that are well established as the law of the land. So either he did not know or he chose not to answer because he was hiding whatever his true positions are.

Now, this is a lifetime appointment. It is a lifetime appointment. And I believe when someone is going to get a lifetime appointment, we clearly have not only the right, but the obligation to know what this person's opinions are, what is their view on the role of the judiciary, what is their view on some of these landmark cases determined by the United States Supreme Court, so we can determine.

Also what is their temperament? To be very honest with you, Mr. Estrada, in the hour he spent with members of the Congressional Hispanic Caucus, in which he was treated with great respect, did not exhibit the temperament that one would want of a Federal District Court judge, or, in this case, a Federal Appellate judge.

He also has no experience. He has never sat on the bench at any level, in a municipal court, a State court, a Federal court, at any level. So that is like going from the stockroom at AT&T to being the CEO of the company. That just does not happen in real life.

Having some experience, especially when you are coming as a member of a minority community, seeking to get onto these benches, and then doing a great job so others will be considered as well, is critically important to us.

So whether it is his lack of experience, whether it is his unwillingness to answer questions about what are landmark cases, whether it is his total, it seems to me, disdain for having anything to do with the Hispanic community, we asked him, what do you view, and I am not quite sure I want to paraphrase the question, because I am not sure exactly how the question was posed, but what does it mean to be Hispanic to you in the context of being a judge, and he said it was irrelevant. Irrelevant.

Well, the White House cannot have it both ways. They cannot say, this is a great Hispanic appointment, and yet the man tells us his being Hispanic is irrelevant to any experience he might bring to the bench.

When we asked him whether he would or has considered in the past qualified law clerks who may be from minority backgrounds, that answer was not in the affirmative.

So, for a wide range of issues, I do not know how one gives consent when one does not even have the information necessary by which one devises consent. And that is why the other body, as it is debating at this very moment, I think, debates on the fundamental crucial issue, which is the constitutional obligation of Members of the other body to give advice and consent; but to give advice and consent, you must have informed opportunities to make a decision.

The reality is, if a candidate is unwilling to give you substantive answers to critical questions or there is nothing to read about his writings because they will not give you his legal writings, or there is no history to look at, how does one make informed consent under the constitutional obligations required of the Members of the other body? They simply cannot.

This is the most stealth candidate that has ever come before the other body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The gentleman will refrain from casting reflections on confirmation proceedings in the Senate.

Mr. MENENDEZ. Mr. Speaker, this gentleman did not cast any reflections on the Senate. The question was, how does one make a decision under the Constitution. Is the Constitution not permissible to be talked about in this body in the context of what roles the Members of the United States Congress have in terms of the Constitution?

The SPEAKER pro tempore. The gentleman can discuss, generally, Senate procedures on a factual basis, but to characterize Senate procedures with regard to particular confirmation proceedings would not be in order.

Mr. MENENDEZ. I am not characterizing Senate procedures in this case. I am raising the question of the obligation under the Constitution of Members of the other body. I thought one could not mention the word ''Senate.'' You just did, Mr. Speaker.

Mr. Speaker, in any event, the fact of the matter is, I hope I am not upsetting people, but the fact of the matter is that we have a set of circumstances under which we cannot be supportive of a candidate who absolutely does not want to be forthcoming; that is not providing for informed advice and consent.

I would simply say, Republicans cannot have it both ways. The Congressional Hispanic Caucus has supported Republican, conservative judges nominated by this administration. A judge in Florida, a judge in my home State of New Jersey, got the unanimous support of the Congressional Hispanic Caucus.

This is nothing about partisanship. It has nothing to do with the question of ideology in terms of conservative or liberal. But those individuals received our support because they had the history and the background and the abilities with which we could in fact say, when they go to the bench, they are going to represent our community.

Lastly, I find it incredible to hear those voices who would suggest that those of us who represent Hispanic Americans in this country, over 10 or 12 million Hispanic Americans in this country, are being anti-Hispanic. That is just incredible.

Those voices who are saying they are anti-Hispanic, those are the ones that denied Judge Paez a hearing for 4 years. They are the ones who denied judges coming out of Texas even an opportunity to have their nomination be heard before the committee. Those are the voices that called us ''enemies of the state'' on this very floor during campaign finance reform debate. Those are the voices who say, we want to shut the door on you and we want to deny, as they just did on the welfare reform bill, that legal sons and daughters, brothers and sisters, mothers and fathers of the United States citizens living in this country legally, that they cannot receive any of the benefits that they pay taxes for.

So you cannot have it both ways, my friends. You cannot, as Republicans, come to this floor and question us, when you have consistently, consistently, acted in ways and voted in ways that dramatically hurt our community.

That is the most outrageous set of circumstances, and I applaud the Members of the other body who are doing everything they can to uphold their constitutional obligations under the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it is not in order to cast reflections on the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I wanted to thank the gentleman from New Jersey (Mr. MENENDEZ) for joining us tonight on this important issue.

One of the key things we want to mention is, Mr. Estrada has failed to answer the questions before our committee and before the other body. On at least seven occasions, Mr. Estrada refused to answer questions on Supreme Court cases, and on at least nine occasions, Mr. Estrada refused to answer whether he could name any Supreme Court case that he disagreed with.

My God, I am not an attorney, but if I were to ask, do you have any cases out there that you have some kind of disagreement with, I would have said, Plessy v. Ferguson and a lot of those other decisions that have discriminated against African Americans in this country. There are a lot of cases he could have named, but he chose not to respond or say anything.

I want to take this opportunity to indicate I know that the gentlewoman

from California (Ms. SOLIS) had mentioned the letter that we had received about the statement by Mario Obledo.

I want to talk a little bit about Mario Obledo, because Mario Obledo is one of our founding fathers, one of our pioneers. He was a cofounder of the Southwest Voter Registration and Education Project, the first General Counsel and Past President of the Mexican American Legal Defense and Education Fund. He was a cofounder of the Hispanic National Bar Association, a former Harvard Law School professor, the recipient of the Presidential Medal of Freedom award and a past national president of LULAC.

Mr. Speaker, I want to thank Mario Obledo for coming forward, because I know it is difficult coming forward and indicating that a fellow Hispanic is not qualified to be a judge.

I also want to acknowledge the gentleman from Texas (Mr. GONZALEZ). I know, as a task force member, he has worked diligently on this issue. I want to thank him personally. I am not sure if he wants to continue on the dialogue and say a few words.

I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, first of all, I thank my colleague again for yielding this time. I am going to be very brief, because this is going to be the last you will hear from me tonight regarding the nomination of Miguel Estrada.

I hope everyone understands that the Congressional Hispanic Caucus has interviewed at least three different Latino nominees submitted by the White House. Judges Martinez and Inares were shown to be sterling examples of what a nominee should be to any of the Federal benches. Were they Republicans? I am sure they were. But it did not matter because they demonstrated that sensitivity and that understanding of what the role of a judge is and should be when it comes to all Americans, but in particular to minorities.

The civil rights groups that represent the Latino interests in this country oppose Miguel Estrada, and they do it for their own reasons, many of which are shared by the Hispanic Caucus. You have heard about Mario Obledo, a true trailblazer in the civil rights movement for Latinos.

We also wish to impress on everyone that this is not a question of whether a Latino nominee can speak Spanish, is truly bilingual or not, whether they were raised in East L.A., West San Antonio or in the barrio. That is not the issue. That is not what we are seeking. It is more important than just having the Hispanic surname. It is more important than simply being bilingual. It is about the heart and the soul of the Latino and the experience and the understanding of that experience.

Mr. Estrada was not as forthcoming regarding many of the questions that had been posed to him in this process. When he did answer, I have indicated that he failed the criteria established, which is basic in nature.

People will say this is all about politics. Well, probably everything is always about politics; is it not? I will be the first one to admit when the Republican administration is in office, they will appoint only Republicans, and when Democrats are in office, they only appoint Democrats. We know that is the nature of the game. So it is not a question of party affiliation.

But we do know something, that those individuals, regardless of party identification, ethnicity, race and gender, have incredible discretion, so we need to know something about them, that they will be fair and impartial judges. And the way we do that is through this process. People get to ask questions, and the nominees, if they are forthright, will fully comply and answer the questions so we can gather some insight about their ability to exercise that discretion in a responsible and fair and impartial manner.

You say, well, the law, black letter law, we passed the law, it is right there, we should know what it means. That is not true. If that was true, every decision of the Supreme Court of the United States would be 9 to 0.

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It is not. The President of the United States today occupies that position on a 5-to-4 ruling from the court, so the Constitution and the laws of the United States are open to interpretation. And we do need to know that individuals will go in there and make those determinations fairly and impartially.

I will end it with this: Associate Justice Felix Frankfurter put it this way, and he was being brutally honest, and any judge and any lawyer knows that this is the reality: The words of the Constitution are so unrestricted by their intrinsic meaning or by their history or by tradition or by prior decisions that they leave the individual justice free, if indeed they do not compel him to gather meaning, not from the reading of the Constitution, but from the reading of life. Members of the court are frequently admonished by their associates not to read their economic and social views into the neutral language of the Constitution. But the process of constitutional interpretation compels the translation of policy into judgment, and we know that for a fact, and we are here today recognizing that.

There is a litmus test, and I believe this should be the litmus test for Republicans, Democrats, liberals, conservatives, anyone that is going to ever occupy the bench. A dear friend of mine, Dan Pozza, was running for President of the State bar of Texas and they asked him why he became a lawyer, and we should ask, why do you want to be a judge? And this should be the answer, and if an individual cannot answer in this fashion, they should not occupy that bench and make those rulings.

This is what my dear friend said: ''I came of age, as the saying goes, in the 1960s. The 1960s started off as an era decidedly not marked by diversity and pluralism. Women and people of color in particular were excluded from the important positions in our society. What that meant was that a large segment of society had little or no control over their own lives and their destinies. Much of what was accomplished in the 1960s and over subsequent decades can be attributed to the desire by those marginalized people to be heard. During this period, I came to recognize that law is power and that power, the law, had often been used to restrain the rightful interests of many of our citizens. I also recognize that we as a society would need law to liberate our citizens and provide them with the opportunity to succeed or fail in life on their own terms, rather than on the terms dictated to them by the powerful and the elite.''

If Dan Pozza felt compelled to become a lawyer on that basis, that should be our test, and especially to those that will occupy and rule on cases day in and day out and interpret the Supreme Court of our land and the Constitution of the United States. Miguel Estrada did that meet that criteria when we interviewed him in June, and he does not meet it today in February 2003.

Mr. RODRIQUEZ. Mr. Speaker, I thank the gentleman for his hard work on this issue.

Let me take this opportunity to yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I just want to again just clarify that one of the misleading advertisements that is out there being presented to the public is that there are various Hispanic national organizations that are in support of Mr. Estrada and his nomination. I would like to just clarify that many of those organizations have bipartisan representation, and I would venture to say that many of them happen to agree with the Hispanic caucus position.

I have personally spoken to members of the GI quorum, the LULAC organization in my own State, and talked to various other organizations. So the ones that are purporting to say that they as Hispanic organizations are the voice for Hispanics alone I think is very misleading. I will not say that I am the voice for all Hispanics in the country, no. But I do want to make it very clear that one of the premises behind our caucus, the Hispanic caucus, is that we support the advancement of our community through means of protecting our rights and our liberties in this country, through actions that the court has taken to provide us with our civil rights, the right to vote, the right to be able to lead a life here in this country. I think that that is something that has to be made clear.

Mr. Speaker, I appreciate the opportunity to be here with my distinguished colleagues, including the gentleman from Texas (Mr. GONZALEZ), who led us in this endeavor this evening. Our Hispanic community appreciates the work of our leader, the gentleman from Texas (Mr. Gonzales), the chairman of the Hispanic Civil Rights Task Force.

Mr. RODRIQUEZ. Mr. Speaker, I want to take this opportunity to thank the gentleman from Texas (Mr. GONZALEZ) and the gentlewoman from California (Ms. SOLIS) for being here tonight and just indicate that we will not support anyone blindly and we expect them to move forward on answering the questions.

SHAMEFUL TREATMENT FOR OUR VETERANS

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 6 minutes, which is the balance of the leadership hour, as the further designee of the minority leader.

Mr. STRICKLAND. Mr. Speaker, I come to this Chamber tonight, and I enjoyed listening to my colleagues talk about this important court nominee. But I wanted to talk about another issue that is important to the American people, and that is the way this government and especially this administration is treating our veterans. I bring this chart to this Chamber as I did last night to illustrate the fact that if a veteran goes to a veterans hospital today and looks upon a bulletin board, they are likely to see this notice. It says: Did you know the medication copayment has changed from $2 to $7. Just about a year ago, the VA decided that they were going to increase the copayment that a veteran must pay for their medicine from $2 a prescription to $7 a prescription.

And at that time, I thought it was an outrageous act, that we would impose this additional financial burden upon our veterans.

But looking at the President's budget which he just released for 2004, he just released it a few days ago, they do not want to charge $7 a prescription as a copay, but they are actually suggesting that this be increased to $15 a prescription.

Now, think about that. At a time when we are preparing to send America's young men and women into a war, we are treating our veterans, those who have fought past wars, those who have served our country with honor, we are charging them more for the medicines they need to stay healthy or to simply maintain their lives. From $2 a prescription to $7 a prescription, and now, in the President's budget, $15 a prescription. Many veterans take 10 or more prescriptions a month. That is a lot of money, and many of our veterans are on fixed incomes.

Now, in the President's budget for 2004, he is also calling for an elimination of the taxation on dividends. About $674 billion, if that plan is enacted, about $674 billion will go to the richest people in this country, millionaires, multimillionaires. Why would we charge veterans more for their medicines while, at the same time, we are proposing to give $674 billion to the richest people in this country? Not only has the VA decided to raise the cost of medicine, but they have also decided in the President's budget to raise the cost of going to an outpatient clinic for care to see a doctor, from $15 to $20. Why would we raise the cost that a veteran must pay simply to go to see a doctor when, at the same time, we are giving $674 billion to the richest people in this country?

About a year ago, the VA put out a memo, and this memo went out to all other health care providers across this Nation. And it basically said, too many veterans are coming to our facilities for services. It is costing us too much money, so you are no longer able to market the services that veterans are entitled to receive. It is a gag order. They are actually telling the health care providers across this country that you cannot tell veterans what they are entitled to receive under the law. They were quite specific in their memo. They told these health care providers that they could no longer participate in community health fairs. They could no longer send out newsletters describing their services. They could no longer go to an American Legion post and sign up veterans for the services that they, under the law, are entitled to receive. I call it the "if they don't ask, we won't tell" policy. If the veteran does not ask what they are entitled to receive, the VA will not tell them what they are entitled to receive.

Then, a few weeks ago, the VA decided that they would do something else to save money. They decided to create a new priority group called Priority Group 8, and if you are a veteran and you make about $26,000 or $27,000 a year, you are no longer going to be permitted to enroll in the VA health care system. And under the President's budget, they are really suggesting that there be an annual enrollment fee imposed upon veterans, a brand-new enrollment fee. If you make $24,000 a year and you are a veteran, they are asking that you pay $250 a year just to enroll in the VA health care system.

Now, I do not think $24,000 is a lot, and people out there in the rest of the world need to know that those of us who serve here in this Chamber make about $150,000 or so a year. Mr. Speaker, $24,000 is not a lot. But in the President's budget, if a veteran makes $24,000 a year, they will be required to pay a $250 annual enrollment fee just to participate in the VA health care system.

Why are we doing this? Why do we not take part of that $674 billion that we are giving to the richest people in this country and use it to provide health care for our veterans? It is simply the right thing to do.

THE UNITED NATIONS, NATO, IRAQ, AND MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to address a couple of areas. The primary focus of my comments this evening will be on the United Nations, on NATO, and Iraq. But I cannot allow some of the comments that I have just heard in the last 45 minutes to go unrebutted, so I intend to take a few minutes here at the very beginning to rebut some of the remarks that were made.

I was a witness to a very aggressive personal attack on an individual called Mr. Estrada, and I can tell my colleagues that had Mr. Estrada been a Member of the United States Congress, the Speaker behind me would have ruled those kinds of comments out of order by the time they got to the second sentence, because they were so vicious and such a personal attack. It was not even a fair fight. Speaker after speaker after speaker stood up in front of all of us, just a few minutes ago, and while attacking Mr. Estrada, said, this is not a partisan issue, but yet it was Democrat after Democrat after Democrat after Democrat. They did not invite anybody else in to speak on the other side of the issue. Not at all. In fact, the statement was made by the gentlewoman from the State of California that, in fact, they had been very aggressive just to prove that they were not being partisan, just to prove that they were not attacking Mr. Estrada because he happens to be a Republican and a conservative Republican.

Just to prove that, the gentlewoman from California said we aggressively stood up in support of a Hispanic who was recently named to the bench, apparently in the State of California. I would just tell the gentlewoman from California, I have been here almost every night during Special Orders, and I have never seen, never seen her or any of her other colleagues who spoke this evening take that podium and speak in favor of this Hispanic judge or this Hispanic in California who happened to be a Republican and that they say adamantly and bravely stood up and spoke for.

I tell you what else I find a particular interest from the gentlewoman from California who, by the way, I consider a professional. In fact, I am surprised by the comments that I heard coming out of my colleagues this evening because I happen to have watched my colleagues over the time that I have worked with them, and I think they are pretty sharp people. I think they are very capable. I was surprised tonight at these remarks.

But back to the gentlewoman from California who, as I mentioned earlier, I think is a professional. I work on a committee with her. She made a comment about the right to vote, how hard the Hispanic community worked to get the right to vote, and I agree with her. But do we have a double standard here, when one party stands up and talks about the right to vote on one hand and yet on the other hand works in unison with the other body to deny the right to vote? We see what is going on here is a filibuster. They are afraid to have a vote on Mr. Estrada.

□ 2100

Every one of these people, every one of those Democrats who voted this evening, sometime during their comments talked about the right to vote for Hispanics. And yet they stand here and in support of the denial of the right for a vote for Mr. Estrada.

Hey, let Mr. Estrada rise and fall on his own merits. Let the vote take place. That is what is being requested.

I am not here to try to convince my colleagues on the Democratic side that they need to support Mr. Estrada, but I am here saying it is incumbent, it is incumbent upon these Democrats to at least allow a vote on Mr. Estrada. If they want to vote no, if the Senate or the other body votes no, so be it. It fell on its own merits. But at least it got a vote.

So if you are going to stand here this evening and talk about the right to vote and how strongly your community, and I agree with that comment, how strongly your community worked to obtain equal status to get that right to vote, to be recognized as citizens, then on one hand, as you preach that you should, on the other hand, follow your own preaching and allow that vote to take place.

Let me make a couple of other comments in regards to that. I heard the thought that he is not qualified. He came to the Hispanic Caucus. I heard the chairman of the Democratic Caucus, comment after comment after comment assailed Mr. Estrada, attacked personally Mr. Estrada. And what surprised me is time after time I heard a very partisan Democratic attack that Mr. Estrada was not qualified.

Now, very few of these people speaking this evening ever went to law school, very few of these people ever practiced in a court of law. And let me say their focus on there is from the Democratic side. I am a Republican. So I tend to, obviously, I favor Republicans. That is the nature of the game. But in order to kind of neutralize, in order to look over the partisanship, we have another player in this game, and it is called the American Bar Association. And the American Bar Association evaluates not based on party affiliation, but evaluates the qualifications of a particular candidate. And Mr. Estrada was no exception.

They did not evaluate Mr. Estrada on whether or not he was Hispanic. They did not evaluate Mr. Estrada on whether or not he was a Republican. They did not evaluate Mr. Estrada based on whether or not he was a Democrat. They evaluated Mr. Estrada on his qualifications to serve as a judge on an appellate level. They are the most nonpartisan evaluation you have out there. In fact, in my opinion I think they are too liberally based.

But the fact is, the opinion that they issued, which was never even mentioned once during this vicious attack this evening by the Democrats and the Democratic leadership over here, and I say Democrats, that is too general, a very small group of Democrats and some leadership, they never even mentioned what the American Bar Association did.

By now your curiosity is probably up. Well, Congressman MCINNIS, what kind of evaluation did they come out with? They gave him an evaluation that rated its highest recommendation they issued, highest recommendation they issue. Why do you not, if you want to fight fair, why do you not bring out the facts? You ought to say, you know, we disagree with this, but the American Bar Association did say, did give their highest qualifications to Mr. Estrada. That is only fair.

Let me mention another thing that I think is a little remarkable for its lack, and that is that Mr. Estrada has no experience as a judge. You know what, there were some Congressmen this evening who were making those statements who had no experience, previous elected experience, or certainly did not have any of the experience at the level of being a United States Congressman before they were elected to the United States Congress. Yet, in my opinion, although it has been somewhat discounted this evening, in my opinion, those individuals who spoke were very qualified to be United States congressional people.

You know, I do not know what the background is, but I do not think the gentlewoman from the State of California held elective office prior to this that was equivalent to the United States Congress; yet, she is a very capable individual. And it is the same with any of a number of those individuals. They are capable, but they did not have to come in here with this prior experience.

And yet you turn around, while you lack that prior experience yourself, and serve in the United Congress, you turn around and assail, viciously assail, Mr. Estrada because he ''does not have the experience.''

Keep in mind, one, what you are supporting this evening through that tirade of comments was, you were supporting the effort to not allow a vote. Not you in the same boat, no. The effort you were supporting is, do not ever give him a chance to have a vote.

My position, whether you are Republican or Democrat, my position is, let Mr. Estrada rise and fall on his own merits. Allow him the vote. If you believe, as apparently you do, that for some reason, although the American Bar Association said he is highly qualified, you think you are more educated in your evaluation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The gentleman will suspend.

The gentleman will refrain from urging the Senate to take action.

Mr. MCINNIS. I stand corrected, Mr. Speaker.

Yet my colleagues over here who think that they can evaluate better than the American Bar Association are making an effort to deny the vote.

So, in summary on this, let me say, number one, let me say there was no need for that vicious, one-sided attack this evening. It was very partisan in its nature. It was not a fair fight and at least you ought to be fair. I think Mr. Estrada can stand up and lose the fight if he gets a fair fight. You did not even give him a fair fight.

In fact, you did not know I was coming this evening. I did not expect to make comments in this regard. But I felt that attack was so vicious and double standards were being utilized that somebody has to speak up for Mr. Estrada on this House floor.

By the way, I have never met Mr. Estrada. I would not know him if he walked in the door right here. There is no reason for me to stand up and defend him here tonight other than the fact that it was a one-sided attack by a small group of Democrats and their Democratic leadership, and that is fundamentally unfair. And it is fundamentally unfair for a group to work against a vote being taken, to deny that right to vote after they preach to us.

You were preaching, my colleagues were preaching to us about how hard they have worked in their community, and which, by the way, I agree with, their community worked hard to be sure that they had the right to exercise a vote. And yet on one hand you say, we have a right and we worked hard in our community to exercise the vote. But on the other hand, do not allow the vote for Mr. Estrada; but although the American Bar Association says he is qualified, we do not think he is qualified. And although we do not think he has experience, we did not have any experience before we came in the United States Congress. For some reason, it is okay for us, but it is not okay for Mr. Estrada. And by the way, we will do it on the House floor where nobody stands in defense of Mr. Estrada.

I find myself here not even knowing Mr. Estrada but feeling you are picking on the little guy, and it is not a fair fight.

I am willing to stand up to you. I know you out number me 10 to 1 tonight. I know you came here speaker after speaker after speaker, first giving a disclaimer that it was not partisan

and then of course the rest of your comments were completely partisan.

So I am standing up for him. And I think he ought to have a vote. And I think you ought to take into consideration or at least say to the people when you make your comments, by the way, while I disagree with Mr. Estrada, you should know that the American Bar Association gave him its highest evaluation of what they think is required to serve as a judge on the appellate level in the Federal Government.

Enough. Enough of that.

I need to talk this evening and spend some time with my colleagues on the situation that is occurring in NATO, the situation at the United Nations, the situation in Iraq. I think at the very beginning it is important to distinguish between the United Nations and NATO.

NATO, of course, is the North Atlantic Treaty Organization. It is a family. It is a strong defense alliance built between America and its European neighbors. It is an alliance that is like a close-knit family. It is an alliance that has gone to war as an alliance, as in Kosovo. It is an alliance in which, like blood brothers, like blood brothers, you make the commitment when you join that alliance that a fight with anybody in the alliance, a fight upon any individual country within the alliance is a fight with the entire alliance. And for 50-some years that alliance, NATO, has stood strongly.

In the last 2 weeks we have had a breakup in the family. We have had a couple of members of the family, three members to be specific, who, despite the fact that the family has coddled them for 50-some years, despite the fact that the family has put their arms around them in a time of need, despite the fact that members of NATO like the United States of America, like on D-Day, put their arms around France and helped France. It was not Iraq that went to help France. It was not Iraq that was in Kosovo helping France. It is not Iraq and Korea helping South Korea. It is not Iraq out there doing anything for France other than selling them oil. And France left.

One of our family members has left, in my opinion, in part due to a business deal. It has shaken the entire foundation of the organization we know as NATO. And while we start let me mention, I just want to quote from an article, this is off Yahoo, New York Post, it is an op-ed piece, so I am quoting from the op-ed piece, ''Mr. Howard Served in D-Day.''

He is an American, an American citizen. He did not have a bone to pick, but he decided to go to answer the call for his country to fight for France, and this is what he said: ''We were men of war and men of honor. The turncoats making policy in Paris and Berlin,'' speaking to what has happened in the last 2 weeks, ''do not know the meaning of the words,'' referring to the words ''men of war, men of honor.'' France was in trouble. Excuse me, let me step back.

Mr. Howard remembers why our young men went to war. He says, ''France was in trouble and all of us had to do something about it. Simple as that.'' ''France was in trouble and all of us had to do something about it. Simple as that. With this anti-American thing going on, I tell people loud and clear, I am an American, first and last. You got a problem? I think we all did our bit back then.''

Now what has happened. Let me just take a look because there is a perception out there from the world-wide media. They sensed for obvious reasons that there is a breakup in the family, that a family that nobody thought they would ever see a crack in, a family that has had a strong history of partnership for 50-some years all of the sudden, in a matter of hours, suffered a major break. And the perception out there is that it is a fight between the United States of America and France and Germany.

It is not a split between the United States of America and France and Germany and Belgium. It is a division in Europe. Let me show you.

I have a chart to my left and I would like to refer you to the chart. I am going to circle the three members of the family. Let me first of all point out on the chart the members of the family. Take a look: United States, Portugal, Norway, Italy, Greece, Denmark, we have 19 of them, Turkey, United Kingdom, Netherlands, Iceland, Germany, Canada, Czech Republic, Spain, Poland, Luxemburg, France and Belgium. That is the family. I am introducing you to our family in the North Atlantic Treaty Organization.

And by the way, it is not the North Atlantic Treaty Organization that would be engaged in the conflict in an offensive fashion against Iraq. The issue with Iraq is separate from NATO. That is being handled by another unit called the United Nations and primarily through their Security Council.

□ 2115

Back to our family at NATO. All of these family members agree with this exception: Germany, France and Belgium.

My point in referring my colleagues to the posters is I would like my colleagues to see that it is not a split, an even split in the family. It is not even close to an even split in the family. Sixteen members of this family support another member and let me tell my colleagues who that other member is. That other member is the most moderate Muslim country in the world.

That other member, which is the country of Turkey, is a country that time and time and time again has come to the alliance and assisted the alliance. That is a member despite the pressure, and talk about pressure, France and Germany and Belgium have never seen pressure like the Turks have. Time and time again the Turks have been under intense pressure from some of the more radical countries in the Middle East to walk away from NATO. They have looked at Turkey and said how dare you stand with the United States of America, how dare you stand with Great Britain, how dare you stand with the Netherlands or Iceland or Canada or Greece or Italy or Spain. What are you doing in that organization?

But the Turks have stood tall. Time and time again the Turks have delivered to the family. Time and time again the Turks have proven that they are not only a stable, but they are probably one of the strongest members of the family, and time and time again the Turks have come to the assistance of the other members. It is like the big brother, always there to help. That is a good description of Turkey. That is not an accurate description of France or of Germany or of Belgium, but Turkey's always been there to help.

With the situation in Iraq, it appears because of remarks and indications that Saddam Hussein has made that the country of Iraq could very easily decide they want to pick a fight with Turkey and blindly attack Turkey with weapons, possibly weapons of mass destruction. For the first time in the alliance of NATO, Turkey has come under what we call section 4 of NATO. For the first time Turkey has come and invoked section 4, and they are the big brother who has always helped us, has now come into the family house and said can you help me.

Turkey has said can you help me, and you know what the brothers and sisters in that family house have said? The United States said, yes, and by the way, the United States now says if NATO will not stand up for you because of the actions of France and Belgium and Germany, we will. The United States, just be aware anybody in the world, you take on Turkey and we consider it a direct attack against the United States of America, and we will respond accordingly with overwhelming superiority.

But when the family was asked to pitch in and help Turkey, the United States stepped forward and they said yes. Portugal stepped forward and they said yes. Norway stood forward and they said yes. Italy stood forward and they said yes. Greece stepped forward and they said yes. Denmark stepped forward and they said yes. The United Kingdom obviously stepped forward and said yes. The Netherlands stepped forward and said yes. Iceland stepped forward and said yes. Canada stepped forward and said yes. The Czech Republic stood forward and said yes.

What is really neat about some of this, some of these countries are our little brothers and sisters. They are very small as far as military might, but they are very, very small countries; but by gosh, they stood forward and said we are going to help our brother Turkey. We are going to give it the best we got. Spain stepped forward and said yes. Poland stepped forward

and said yes. Luxembourg, little reluctant, slow, yes. Hungary stepped forward and said yes.

But then some of the most prominent, some of the biggest members of the family, to the shock of every other member of the family, to the shock of the brothers, to our brothers and sisters, France stepped forward and said not only no, not only maybe, we will abstain from this, maybe we will stay in the house while you go out to help our brother Turkey. France stepped forward and said I am going to veto the right for you to help Turkey in any way. I am going to veto to make sure NATO cannot get out of the door of the house to go help our brother Turkey. Germany did the same thing. Shame on them. Belgium.

Remember what I told you about Mr. Howard, about what Mr. Howard said on D-day. France was in trouble and all of us had to do something about it. Simple as that. We were men of war. We were men of honor. It was that simple. Our brother France, it was in trouble. That is what Mr. Howard talks about, D-day, and yet how quickly and how shamefully the French and the Germans and the Belgians forget not what the United States did for them, although what we have done for that country whether it is the Marshall Plan or Hitler or bringing down the Wall, you cannot count all the assistance we have given to those countries, but speaking much more broadly than the United States, this assistance came from their fellow member of NATO, and in the last week, they shocked the family by saying we are not going to participate, we are not going to help Turkey.

How can they do that? I mean, it is like looking at your brother and saying how can you betray the family, how can you walk out on us like that, in a time of need, without warning? You walk out on the family. This has nothing to do with Iraq. That is not the issue here in front of NATO. That is the issue in front of the United Nations Security Council. Why are you using Iraq as a cover to defy your brother? Why are you walking out on your family? Why do you do this? What do you have to gain?

Have you made the choice that instead of putting your investment, your commitment with the people who have stood beside you for 50 years, whether it is Portugal or Spain or Italy or Hungary or Iceland, instead of putting your commitment with these people, you are now choosing to put your commitment with Saddam Hussein and Iraq? You are walking out of our family, not only the insult of leaving our family in a time of need, France and Germany and Belgium; but you are going across the street to help one of the worst men in the history of this world.

It is unanswerable unless, unless you begin to look a little deeper. Then you find out that the French signed an agreement with the Iraq government for the right to explore an oil field that they believe has 40 billion barrels of oil in it at a discounted price. Iraq knows that if they can win the public relations war, Iraq knows that maybe they can break America because America may not have enough guts to act without the French or without Germany.

If France and Germany, let us just say that the oil that they are getting from Iraq and the arms that they are selling to Iraq, and Germany's in there, too, and so is Belgium, let us just say that that is not the reason for leaving the family. If the reason for leaving the family is they do not want to go to war and somehow they tie NATO into the war, again, it is not the NATO issue with Iraq. It is the United Nations that is dealing with Iraq, two separate institutions, but if that is their concern, they, in fact, are making the war more likely, the probability of war higher because of the fact that they are now presenting a broken front, a nonunified family, a broken family.

The best way to settle this peacefully is stand nose to nose with Saddam Hussein with a unified international community that says disarm and disarm now.

The President of the United States has made this very clear. The President and Prime Minister of Italy has made this very clear. The Prime Minister of Great Britain has made this very clear. Many, many people throughout this world are willing to stand as a unified team as the President and Colin Powell says or the Vice President and Mr. Rumsfeld or Condoleezza Rice, with a coalition of the willing.

Every time France needed something, NATO became the coalition of the willing. Every time Germany or Belgium needed something, it was NATO that was ready to stand up to the plate. That was the deal. We are blood brothers. We made a commitment, a solemn commitment 50 years ago, and we have stood in honor only to be disgraced by the countries that we, America or many of these countries, we lost on D-day. It is stunning to the international community that NATO, which was perceived as probably the strongest alliance in the world of a multiple nation makeup would, in fact, be defied by its own family.

So let me say to my colleagues, this is not light discussions which are taking place right now. I, under the fine leadership of the gentleman from Nebraska (Mr. BEREUTER), who is the chairman of the parliamentary arm of the House for NATO, I am a member of that. I have been a member of that for a long time. I have witnessed the family. I know what a good family it is.

Tomorrow or the next day we will depart for NATO meetings, and I intend to be as strong in my comments in front of the French and the Germans and the Belgians as I am with my colleagues this evening. This is a serious rift. No one should take it lightly. The message I will deliver to the French and to the Germans and to the Belgians is, for God's sake, think about what you are doing. Think about the family that you are about to walk out on. Be selfish for a minute and think about your own future. Be totally selfish and think about is your future better with your brothers and sisters in the NATO alliance? Is your future better with Poland and the United Kingdom and the United States and Hungary and Spain and Italy and any number of these countries, the Netherlands, the Czech Republic, Canada? Is your future better with them or is your future better with the country of Iraq? I mean, it is so basic and yet so fundamental to the survival of this family.

Let me say that this split in the European community, France wants to be the big dog. France wants to always lead the parade. France wants to be the head of the EU and Germany wants to be France's little buddy.

Let me say, in my opinion, NATO will suffer from this but what will suffer the most is the investment that France and Germany and Belgium, the investment they are making with Iraq. They will suffer the most in the long run for they will find out you cannot deal with a madman. You cannot deal with a killer. You cannot appease, you cannot appease a cold-blooded killer who not only invaded two other countries, two of his neighbors, but also in cold blood used weapons of mass destruction, chemical gases, to kill his own people.

You are being dealt a bad hand, and I am going to say to the French and to the German and the Belgian colleagues, look at the hand that you have been dealt. You have got a great hand. You have got a hand that is shared by 16 other nations who have been with you for 50 years; and whether you have got a good hand or a bad hand, we have always been there and you have got a good hand right now, and you are about to throw it on the table and give it to the person who showed up, who does not have the best interests of anybody but himself, Saddam Hussein, in mind.

Let us move again, as I said earlier, we have the United Nations which we are going to speak about right now and we have NATO. My comments up to this point have been focused specifically on NATO, keeping in mind that the issue in front of NATO is not the issue of Iraq. The issue in front of NATO, the North Atlantic Treaty Organization, clearly is do we or do we not go to the assistance of one of our members, that is, the country of Turkey, which has invoked section 4, which requests help from its different colleagues? Do we, an organization that has been a solid family for 50-some years, do we in fact work to continue that family or should in fact NATO, the issue now in front of us, is our family now broken because three of our members, the Belgians, the French and the Germans have refused to honor their lifelong commitment, their blood brother commitment to stick with us?

□ 2130

That is NATO. The issue is not Iraq. The issue is, do we help Turkey, which faces imminent threat from Iraq? The issue is, do we or do we not help Turkey?

I can say for sure that America will help Turkey. And every one of those 16 countries voted to go immediately to assist Turkey. And France and Germany and Belgium, your failure to act will not cause a weakness for our friends, the country of Turkey. We will act.

The rest of the members of NATO, despite your veto threat, and unfortunately we will have to act outside the body of NATO, but whether it is a truck, whether it is a prayer, whether it is medics or mechanics or the military might of the United States and the British, we will protect Turkey. And you, France, and you, Belgium, and you, Germany, will see this as one of the largest and most significant mistakes of your country's history.

Now, let us move to the United Nations and talk just for a moment about the United Nations. The United Nations, really when it comes to the issue of Iraq, and keep in mind the United Nations has about 189 members, I may be off one or two, but 189 countries or so. North Korea, for example, is in the United Nations. We have a number of different countries which are completely opposite of the United States and of the free world, in my opinion, in the United Nations. But we are not talking about the whole body. The real focus we have today, dealing with the problem of Iraq, dealing with the problem of weapons of mass destruction, dealing with the problem of, for example, North Korea and proliferation of nuclear weapons, that primarily focuses on the Security Council of the United Nations.

I wanted very quickly, if you look to my left at the poster, the United Nations Security Council, these are the members of the Security Council. These members, for example Russia, can carry a veto and prevent the United Nations from taking action as a body. For example, the Kosovo air war. The head of the Security Council persuaded the United Nations to oppose an air war in Kosovo. So it is a powerful body, but it is a powerful body within the scope of the United Nations.

This is the body of which we were in hopes would be strong enough, have tough enough teeth that it could bite into the problem and hold on to it after the Persian Gulf War of 12 or 13 years ago. It was the United Nations which issued the resolution, led by the United States and the joint members of the United Nations, to take action, to free Kuwait after Iraq overran Kuwait without cause, conquered its country, destroyed its oil wells, killed tens, maybe hundreds of thousands of people in the country of Kuwait. It was the United Nations that issued a resolution supporting military conflict, if necessary, to free the country of Kuwait.

It was the United Nations that kept the United States and the British, because we decided to be Mr. Nice Guy. We thought the United Nations could do something with Iraq after the Persian Gulf War, which was an overwhelming victory for the allies and America because of our military superiority. We had confidence, now as it appears, misplaced confidence, but we had confidence that the United Nations could help us rebuild Iraq through a series of resolutions, through a series of inspections, through disarming Iraq.

The United Nations assured us 12 years ago to not go in and exterminate, do not go in and destroy or eliminate Saddam Hussein. Stay out of Baghdad. It was the United Nations. It was not George Bush, Sr., who made the decision. It was not Margaret Thatcher and the United Kingdom who made the decision to stay out of Baghdad. It was not Norman Schwarzkopf who decided not to go into Baghdad. It was the United Nations who insisted that our mandate was simply to get Iraq out of Kuwait, to not go into the city limits of Baghdad and take down the regime of Saddam Hussein.

So we agreed to it because we were under the mistaken trust that the United Nations meant what they said. We were under the mistaken belief that the United Nations would carry through with its resolutions, that the United Nations, through its Security Council, would be sure that the resolutions that Saddam Hussein agreed in his own writing to follow, even proposed some of these resolutions.

We were confident. That may be too strong a word. We were cautiously optimistic that the United Nations would not be a paper tiger, that the United Nations, within a short period of time, would disarm Iraq of these weapons of mass destruction. We knew of munitions that Iraq had, and we were cautiously optimistic that Iraq, through the United Nations, would disarm and become a member of the world community.

It was a big mistake, and it is proving today that the United Nations itself does not have the gumption to do what it says. And it is the United Nations, not the United States, it is the United Nations that is on the brink of becoming what we call a paper tiger, an organization in the West they say is a cowboy with a big hat but no cows. The United Nations is right on the brink of making that decision. Do we once again become a paper tiger?

Now, let us look a little at the history. First of all, what kind of weapons are we talking about in Iraq? Are we talking about these missiles we discovered in the last few days that have a range that exceeds the maximum range that Iraq agreed they would restrict these missiles to? Are we talking about the shell casings that Iraq denied that they still had? What are we talking about?

Let me show you an inventory of what we are talking about and why we think it is important for the United Nations to not become a paper tiger. Again, let me refer you to my left. This is not what the United States or the Brits or any other ally says that Iraq has. This poster to my left does not reflect what the United Nations says Iraq has; this poster reflects what Iraq, what Saddam Hussein said he had. That is what this poster reflects. Take a look at it.

Weapons of mass destruction: Mustard gas, 2,850 tons of mustard gas. That stuff is lethal, and I am going to show you case after case after case where Iraq, under Saddam Hussein, used these weapons of mass destruction either against his war in Iran or against Kuwaitis or against his own people.

Sarin nerve gas, 795 tons. Do you realize what you could do to America or to Canada or to Portugal or to any neighbor of Iraq with 795 tons of sarin nerve gas?

VX nerve gas, 3.9 tons. This is a very, very vicious weapon of mass destruction. The last two words describe it most accurately, mass destruction.

Tabun nerve agent, 210 tons.

Anthrax, 25,000 tons. Now, we all have an idea of what anthrax does because of the anthrax attack we had here in the Nation's Capital. That killed servants of this country. That killed people serving this country with just a few drops of powder in an envelope.

He, under his own admission, has 25,000 tons of anthrax. He has 400 tons of uranium and he has 6 grams of plutonium. Under his own admission, he has these weapons of mass destruction.

Now, we do not know where he has them. He agreed, by the way, to destroy them. He agreed to turn these over to the allies. By the way, you do not just destroy them. You do not just go out and set them on fire. You have to go through a very complicated process to disarm these.

He has become an expert at sensing that the United Nations may be really nothing but a paper tiger, that it may follow the history of the League of Nations, which was charged with the responsibility, almost in a duplicate situation with Germany after World War I, to disarm Germany, and they backed down. Germany lied, and Germany, in fact, had weapons they said they did not have. The League of Nations did not enforce inspections. The League of Nations became a paper tiger, and Germany became a war machine. Unfortunately, many of us suffered. Many of our countries suffered during World War II.

The United Nations is heading down that direct path because they refuse to disarm Iraq. Instead, they are going to play this cat-and-mouse game.

Well, our President, thank goodness for our President, who has said enough is enough. He said earlier it is like a bad movie and he is not interested in seeing the rerun. You know what the

rerun is? Let me show you what President Bush does not want to see a rerun of. Again, the poster to my left.

President Bush does not want to see a rerun of August of 1983, where mustard gas killed no fewer than 100 people. He does not want to see a rerun of February 1986, where Saddam Hussein used mustard gas and tabun and killed 8,000 to 10,000 people. President Bush does not wants to see a rerun of the October 1983 attack, where Saddam Hussein used mustard gas to kill 3,000 Iranians and Kurds. President Bush does not want to see a rerun of the December 1986 act by Saddam Hussein, mustard gas, where he killed thousands of Iranians. That is the rerun President Bush does not want to see.

Unfortunately, the person we would call ''the dove,'' the person least likely to urge this country to go into a military conflict, is Colin Powell, a man of high integrity, highest popularity rating in the United States of America because they know this is a man of integrity, and he has said enough is enough.

Take a look at the team we have. President Bush put together the A Squad. We have DICK CHENEY, one of the most qualified Vice Presidents in the history of this country. Condoleezza Rice. By the way, DICK CHENEY is just north of us in Wyoming. The President from Texas. Condoleezza Rice schooled in Denver, Colorado. Condoleezza Rice, one of the brightest, most capable people in the area of international affairs, world affairs. Don Rumsfeld, one of the toughest guys I have ever met; one of the smartest men I have ever had the privilege to visit with. And, of course, Colin Powell.

These people do not want to see a rerun. These people, and every Member of the United States Congress ought to be standing up strong and saying to the United Nations, do not let this happen to any more generations, to any more people in the world. United Nations, you have the opportunity today, you have the opportunity today to make sure that this movie, which is reflected on the poster to my left, will never be rerun again; that no other family in the history of the world will suffer from the hands of Saddam Hussein by a weapon of mass destruction.

It is an inherent obligation of the world to stand up to this tyrant and to stop him. Yet, as we are on the verge of that, I fear that this tyrant is winning a public relations, a public relations effort with the United Nations, and the United Nations itself is about to become an unimportant organization because they did not stand up when standing up was called for. They did not answer to the call of duty when the most important call of duty came forward. They blinked. They blinked to the madman. They attempted to appease him.

Look at history. History is a teacher. I do not care what history teacher in America you pick. Any history teacher you want, of any political affiliation, whether prowar, antiwar, pro-this or anti-that, there is one thing they all share in common. Every history professor in America shares one thing in common. What is it they share in common? They share in common that the knowledge of history gives you a pretty good idea of the future: That history is often repeated, that history repeats itself.

To my left is the poster of history. It is the history of Saddam Hussein and the weapons of mass destruction. Not weapons that he has threatened to use, but weapons that he has used. It is the history of tens of thousands of people who died a horrible, horrible death. It is a history that the United Nations is on the verge of choosing to ignore. Maybe the United Nations should ask any historian anywhere in the world, forget the United States, ask anywhere else in the world if they think history will repeat itself.

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Fortunately, we have a President who has built a coalition throughout this world. This is not America standing alone. This is America standing with many countries throughout the world, Spain, Italy, the United Kingdom, many, many different countries throughout the world.

So, okay, United Nations, maybe you are going to be a paper tiger, but we are convinced that history will repeat itself with Saddam Hussein, and we are at the end of our game. Even if it costs us some of our brave young men and women, we are willing to put the lives of our country's citizens on the line to stop this murderer. When duty calls, the United States under the leadership of our President and these other countries, the leadership of Tony Blair and the United Kingdom, et cetera, et cetera, have answered the call.

We are begging the United Nations answer the call while you have the opportunity. Come out of the foxhole. You have an obligation to get onto the field. We must stop history from repeating itself.

I could not speak with more serious or somber attitude than I am speaking to you this evening. Standing right in front of us is the history. We know the history. This inventory that Saddam Hussein has admitted himself is not a made-up inventory. Those are very, very lethal weapons. It is not like a single shot from a rifle where there is one victim. One vial of these inventories that Saddam Hussein has admitted to having, one vial can wipe out an entire community. History shows time and time and time and time and time and time again, this madman has used these weapons of mass destruction and killed thousands, tens of thousands of people.

Yet we have people of sound mind who stand back and put their hands over their eyes and pretend that history will not repeat itself, that pretend that the cancer does not exist and this is somehow going to go away if we try to appease the madman. If we say give us a little of that inventory at a time, we will be satisfied with your word that you will not attack, that history will not repeat itself.

I will tell Members what the United Nations is doing. They are making a bet, and anyone that supports allowing this madman to continue down his path, they are making a long bet. They are making a bet that the odds are so stacked against them that most of us would consider it a bet of insanity. It is a bet that no one in Las Vegas, no one that gambles, nobody that has ever gambled would ever take with the odds that face these people that do not want to stop this madman by military conflict, if necessary.

It is a bet that is based on the premise, it is a bet that is based on the premise that history will not repeat itself, and that this madman all of a sudden has turned a new leaf and that this madman all of a sudden wants to join the world community and is a man of integrity now and a man of honesty.

I am telling Members those that are making that bet, they are not just going to lose, you are making this bet on behalf of the entire world. And unfortunately, if we lose the bet because history repeats itself, we all lose. Tens of thousands, probably hundreds of thousands of people will have their lives snuffed out because of a foolish, foolhardy bet that has been made.

Everyone of us in this Chamber and everybody in an elected office or an office of leadership in this world, the time has arrived to stand up. The time has arrived to come out of the foxhole fighting. The time has arrived to make sure that we address the fact that history will repeat itself.

We have an opportunity today to, in my opinion, save hundreds, maybe hundreds of thousands, of people. It is not the only problem that we have out there. Sure, we have a problem with North Korea, and we have economic problems. We have the AIDS problem. But I am telling Members the problem that I think is the biggest threat is the one with the highest probability of repeating itself in history, and that is Saddam Hussein and the use of weapons of mass destruction.

Mr. Speaker, I commend the leaders of our country, including my colleagues in Congress who had enough guts to stand up and say enough is enough. But I am telling those people who are betting that history will not repeat itself, in my opinion, and I say this with a great deal of sincerity, and I do not say this with a lot of exaggeration, in my opinion you have let down every human being on the face of the Earth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. DELAY) for today after 4:00 p.m. on account of a congressional delegation trip to Afghanistan.

Mr. LINDER (at the request of Mr. DELAY) for today after 4:00 p.m. on account of business in Georgia.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. BURNS, for 5 minutes, today.

Mr. THOMAS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, pursuant to House Concurrent Resolution 41 of the 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to House Concurrent Resolution 41.

Thereupon, (at 9 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 41, 108th Congress, and its previous order, the House adjourned until Tuesday, February 25, 2003, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information: NEIL ABERCROMBIE, ANÍBAL ACEVEDO-VILÁ, GARY L. ACKERMAN, ROBERT B. ADERHOLT, W. TODD AKIN, RODNEY ALEXANDER, THOMAS H. ALLEN, ROBERT E. ANDREWS, JOE BACA, SPENCER BACHUS, BRIAN BAIRD, RICHARD H. BAKER, TAMMY BALDWIN, FRANK W. BALLANCE, JR., CASS BALLENGER, J. GRESHAM BARRETT, ROSCOE G. BARTLETT, JOE BARTON, CHARLES F. BASS, BOB BEAUPREZ, XAVIER BECERRA, CHRIS BELL, DOUG BEREUTER, SHELLEY BERKLEY, HOWARD L. BERMAN, MARION BERRY, JUDY BIGGERT, MICHAEL BILIRAKIS, ROB BISHOP, SANFORD D. BISHOP, JR., TIMOTHY H. BISHOP, MARSHA BLACKBURN, EARL BLUMENAUER, ROY BLUNT, SHERWOOD BOEHLERT, JOHN A. BOEHNER, HENRY BONILLA, JO BONNER, MARY BONO, JOHN BOOZMAN, MADELEINE Z. BORDALLO, LEONARD L. BOSWELL, RICK BOUCHER, ALLEN BOYD, JEB BRADLEY, KEVIN BRADY, ROBERT A. BRADY, CORRINE BROWN, HENRY E. BROWN, JR., SHERROD BROWN, GINNY BROWN-WAITE, MICHAEL C. BURGESS, MAX BURNS, RICHARD BURR, DAN BURTON, STEVE BUYER, KEN CALVERT, DAVE CAMP, CHRIS CANNON, ERIC CANTOR, SHELLEY MOORE CAPITO, LOIS CAPPS, MICHAEL E. CAPUANO, BENJAMIN L. CARDIN, DENNIS A. CARDOZA, BRAD CARSON, JULIA CARSON, JOHN R. CARTER, ED CASE, MICHAEL N. CASTLE, STEVE CHABOT, CHRIS CHOCOLA, DONNA M. CHRISTENSEN, WM. LACY CLAY, JAMES E. CLYBURN, HOWARD COBLE, TOM COLE, MAC COLLINS, LARRY COMBEST, JOHN CONYERS, JR., JIM COOPER, JERRY F. COSTELLO, CHRISTOPHER COX, ROBERT E. (BUD) CRAMER, JR., PHILIP M. CRANE, ANDER CRENSHAW, JOSEPH CROWLEY, BARBARA CUBIN, JOHN ABNEY CULBERSON, ELIJAH E. CUMMINGS, RANDY ''DUKE'' CUNNINGHAM, ARTUR DAVIS, DANNY K. DAVIS, JIM DAVIS, JO ANN DAVIS, LINCOLN DAVIS, SUSAN A. DAVIS, TOM DAVIS, NATHAN DEAL, PETER A. DEFAZIO, DIANA DEGETTE, WILLIAM D. DELAHUNT, ROSA L. DELAURO, TOM DELAY, JIM DEMINT, PETER DEUTSCH, LINCOLN DIAZ-BALART, MARIO DIAZ-BALART, NORMAN D. DICKS, JOHN D. DINGELL, LLOYD DOGGETT, CALVIN M. DOOLEY, JOHN T. DOOLITTLE, MICHAEL F. DOYLE, DAVID DREIER, JOHN J. DUNCAN, JR., JENNIFER DUNN, CHET EDWARDS, VERNON J. EHLERS, RAHM EMANUEL, JO ANN EMERSON, ELIOT L. ENGEL, PHIL ENGLISH, ANNA G. ESHOO, BOB ETHERIDGE, LANE EVANS, TERRY EVERETT, ENI F.H. FALEOMAVAEGA, SAM FARR, CHAKA FATTAH, TOM FEENEY, MIKE FERGUSON, BOB FILNER, JEFF FLAKE, ERNIE FLETCHER, MARK FOLEY, J. RANDY FORBES, HAROLD E. FORD, JR., VITO FOSSELLA, BARNEY FRANK, TRENT FRANKS, RODNEY P. FRELINGHUYSEN, MARTIN FROST, ELTON GALLEGLY, SCOTT GARRETT, RICHARD A. GEPHARDT, JIM GERLACH, JIM GIBBONS, WAYNE T. GILCHREST, PAUL E. GILLMOR, PHIL GINGREY, CHARLES A. GONZALEZ, VIRGIL H. GOODE, JR., BOB GOODLATTE, BART GORDON, PORTER J. GOSS, KAY GRANGER, SAM GRAVES, GENE GREEN, MARK GREEN, JAMES C. GREENWOOD, RAÚL M. GRIJALVA, LUIS V. GUTIERREZ, GIL GUTKNECHT, RALPH M. HALL, JANE HARMAN, KATHERINE HARRIS, MELISSA A. HART, J. DENNIS HASTERT, ALCEE L. HASTINGS, DOC HASTINGS, ROBIN HAYES, J. D. HAYWORTH, JOEL HEFLEY, JEB HENSARLING, WALLY HERGER, BARON P. HILL, MAURICE D. HINCHEY, RUBÉN HINOJOSA, DAVID L. HOBSON, JOSEPH M. HOEFFEL, PETER HOEKSTRA, TIM HOLDEN, RUSH D. HOLT, MICHAEL M. HONDA, DARLENE HOOLEY, JOHN N. HOSTETTLER, AMO HOUGHTON, STENY H. HOYER, KENNY C. HULSHOF, DUNCAN HUNTER, HENRY J. HYDE, JAY INSLEE, JOHNNY ISAKSON, STEVE ISRAEL, DARRELL E. ISSA, ERNEST J. ISTOOK, JR., JESSE L. JACKSON, JR., SHEILA JACKSON-LEE, WILLIAM J. JANKLOW, WILLIAM J. JEFFERSON, WILLIAM L. JENKINS, CHRISTOPHER JOHN, EDDIE BERNICE JOHNSON, NANCY L. JOHNSON, SAM JOHNSON, TIMOTHY V. JOHNSON, STEPHANIE TUBBS JONES, WALTER B. JONES, PAUL E. KANJORSKI, MARCY KAPTUR, RIC KELLER, SUE W. KELLY, MARK R. KENNEDY, PATRICK J. KENNEDY, DALE E. KILDEE, CAROLYN C. KILPATRICK, RON KIND, PETER T. KING, STEVE KING, JACK KINGSTON, MARK STEVEN KIRK, GERALD D. KLECZKA, JOHN KLINE, JOE KNOLLENBERG, JIM KOLBE, RAY LAHOOD, NICK LAMPSON, JAMES R. LANGEVIN, TOM LANTOS, RICK LARSEN, JOHN B. LARSON, TOM LATHAM, STEVEN C. LATOURETTE, JAMES A. LEACH, BARBARA LEE, SANDER M. LEVIN, JERRY LEWIS, JOHN LEWIS, RON LEWIS, JOHN LINDER, WILLIAM O. LIPINSKI, FRANK A. LOBIONDO, ZOE LOFGREN, NITA M. LOWEY, FRANK D. LUCAS, KEN LUCAS, STEPHEN F. LYNCH, DENISE L. MAJETTE, CAROLYN B. MALONEY, DONALD A. MANZULLO, EDWARD J. MARKEY, JIM MARSHALL, JIM MATHESON, ROBERT T. MATSUI, CAROLYN MCCARTHY, KAREN MCCARTHY, BETTY MCCOLLUM, THADDEUS G. MCCOTTER, JIM MCCRERY, JAMES P. MCGOVERN, JOHN M. MCHUGH, SCOTT MCINNIS, MIKE MCINTYRE, HOWARD P. ''BUCK'' MCKEON, MICHAEL R. MCNULTY, MARTIN T. MEEHAN, KENDRICK B. MEEK, GREGORY W. MEEKS, ROBERT MENENDEZ, JOHN L. MICA, MICHAEL H. MICHAUD, JUANITA MILLENDER-MCDONALD, BRAD MILLER, CANDICE S. MILLER, GARY G. MILLER, JEFF MILLER, ALAN B. MOLLOHAN, DENNIS MOORE, JAMES P. MORAN, JERRY MORAN, TIM MURPHY, JOHN P. MURTHA, MARILYN N. MUSGRAVE, SUE WILKINS MYRICK, JERROLD NADLER, GRACE F. NAPOLITANO, RICHARD E. NEAL, GEORGE R. NETHERCUTT, JR., ROBERT W. NEY, ANNE M. NORTHUP, ELEANOR HOLMES NORTON, CHARLIE NORWOOD, DEVIN

NUNES, JIM NUSSLE, JAMES L. OBERSTAR, DAVID R. OBEY, JOHN W. OLVER, SOLOMON P. ORTIZ, TOM OSBORNE, DOUG OSE, C. L. ''BUTCH'' OTTER, MAJOR R. OWENS, MICHAEL G. OXLEY, FRANK PALLONE, JR., BILL PASCRELL, JR., ED PASTOR, RON PAUL, DONALD M. PAYNE, STEVAN PEARCE, NANCY PELOSI, MIKE PENCE, COLLIN C. PETERSON, JOHN E. PETERSON, THOMAS E. PETRI, CHARLES W. ''CHIP'' PICKERING, JOSEPH R. PITTS, TODD RUSSELL PLATTS, RICHARD W. POMBO, EARL POMEROY, JON C. PORTER, ROB PORTMAN, DAVID E. PRICE, DEBORAH PRYCE, ADAM H. PUTNAM, JACK QUINN, GEORGE RADANOVICH, NICK J. RAHALL II, JIM RAMSTAD, CHARLES B. RANGEL, RALPH REGULA, DENNIS R. REHBERG, RICK RENZI, SILVESTRE REYES, THOMAS M. REYNOLDS, CIRO D. RODRIGUEZ, HAROLD ROGERS, MIKE ROGERS (AL), MIKE ROGERS (MI), DANA ROHRABACHER, ILEANA ROS-LEHTINEN, MIKE ROSS, STEVEN R. ROTHMAN, LUCILLE ROYBAL-ALLARD, EDWARD R. ROYCE, C. A. DUTCH RUPPERSBERGER, BOBBY L. RUSH, PAUL RYAN, TIMOTHY J. RYAN, JIM RYUN, MARTIN OLAV SABO, LINDA T. SÁNCHEZ, LORETTA SANCHEZ, BERNARD SANDERS, MAX SANDLIN, JIM SAXTON, JANICE D. SCHAKOWSKY, ADAM B. SCHIFF, EDWARD L. SCHROCK, DAVID SCOTT, ROBERT C. SCOTT, F. JAMES SENSENBRENNER, JR., JOSÉ E. SERRANO, PETE SESSIONS, JOHN B. SHADEGG, E. CLAY SHAW, JR., CHRISTOPHER SHAYS, BRAD SHERMAN, DON SHERWOOD, JOHN SHIMKUS, BILL SHUSTER, ROB SIMMONS, MICHAEL K. SIMPSON, IKE SKELTON, LOUISE MCINTOSH SLAUGHTER, ADAM SMITH, CHRISTOPHER H. SMITH, LAMAR S. SMITH, NICK SMITH, VIC SNYDER, HILDA L. SOLIS, MARK E. SOUDER, JOHN M. SPRATT, JR., CLIFF STEARNS, CHARLES W. STENHOLM, TED STRICKLAND, BART STUPAK, JOHN SULLIVAN, JOHN E. SWEENEY, THOMAS G. TANCREDO, JOHN S. TANNER, ELLEN O. TAUSCHER, W. J. (BILLY) TAUZIN, CHARLES H. TAYLOR, GENE TAYLOR, LEE TERRY, WILLIAM M. THOMAS, BENNIE G. THOMPSON, MIKE THOMPSON, MAC THORNBERRY, TODD TIAHRT, PATRICK J. TIBERI, JOHN F. TIERNEY, PATRICK J. TOOMEY, EDOLPHUS TOWNS, JIM TURNER, MICHAEL R. TURNER, MARK UDALL, TOM UDALL, FRED UPTON, CHRIS VAN HOLLEN, NYDIA M. VELÁZQUEZ, PETER J. VISCLOSKY, DAVID VITTER, GREG WALDEN, JAMES T. WALSH, ZACH WAMP, MAXINE WATERS, DIANE E. WATSON, MELVIN L. WATT, HENRY A. WAXMAN, ANTHONY D. WEINER, CURT WELDON, DAVE WELDON, JERRY WELLER, ROBERT WEXLER, ED WHITFIELD, ROGER F. WICKER, HEATHER WILSON, JOE WILSON, FRANK R. WOLF, LYNN C. WOOLSEY, DAVID WU, ALBERT RUSSELL WYNN, C. W. BILL YOUNG, DON YOUNG

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

681. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $70 million Federal credit instrument for Frontier Airlines; (H. Doc. No. 108—39); to the Committee on Appropriations and ordered to be printed.

682. A letter from the Secretary, Office of General Counsel, Securities and Exchange Commission, transmitting the Commission's final rule — Implementation of Standards of Professional Conduct for Attorneys [Release Nos. 33-8185; 34-47276; IC-25929; File No. S7-45-02] (RIN: 3235-AI72) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

683. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Proxy Voting By Investment Advisers [Release No. IA-2106; File No. S7-38-02] (RIN: 3235-AI65) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

684. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

685. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Ozone: Final Response to Remand [FRL-7428-7] (RIN: 2060-ZA11) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

686. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7428-6] (RIN: 2060-AH67) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

687. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Concerning Marine Communications [PR Docket No. 92-257]; Petition for Rule Making Filed by Regionet Wireless License, LLC [RM-9664] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

688. A communication from the President of the United States, transmitting a report pursuant to Public Law 107-243 entitled, ''Authorization for Use of Military Force Against Iraq Resolution of 2002''; (H. Doc. No. 108—40); to the Committee on International Relations and ordered to be printed.

689. A letter from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rio Grande Silvery Minnow (RIN:1018-AH91) received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

690. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish [Docket No. 000629197-2192-03; I.D. 032900A] (RIN: 0648-AN06) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

691. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole Sideboard Limit in the Bering Sea and Aleutin Islands Management Area [Docket No. 021212307-2307-01; I.D. 011503C] received February 4, 20033, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

692. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 012303B] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

693. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye and Northern Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-2307-01; I.D. 012103F] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

694. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures [Docket No. 021209299-2299-01; I.D. 112502B] (RIN: 0648-AQ19) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Areas and Security Zones; Escorted Vessels — Philippine Sea, Guam, Apra Harbor, Guam and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands [CGD14-02-002] (RIN: 2115-AA97) received February 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares) — received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

697. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Consolidation of Customs Drawback Centers [T.D. 03-05] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

698. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Statutory Mergers and Consolidations [REG-1264 85-01] (RIN: 1545-BA06) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

699. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Functions (Rev. Proc. 2003-19) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

700. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [TD 9040] (RIN: 1545-AY56) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

701. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [REG-116641-01] (RIN: 1545-BA17) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

702. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number (TIN) Matching Program [TD 9041] (RIN: 1545-BB88) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

703. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Definition of Foreign Personal Holding Company Income [TD 9039] (RIN: 1545-BA33) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

704. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare, Medicaid, and CLIA Programs; Laboratory Requirements Relating to Quality Systems and Certain Personnel Qualifications [CMS-2226-F] (RIN: 0938-AK24) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

705. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities [CMS-3047-F] (RIN: 0938-AK35) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means 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:

[February 13 (legislative day of February 12), 2003]

Mr. YOUNG of Florida: Committee of Conference. Conference report on House Joint Resolution 2. Resolution making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–10). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 71. Resolution waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–11). Referred to the House Calendar.

[Submitted February 13, 2003]

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 342. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes (Rept. 108–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 389. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools (Rept. 108–13). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 398. A bill to revise and extend the Birth Defects Prevention Act of 1998; with an amendment (Rept. 108–14). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 399. A bill to amend the Public Health Service Act to promote organ donation (Rept. 108–15). Referred to the Committee of the Whole House on the State of the Union.

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. DELAY, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. GREEN of Wisconsin, Mr. JONES of North Carolina, Mr. SHIMKUS, Mr. BACA, Mr. SIMMONS, Mr. FROST, Mr. KIRK, Mr. FORBES, Mr. MCINTYRE, Mr. BERRY, Mr. MOLLOHAN, Mr. WAMP, Mr. VISCLOSKY, Mr. MARIO DIAZ-BALART of Florida, Mr. BOOZMAN, Mr. CRENSHAW, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. MCNULTY, Mr. GORDON, Mr. STENHOLM, Mr. WELDON of Pennsylvania, Mr. KING of New York, Mr. PLATTS, Mr. BARRETT of South Carolina, Mr. BELL, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. OSBORNE, and Mr. HOEKSTRA):

H.R. 756. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. BROWN of Ohio, Mr. STARK, Mr. CROWLEY, Ms. NORTON, Mr. LANTOS, Mr. BERRY, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. MICHAUD, Mr. WYNN, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. WOOLSEY, Mr. FROST, Mr. DOGGETT, Mr. SANDERS, Ms. ROYBAL-ALLARD, Mr. LIPINSKI, Mr. HINCHEY, and Ms. SLAUGHTER):

H.R. 757. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mrs. MALONEY, Mrs. CAPITO, Mr. SHERMAN, and Mr. MOORE):

H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; to the Committee on Financial Services.

By Mr. WELLER (for himself, Mrs. MCCARTHY of New York, Mr. HAYES, Mr. KIRK, Mr. SHAYS, Mr. HAYWORTH, Mr. ROGERS of Alabama, Mr. BUYER, Mr. COX, Mr. LATOURETTE, Mr. SHIMKUS, Mr. AKIN, Mr. MARIO DIAZ-BALART of Florida, Mrs. MYRICK, Mr. KLINE, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. JANKLOW, Mr. BURTON of Indiana, Mr. CANNON, Mr. PEARCE, Mr. FOSSELLA, Mr. KING of Iowa, Mr. SENSENBRENNER, Mr. KING of New York, Mrs. KELLY, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. PLATTS, Ms. BERKLEY, Mr. FORBES, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. BOEHLERT, Mr. CRANE, Mr. RYUN of Kansas, Mr. LAHOOD, Mr. OXLEY, Mr. JOHNSON of Illinois, Mr. WELDON of Florida, Mr. PITTS, Ms. ROS-LEHTINEN, Mr. PETERSON of Pennsylvania, Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. SIMMONS, Mr. GILCHREST, Mr. ROHRABACHER, Mr. KOLBE, Mr. GOODE, Mr. WALSH, Mr. SESSIONS, Mr. HOSTETTLER, Ms. GINNY BROWN-WAITE of Florida, Mr. CULBERSON, and Mrs. EMERSON):

H.R. 759. A bill to amend the Internal Revenue Code of 1986 to accelerate the elimination of the marriage penalty in the standard deduction and in the 15-percent income tax rate bracket; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. SENSENBRENNER, Mr. KING of Iowa, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. BRADY of Texas, Mr. CANNON, Mr. CANTOR, Mr. CUNNINGHAM, Mr. ENGLISH, Mr. GREEN of Wisconsin, Ms. HART, Mr. HAYES, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUNTER, Mr. JENKINS, Mr. KINGSTON, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEY, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. TOOMEY, Mr. WELDON of Pennsylvania, Mr. PICKERING, Mr. OXLEY, Mr. CRANE, Mr. DEMINT, Mr. SCHROCK, Mr. TANCREDO, Mr. ADERHOLT, Mr. TIAHRT, Mr. NORWOOD, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. EHLERS, Mr. ROGERS of Michigan, Mr. BAKER, Mr. MOLLOHAN, Mr. BALLENGER, Mr. MCCRERY, Mr. RENZI, Mr. FLETCHER, Mr. TIBERI, Mr. AKIN, Mr. COLLINS, Mr. JOHN, Mr. RYUN of Kansas, Mr. HOSTETTLER, Mr. VITTER, Mr. MCCOTTER, Mr. PORTMAN, Mr. SESSIONS, Mr. SOUDER, Mr. SHUSTER, Mr. WOLF, Mr. POMBO, Mr. DELAY, Mr. CAMP, Mr. BARTON of Texas, Mr. COSTELLO, Mr. BISHOP of Utah, Mr. TAYLOR of Mississippi, Mr. EVERETT, Mr. BLUNT, Mr. TERRY, Mrs. CUBIN, Mr. OBERSTAR, Mr. GRAVES, Mr. WHITFIELD, Mr. ISSA, Mr. FEENEY, Mr. STENHOLM, Mr. GOSS, Mr. SMITH of New Jersey, Mr. HYDE, Mr. WILSON of South Carolina, Mr. GUTKNECHT, Mr. PETRI, Mr. LINDER, Mr. COBLE, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. BURGESS, Mr. STEARNS, Mr. BEAUPREZ, Mr. HULSHOF, Mr. ROGERS of Alabama, Mr. BURNS, Mr. PLATTS, Mr. BROWN of South Carolina, Mr. REHBERG, Mrs. EMERSON, Mr. KLINE, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. TOM DAVIS of Virginia, Mr. BOOZMAN, Mr. OSBORNE, Mr. LEWIS of Kentucky, Mr. MURPHY, Mr. SIMPSON, Mr. RAHALL, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. WAMP, Mr. GOODE, Mr. CHOCOLA, Mrs. NORTHUP, Mr. FORBES, Mr. SULLIVAN, Mr. GOODLATTE, Mr. PUTNAM, Mrs. BLACKBURN, Mr. TURNER of Ohio, Mr. PEARCE, Mrs. MILLER of Michigan, Ms. GRANGER, Mr. GINGREY, Mr. MANZULLO, Mr. COLE, Mr. FERGUSON, Mr. CALVERT, Mr. SMITH of Texas, Mr. GARRETT of New Jersey, Mr. STUPAK, Mr. BURR, Mr. RYAN of Wisconsin, Mr. JONES of

North Carolina, Mrs. MUSGRAVE, Mr. CULBERSON, Mr. LATOURETTE, Mr. BOEHNER, Mr. BARRETT of South Carolina, and Mr. HENSARLING):

H.R. 760. A bill to prohibit the procedure commonly known as partial-birth abortion; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. SMITH of New Jersey, Mr. RODRIGUEZ, Mr. FILNER, Mr. RENZI, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, and Mr. SANDERS):

H.R. 761. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adapted housing assistance to disabled members of the Armed Forces who remain on active duty pending medical separation; to the Committee on Veterans' Affairs.

By Mrs. CUBIN (for herself, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. MCINNIS, Mr. RADANOVICH, and Mrs. WILSON of New Mexico):

H.R. 762. A bill to amend the Federal Land Policy and Management Act to 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 763. A bill to provide for the disposition of United States Government uranium inventories; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Ms. HARMAN):

H.R. 764. A bill to appropriate funds for grants by the Office for Domestic Preparedness of the Department of Homeland Security; to the Committee on Appropriations.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, and Mr. DEFAZIO):

H.R. 765. A bill to amend title 49, United States Code, to allow cargo pilots to participate in the Federal flight deck officer program; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Mr. HONDA, Mr. EHLERS, Mr. HALL, Mr. SMITH of Michigan, Mr. GORDON, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT of Maryland, Ms. LOFGREN, Mr. GUTKNECHT, and Mr. BISHOP of New York):

H.R. 766. A bill to provide for a National Nanotechnology Research and Development Program, and for other purposes; to the Committee on Science.

By Mr. ENGLISH (for himself, Mr. DREIER, Mr. BRADY of Texas, and Ms. DUNN):

H.R. 767. A bill to amend the Internal Revenue Code of 1986 to encourage investing of foreign earnings within the United States for productive business purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, Mr. BALLENGER, Mr. MCINNIS, Mr. DREIER, Mr. HAYWORTH, Mr. BURR, Mr. WICKER, Mr. WELLER, Mr. TERRY, Mr. FOLEY, Mrs. JONES of Ohio, Mr. BECERRA, Mr. HONDA, Ms. DELAURO, Mr. FROST, Mr. CROWLEY, Mr. PETERSON of Pennsylvania, Mrs. CAPPS, Mr. KIND, Mr. ROSS, Mr. OLVER, Mr. MCHUGH, Mr. GRIJALVA, Mr. UDALL of New Mexico, Ms. WATSON, Mr. GRAVES, Mr. SIMMONS, Mr. MOORE, Mr. SWEENEY, Ms. BERKLEY, Mr. FILNER, Mr. JANKLOW, Mr. GORDON, Mr. MCINTYRE, Mr. KING of Iowa, Mr. PAUL, Ms. NORTON, Mr. QUINN, Mr. BARTLETT of Maryland, Mr. SIMPSON, Mr. SHUSTER, Mr. OTTER, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. SESSIONS, Mr. DOOLEY of California, Ms. ESHOO, Mr. CUNNINGHAM, Mr. DICKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. GONZALEZ, Mr. REYES, Mr. CRAMER, Mr. GREEN of Wisconsin, Mr. DOOLITTLE, Ms. GRANGER, Mr. WELDON of Pennsylvania, Mr. RADANOVICH, Mr. CALVERT, Mr. ISAKSON, Mr. NETHERCUTT, Mr. WALSH, Mr. HASTINGS of Washington, Mr. REHBERG, Mr. GILLMOR, Mr. BAIRD, Mrs. LOWEY, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. SAXTON, Mr. YOUNG of Alaska, Mr. LARSON of Connecticut, Mr. TOWNS, Mr. SCHIFF, Mr. CASE, Ms. WOOLSEY, Mr. CARDOZA, Mrs. BONO, Mr. OSBORNE, Mr. WEINER, Mr. FLETCHER, Mrs. CAPITO, Mr. OSE, Ms. HART, Mr. TURNER of Texas, Mr. PEARCE, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mr. POMBO, Mr. ROGERS of Michigan, Mr. BERMAN, Mr. UPTON, Mr. TOM DAVIS of Virginia, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. GOODLATTE, Mr. CASTLE, Mr. POMEROY, Ms. SLAUGHTER, Mr. LEWIS of Georgia, and Mrs. CUBIN):

H.R. 768. A bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, and Mr. BALLENGER):

H.R. 769. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mrs. JOHNSON of Connecticut, Mr. ALLEN, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BALLANCE, Mr. BASS, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CAPPS, Mr. CLAY, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOGGETT, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FORD, Mr. GEPHARDT, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HILL, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KLECZKA, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LEACH, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 770. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Resources.

By Mr. WELLER (for himself, Mr. UPTON, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. CRANE, Mr. BRADY of Texas, Ms. DUNN, Mr. FOLEY, Mr. HOUGHTON, Mr. HAYWORTH, Mr. HULSHOF, Mr. MCINNIS, Mr. CAMP, Mr. HERGER, Mr. RAMSTAD, Mr. GOODLATTE, Mr. COX, Mr. TOM DAVIS of Virginia, Mr. JONES of North Carolina, Mr. SULLIVAN, Mr. REGULA, Mr. HOBSON, Mr. CUNNINGHAM, Mr. CHABOT, Mr. MURPHY, Mr. LAHOOD, Mr. GERLACH, Mr. BARRETT of South Carolina, Mr. LATOURETTE, Mr. KINGSTON, Mr. PENCE, Mr. GILCHREST, Mr. WALSH, Mr. KENNEDY of Minnesota, Mr. TIBERI, Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. KOLBE, Mr. NUNES, Mr. FORBES, Mr. REHBERG, Mr. EHLERS, Mr. KELLER, Mr. SESSIONS, Mr. ISAKSON, Ms. HART, Mr. ROHRABACHER, Mr. TANCREDO, Mr. MILLER of Florida, Mr. SMITH of Michigan, Mr. BROWN of South Carolina, Mr. PORTER, Mr. ISSA, Mr. PEARCE, Mr. BRADLEY of New Hampshire, Mr. OTTER, Ms. GINNY BROWN-WAITE of Florida, Mr. MANZULLO, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. TAUZIN, Mr. NETHERCUTT, Mr. SOUDER, Mr. COBLE, Mr. DOOLITTLE, Mr. HAYES, Mr. BALLENGER, Mr. LOBIONDO, Mr. CULBERSON, Mr. KING of Iowa, Mr. BONILLA, Mrs. CAPITO, Mr. ISTOOK, Ms. ROS-LEHTINEN, Mr. OSBORNE, Mr. BISHOP of Utah, Mr. OXLEY, Mr. WALDEN of Oregon, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, and Mrs. BIGGERT):

H.R. 771. A bill to amend the Internal Revenue Code of 1986 to expand bonus depreciation to expensing for 18 months; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to provide that foreign base company shipping income shall include only income from aircraft and income from certain vessels transporting petroleum and related products; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. RODRIGUEZ, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. REYES, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. BACA, Ms. SOLIS, Mr. PASTOR, Mr. ACEVEDO-VILA, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, and Mr. GRIJALVA):

H.R. 773. A bill to amend section 5318 of title 31, United States Code, to authorize financial institutions to accept matricula consular issued in the United States as a valid

form of identification; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 774. A bill to amend the Electronic Fund Transfer Act to prohibit any operator of an automated teller machine that displays any paid advertising from imposing any fee on a consumer for the use of that machine, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. HALL, Mr. FORBES, Mr. BOYD, Mr. GOODE, Mr. GRAVES, Mr. GALLEGLY, Mr. CANTOR, Mr. CULBERSON, Mr. SHADEGG, Mr. BURNS, Mrs. JO ANN DAVIS of Virginia, and Mr. BARTLETT of Maryland):

H.R. 775. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Ms. ESHOO):

H.R. 776. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 777. A bill to authorize grants to States to fund arrangements between local police departments and public accommodations to have the accommodations serve as emergency domestic violence shelters; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself and Mr. WELDON of Pennsylvania):

H.R. 778. A bill to recognize the birthdays of Presidents George Washington and Abraham Lincoln; to the Committee on Government Reform.

By Mr. BECERRA (for himself, Mr. WU, Mr. RODRIGUEZ, Mr. BACA, Mrs. NAPOLITANO, Mr. MATSUI, Mr. WEXLER, Mr. ABERCROMBIE, Mr. HONDA, Mr. REYES, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. PASTOR, Ms. VELAZQUEZ, Mr. HINOJOSA, Mr. GONZALEZ, Mr. ACEVEDO-VILA, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. SERRANO, and Ms. LINDA T. SANCHEZ of California):

H.R. 779. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY (for himself, Mrs. EMERSON, Mr. TAYLOR of Mississippi, Mr. HOLDEN, Mr. ALEXANDER, Mr. TURNER of Texas, Mr. SCOTT of Georgia, Ms. LORETTA SANCHEZ of California, Mr. MOORE, Mr. HILL, Mr. STENHOLM, Mr. CRAMER, Ms. HARMAN, Mr. ISRAEL, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. SANDERS, Mr. CROWLEY, Mr. FROST, and Mr. HINCHEY):

H.R. 780. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the implementation of the program under section 804 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BIGGERT (for herself, Mrs. MALONEY, Ms. BALDWIN, Mrs. JONES of Ohio, Mr. SHAYS, Mr. WATT, Mrs. WILSON of New Mexico, and Mr. FRANK of Massachusetts):

H.R. 781. A bill to amend the Gramm-Leach-Bliley Act to exempt attorneys from the privacy provisions of that Act; to the Committee on Financial Services.

By Mr. BRADY of Texas (for himself, Mr. GREEN of Texas, Mr. FOLEY, and Mr. BECERRA):

H.R. 782. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 783. A bill to authorize the Secretary of Transportation to carry out a project to widen Interstate Route 35 East in Denton County, Texas; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. PASCRELL, Ms. KILPATRICK, Mr. KILDEE, Mr. QUINN, Mr. EHLERS, Mrs. MILLER of Michigan, Ms. BORDALLO, Mr. ENGLISH, Mr. ROGERS of Michigan, Mr. SHIMKUS, Mr. LEVIN, Mr. MCDERMOTT, Mrs. DAVIS of California, Mr. STUPAK, Mr. GRIJALVA, Mr. GOODLATTE, and Mr. MCHUGH):

H.R. 784. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Ms. PRYCE of Ohio, Mr. TANNER, Mr. FOLEY, Mr. BOEHNER, Mr. BLUNT, Mr. RAMSTAD, Mr. ENGLISH, Mr. HAYWORTH, Mr. CRANE, Mr. BRADY of Texas, Mr. ROGERS of Michigan, Mr. OXLEY, Mr. MATSUI, Mr. SANDLIN, Mrs. JONES of Ohio, Mr. SKELTON, Mr. RODRIGUEZ, Mr. FORD, Mr. CARSON of Oklahoma, Mr. MATHESON, Mr. FRANK of Massachusetts, Mr. ETHERIDGE, Mrs. WILSON of New Mexico, Mr. MICA, Mr. MCHUGH, Mr. PICKERING, Mr. TIBERI, Mr. MILLER of Florida, Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. HAYES, Mrs. JO ANN DAVIS of Virginia, Mr. SHIMKUS, Mr. HALL, Mr. MCINTYRE, Mr. MCGOVERN, Mr. ROSS, Mr. BACA, Mr. CRAMER, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mrs. MILLER of Michigan, Mr. KOLBE, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. FERGUSON, Mrs. CUBIN, Mr. SWEENEY, Mr. NORWOOD, Mrs. MYRICK, Mr. OTTER, Mr. PAUL, Mr. SCHROCK, Mr. MCCOTTER, Mr. GILLMOR, Mr. SENSENBRENNER, Mrs. KELLY, Mr. CRENSHAW, Mr. REHBERG, Mr. BACHUS, Mr. WALSH, and Mr. OSE):

H.R. 785. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. MATSUI, Mr. AKIN, Mr. BACA, Mr. BACHUS, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BURGESS, Mr. CANNON, Mrs. CAPITO, Mr. CARDOZA, Mr. CARSON of Oklahoma, Mr. COLE, Mr. CRAMER, Mr. CRANE, Mr. CUNNINGHAM, Mr. DOOLITTLE, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. FOLEY, Mr. FOSSELLA, Mr. GORDON, Mr. GRAVES, Mr. GREEN of Wisconsin, Ms. HARRIS, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HINCHEY, Mr. HOEKSTRA, Mr. ISAKSON, Mr. JOHN, Mr. KELLER, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. NEY, Mr. OTTER, Mr. POMBO, Mr. QUINN, Mr. RADANOVICH, Mr. RANGEL, Mr. REYNOLDS, Mr. ROGERS of Michigan, Mr. SANDLIN, Mr. SCHROCK, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SIMPSON, Mr. SULLIVAN, Mr. TANCREDO, Mr. THOMPSON of California, Mr. TOWNS, Mr. WELLER, Mr. WILSON of South Carolina, and Mr. MCHUGH):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 787. A bill to amend titles XVIII and XIX of the Social Security Act with respect to reform of Federal survey and certification process of nursing facilities under the Medicare and Medicaid Programs; to the Committee on Ways and Means, 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. CANNON (for himself and Mr. MATHESON):

H.R. 788. A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 789. A bill to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations; to the Committee on Education and the Workforce.

By Mr. COLE (for himself and Mr. CARSON of Oklahoma):

H.R. 790. A bill to amend the Internal Revenue Code of 1986 to provide credits for individuals and businesses for the installation of certain wind energy property; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. NEAL of Massachusetts):

H.R. 791. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. POMEROY, Mr. ABERCROMBIE, Mr. BOEHNER, Mrs. CAPPS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGLISH, Mrs. EMERSON, Mr. ETHERIDGE, Mr. FARR, Mr. GRAVES, Mr. LATHAM, Mr. LEACH, Mr. LYNCH, Mr. MARKEY, Mr. GARY G. MILLER of California, Mr. MCNULTY, Mr. PAUL, Mr. TOWNS, Mr. YOUNG of Alaska, Mr. KILDEE, and Mr. FROST):

H.R. 792. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 793. A bill to amend the Outer Continental Shelf Lands Act to authorized the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 794. A bill to amend the Mineral Leasing Act to provide for the development of Federal coal resources; to the Committee on Resources.

By Mr. DEUTSCH (for himself and Mr. MARKEY):

H.R. 795. A bill to require the Secretary of Energy to develop a plan to decrease the threat resulting from the theft or diversion of highly enriched uranium; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 796. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 797. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of any contribution made to a candidate for election for Federal office, or any donation made to an individual as support for the individual's activities as the holder of a Federal office, for the payment of a salary to the candidate or individual or to any member of the immediate family of the candidate or individual; to the Committee on House Administration.

By Mr. ENGLISH (for himself, Mr. RUSH, Mr. CANNON, Mr. PLATTS, Mr. GREEN of Wisconsin, Mr. MCHUGH, Mr. AKIN, Mr. EHLERS, Mr. SHAYS, Mr. SESSIONS, Mr. RYAN of Wisconsin, Mrs. KELLY, Mrs. MYRICK, Mr. MCCOTTER, and Mr. SIMMONS):

H.R. 798. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 799. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of motor vehicles powered by alternative fuels; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. ADERHOLT, Mr. BURR, Mr. CANNON, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGLISH, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. HERGER, Mr. KING of New York, Mr. KING of Iowa, Mrs. MUSGRAVE, Mr. SESSIONS, Mr. VITTER, Mr. WILSON of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. PEARCE):

H.R. 800. A bill to provide for the withholding of United States contributions to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism, and for other purposes; to the Committee on International Relations.

By Mr. GREENWOOD (for himself, Mr. DEUTSCH, Ms. DEGETTE, Ms. ESHOO, and Mr. KIRK):

H.R. 801. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the cloning of humans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Mrs. CAPPS, Mr. EVANS, Mr. WAXMAN, Mr. PAYNE, and Mr. GRIJALVA):

H.R. 802. A bill to amend the Elementary and Secondary Education Act of 1965 to require medically accurate factual information in any course material or instruction on human development and sexuality; to the Committee on Education and the Workforce.

By Mr. HAYWORTH (for himself and Mr. POMEROY):

H.R. 803. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MATSUI, Mr. MCCRERY, Mr. OSE, Mr. KENNEDY of Minnesota, and Mr. HUNTER):

H.R. 804. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. BECERRA, and Mr. BOEHLERT):

H.R. 805. A bill to amend the Internal Revenue Code of 1986 to clarify that certain settlement funds established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 are beneficially owned by the United States and are not subject to tax; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. CARDIN, Mr. UDALL of New Mexico, Mr. FILNER, Ms. SLAUGHTER, Ms. ESHOO, Mr. MCKEON, Mr. PAYNE, Ms. WOOLSEY, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. MCDERMOTT, Mr. BALLENGER, Mr. FOLEY, Mr. ENGLISH, Mrs. LOWEY, Mr. NADLER, Mr. HINCHEY, Mr. DOGGETT, Mr. FROST, Mr. MCHUGH, Mr. WAXMAN, Mr. PLATTS, Mr. BAIRD, Mr. WELDON of Pennsylvania, Mr. MCINTYRE, and Mr. LANTOS):

H.R. 806. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. LEWIS of Georgia):

H.R. 807. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. CRANE, Mr. BECERRA, Mr. HERGER, Mr. RANGEL, Mr. MCINNIS, Mr. TANNER, Mr. BRADY of Texas, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. RAMSTAD, and Mr. RYAN of Wisconsin):

H.R. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. GREENWOOD, Mrs. TAUSCHER, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. BOUCHER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. WYNN, Mr. SMITH of Washington, Ms. MCCARTHY of Missouri, Mr. KOLBE, Mr. KIND, Mr. MOORE, and Mr. SCOTT of Virginia):

H.R. 809. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. STARK, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. THOMAS, Mr. RANGEL, Mr. TAUZIN, Mr. DINGELL, Mr. RYAN of Wisconsin, Mr. PORTMAN, Mr. CARDIN, Ms. DUNN, Mr. GREENWOOD, Mr. KLECZKA, Mr. LEWIS of Kentucky, Mr. CAMP, Mr. POMEROY, Mr. SHAW, Mr. BURR, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. CRANE, Mr. MCINNIS, Mr. RAMSTAD, Mr. ENGLISH, Mr. MCDERMOTT, Mr. MCCRERY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. NUSSLE, Mr. NORWOOD, Mr. GORDON, Mr. UPTON, Mr. ENGEL, Mr. BUYER, Mr. PICKERING, Mr. BARTON of Texas, Mr. DOYLE, Mrs. CAPPS, Mr. WAXMAN, Mr. PALLONE, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. CANTOR, Mr. FOLEY, Mr. WELLER, and Mr. DEUTSCH):

H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; to the Committee on Ways and Means, 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 Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. CUMMINGS, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. SESSIONS, and Mr. CRANE):

H.R. 811. A bill to authorize the Secretary of Health and Human Services to make demonstration grants to promote the well-being and educational achievement of children through school-based health programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 812. A bill to guarantee the right of individuals to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Ms. KAPTUR, Mr. PAUL, Ms. MILLENDER-MCDONALD, Mr. CROWLEY, Mr. HOLDEN, Mr. BERRY, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Ms. NORTON, Mr. FROST, Mr. HASTINGS of Florida, Mr. SANDERS, and Mr. WEXLER):

H.R. 813. A bill to rescind the Department of Veterans Affairs memorandum of July 18, 2002, in which Directors of health service networks in the Department of Veterans Affairs are directed to ensure that no marketing activities to enroll new veterans occur within their networks; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Mr. NEY, Mr. ANDREWS, Mr. FERGUSON, Mr. ISRAEL, Mr. KIND, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. PAYNE, Mr. PLATTS, Mr. QUINN, Mr. SHIMKUS, and Ms. WOOLSEY):

H.R. 814. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. GUTIERREZ):

H.R. 815. A bill to require the Secretary of Health and Human Services to conduct a study with respect to aneurysms, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. BROWN of Ohio, Mr. HOUGHTON, Mr. DINGELL, Mr. LAHOOD, Mr. MCNULTY, Mr. REYNOLDS, Mr. LANTOS, Mr. PALLONE, Ms. HOOLEY of Oregon, Mr. CARDOZA, Mr. WEXLER, Mr. KILDEE, Mr. FILNER, Mr. STARK, Mr. RAHALL, Mr. MCGOVERN, Mr. LIPINSKI, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Mrs. MALONEY, Ms. BALDWIN, Mr. ENGEL, Mr. GRIJALVA, Mr. SWEENEY, Mr. MEEHAN, Mr. WATT, Mr. THOMPSON of California, Mr. ACKERMAN, Mr. CAPUANO, Mr.

QUINN, Mr. LYNCH, Mr. TOWNS, Mr. BERMAN, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. INSLEE, Mr. SCHIFF, Mr. HINCHEY, Mr. FARR, Mr. BOUCHER, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. POMEROY, Ms. KAPTUR, Mr. DAVIS of Alabama, Mr. COSTELLO, Mr. MICHAUD, Mrs. LOWEY, Mr. TANCREDO, Mr. MILLER of North Carolina, Mr. DELAHUNT, Mr. EVANS, Mr. ALLEN, Mr. ISRAEL, Mr. KIND, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. BERRY, Ms. MCCOLLUM, Mr. LUCAS of Kentucky, Ms. SLAUGHTER, Ms. VELAZQUEZ, Mr. ROSS, Mr. STRICKLAND, Ms. DELAURO, Mr. MURTHA, Mr. CROWLEY, Mr. GORDON, Mrs. KELLY, Mr. REYES, Ms. WOOLSEY, Mr. DICKS, Mr. OWENS, Ms. BORDALLO, Mr. RUSH, Mr. NADLER, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. WAXMAN, Mr. HOLDEN, Mr. DEUTSCH, Mr. BISHOP of New York, Mr. EMANUEL, Ms. NORTON, Ms. LEE, Ms. LINDA T. SANCHEZ of California, Mr. FORD, Mrs. CHRISTENSEN, Ms. PELOSI, Mr. ETHERIDGE, Mr. MCHUGH, Ms. ROYBAL-ALLARD, Mr. GREEN of Texas, Mr. PRICE of North Carolina, Mr. WEINER, Mr. FOLEY, Mr. BOEHLERT, Mr. MOLLOHAN, Mrs. CAPPS, Mr. WALSH, Mr. PASTOR, Mr. MCDERMOTT, Mr. CARSON of Oklahoma, Ms. MILLENDER-MCDONALD, Mr. SMITH of Washington, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. MCINTYRE, Mr. SERRANO, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Ms. SOLIS, Mr. SNYDER, and Ms. DEGETTE):

H.R. 816. A bill to provide certain temporary increases in the Federal medical assistance percentage (FMAP) under the Medicaid Program to help States finance increases in enrollment due to rising unemployment and to prevent reductions in health insurance coverage due to State budget crises; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. HOBSON, Ms. SLAUGHTER, Mr. FOSSELLA, Ms. ROS-LEHTINEN, Mr. COSTELLO, Mr. TOWNS, Mr. HONDA, Mr. SOUDER, Mr. WALSH, Mr. TIBERI, Mr. BOEHLERT, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. GORDON, Mr. OBERSTAR, Mr. REYES, Ms. WOOLSEY, Mr. HINCHEY, Mr. STRICKLAND, Mr. MCHUGH, Mr. FROST, Mr. SWEENEY, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. FORBES, Ms. BORDALLO, Mr. MCINTYRE, Mr. RODRIGUEZ, Mrs. CAPPS, Mr. FORD, Mr. MCNULTY, Mr. KILDEE, Mr. MEEHAN, Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mr. BISHOP of New York, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. TERRY, Mr. PASCRELL, Mr. SIMMONS, Mr. ABERCROMBIE, Mr. TAYLOR of Mississippi, Mr. GUTIERREZ, Mr. LOBIONDO, Mr. PAYNE, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. SERRANO, Mrs. JO ANN DAVIS of Virginia, Mr. ACKERMAN, Mrs. KELLY, Ms. LINDA T. SANCHEZ of California, Mr. NADLER, Mr. OWENS, Mr. ETHERIDGE, Mr. FARR, and Mr. GONZALEZ):

H.R. 817. A bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the Medicare Program for screening and diagnostic mammography services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA (for himself and Mr. RYAN of Wisconsin):

H.R. 818. A bill to amend the Gramm-Leach-Bliley Act to further protect customers of financial institutions whose identities are stolen from the financial institution, and for other purposes; to the Committee on Financial Services.

By Mr. KOLBE (for himself, Mr. FLAKE, Mr. SHADEGG, Mr. HAYWORTH, Mr. RENZI, Mr. PASTOR, Mr. GRIJALVA, and Mr. REYES):

H.R. 819. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Appropriations, 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. LAHOOD:

H.R. 820. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HOEFFEL, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KIRK, Mr. LANTOS, Ms. LOFGREN, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. NADLER, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 821. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the pistol from being fired when the magazine is not attached; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Ms. DUNN, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. BAIRD, and Mr. INSLEE):

H.R. 822. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by law in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Resources.

By Mr. LARSON of Connecticut (for himself, Mr. SHIMKUS, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. OTTER, Mr. RYAN of Ohio, and Ms. WATSON):

H.R. 823. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut:

H.R. 824. A bill to authorize the National Science Foundation to carry out research projects to develop and assess novel uses of high-performance computer networks for use in science, mathematics, and technology education in elementary and secondary schools; to the Committee on Science.

By Mr. LIPINSKI (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. CRANE, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOD, and Mr. SHIMKUS):

H.R. 825. A bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''; to the Committee on Government Reform.

By Ms. LOFGREN:

H.R. 826. A bill to amend the Internal Revenue Code of 1986 to expand the tax incentives for higher education; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. RANGEL, Mr. TOWNS, and Mr. BISHOP of New York):

H.R. 827. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York (for herself, Mr. EMANUEL, Ms. NORTON, Mr. OWENS, and Mr. ISRAEL):

H.R. 828. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow certain applicants for approval of a generic drug to be eligible for a 180-day period of protection from competition, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H.R. 829. A bill to amend the Arts and Artifacts Indemnity Act to increase the amount of loss or damage coverage, in the aggregate and for single exhibitions, authorized by such Act; to the Committee on Education and the Workforce.

By Mr. MCINNIS (for himself, Mr. HOUGHTON, Mr. CAMP, Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. HEFLEY, Mr. TANCREDO, Mr. BEAUPREZ, Mrs. MUSGRAVE, Mr. CLYBURN, Mr. HAYES, Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Mr. GREEN of Wisconsin, Mr. MURTHA, Mr. GORDON, Mr. CASE, Mr. MCNULTY, and Mr. JANKLOW):

H.R. 830. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself and Mr. YOUNG of Alaska):

H.R. 831. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr.

GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KOLBE, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. OLVER, Mr. PASCRELL, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SIMMONS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 832. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LUCAS of Kentucky, Mr. GILLMOR, and Mr. GARY G. MILLER of California):

H.R. 833. A bill to combat unfair and deceptive practices in the high-cost mortgage market, establish a consumer mortgage protection board, and establish licensing and minimum standards for mortgage brokers, and for other purposes; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. BLUNT, Mr. PORTMAN, Mr. SOUDER, Mr. MICA, Mr. CANNON, Mr. CALVERT, Mr. CUMMINGS, Mr. COBLE, Mr. TOWNS, Mr. GOODLATTE, Mr. HERGER, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. LATHAM, Mr. RADANOVICH, Mr. UDALL of New Mexico, Mr. BEREUTER, Mr. GIBBONS, Mr. WALDEN of Oregon, Mr. SESSIONS, Mrs. TAUSCHER, Mr. CRANE, Ms. HARMAN, Mrs. WILSON of New Mexico, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. MATHESON, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. NETHERCUTT, Ms. LOFGREN, Mr. MCINNIS, Mr. COSTELLO, Mr. ADERHOLT, Mr. CARSON of Oklahoma, Mr. PUTNAM, Mr. DOOLEY of California, Mr. OSBORNE, Mr. CARDOZA, Mr. GRAVES, Mr. FILNER, Mr. TERRY, Mrs. BONO, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. ENGLISH, Mr. GILLMOR, Mr. LANTOS, Mr. SIMMONS, Mr. HOLDEN, Mr. ISSA, Mr. POMEROY, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. SULLIVAN, Mr. HILL, Mr. BALLENGER, Mr. CASE, Mr. NUNES, Mr. UPTON, Mr. EHLERS, Mr. LEACH, and Mr. THOMPSON of California):

H.R. 834. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 835. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR:

H.R. 836. A bill to amend the Immigration and Nationality Act to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself and Mr. OSBORNE):

H.R. 837. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 838. A bill to amend the Higher Education Act of 1965 to provide greater academic freedom for institutions of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PORTMAN (for himself, Mr. CARDIN, Ms. PRYCE of Ohio, Mr. ENGLISH, Mrs. JONES of Ohio, Mr. BONILLA, Mr. TERRY, Mr. GARY G. MILLER of California, Ms. JACKSON-LEE of Texas, Mr. BURGESS, and Ms. HARRIS):

H.R. 839. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. REYNOLDS, Mr. HOUGHTON, Ms. SLAUGHTER, and Mr. WALSH):

H.R. 840. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. CARDIN):

H.R. 841. A bill to amend title XVIII of the Social Security Act to improve access to MedicareChoice plans for special needs Medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries; to the Committee on Ways and Means, 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. RENZI (for himself and Mr. FRANKS of Arizona):

H.R. 842. A bill to provide for the conveyance of certain Federal lands administered by the Bureau of Land Management in Maricopa County, Arizona, in exchange for private lands located in Yavapai County, Arizona, and for other purposes; to the Committee on Resources.

By Mr. REYES (for himself, Mr. EVANS, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Mr. ABERCROMBIE):

H.R. 843. A bill to amend title 38, United States Code, to provide full service-connected disability benefits for persons disabled by treatment or vocational rehabilitation provided by the Department of Veterans Affairs and for survivors of persons dying from such treatment; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ (for himself, Mr. LEACH, Mr. GREEN of Texas, Mr. TOWNS, Ms. LOFGREN, Mr. ABERCROMBIE, Mr. FROST, Mr. MCNULTY, Mr. RANGEL, Mrs. DAVIS of California, Ms. GRANGER, Mr. GUTIERREZ, Mr. WAXMAN, Mr. PAYNE, Ms. LEE, Mr. HOLDEN, Mr. GREENWOOD, Mrs. TAUSCHER, Ms. NORTON, and Ms. ROYBAL-ALLARD):

H.R. 844. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H.R. 845. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of interest on bank loans made to churches and religious organizations; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mrs. JONES of Ohio, Mr. GUTIERREZ, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FATTAH, Ms. LEE, Mr. PAYNE, Mr. OWENS, Mr. MCDERMOTT, Mr. WAXMAN, Mrs. MALONEY, Mrs. CAPPS, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. ENGEL, Ms. WOOLSEY, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. KILDEE, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. CONYERS, Ms. CARSON of Indiana, Ms. NORTON, Mr. BOEHLERT, Mr. CUMMINGS, Ms. HARMAN, Mr. HOLDEN, Mr. DINGELL, Mr. MCNULTY, Mr. CASE, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. STARK, Mr. TIERNEY, Ms. DELAURO, Mr. ETHERIDGE, Mr. NADLER, Mr. LANTOS, Mr. WATT, Mrs. BIGGERT, Mr. LAHOOD, and Mr. MORAN of Virginia):

H.R. 846. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. BURTON of Indiana, Ms. DELAURO, Mr. CROWLEY, Mrs. EMERSON, Mr. BERRY, Ms. KAPTUR, Mr. MCGOVERN, Mr. DEFAZIO, Mr. TIERNEY, Mr. DOGGETT, Mr. STARK, Ms. WOOLSEY, Ms. LEE, Mr. OLVER, Ms. SOLIS, Mr. EVANS, Mr. OWENS, Mr. SERRANO, Mr. ABERCROMBIE, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. SABO, Mr. JACKSON of Illinois, Ms. VELAZQUEZ, Mr. CAPUANO, Mr. HINCHEY, Mr. KUCINICH, Mr. MEEHAN, Mr. LEVIN, Mr. PALLONE, Mr. BROWN of Ohio, Ms. BALDWIN, and Mr. FILNER):

H.R. 847. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs from Canada; to the Committee on Energy and Commerce.

By Mr. SANDLIN:

H.R. 848. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for prompt payment for health benefits claims; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and 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. SHADEGG:

H.R. 849. A bill to authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. COX, Mr. BOEHNER, Mr. DREIER, Mr. HYDE, Mr. KOLBE, Mr. LEACH, Mr. OTTER, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina):

H.R. 850. A bill to amend title 38, United States Code, to provide special compensation for former prisoners of war, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 851. A bill to assess the impact of the North American Free Trade Agreement and the entry of the People's Republic of China into the World Trade Organization on American jobs, the environment, and worker rights; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself and Mr. WAXMAN):

H.R. 852. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. MCHUGH, Mr. WALSH, Mr. MCNULTY, Mr. HOUGHTON, Mrs. MALONEY, Ms. HOOLEY of Oregon, Ms. NORTON, Mr. RODRIGUEZ, and Mr. BISHOP of New York):

H.R. 853. A bill to establish the position of Northern Border Coordinator in the Department of Homeland Security; to the Committee on Homeland Security (Select), and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and 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. SMITH of New Jersey (for himself, Mr. HOYER, Mr. HOEFFEL, and Ms. SLAUGHTER):

H.R. 854. A bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. LARSEN of Washington, and Mr. INSLEE):

H.R. 855. A bill to encourage Members of Congress and the executive branch to be honest with the public about true on-budget circumstances, to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from the annual Federal budget baseline, to prohibit Social Security and Medicare hospital insurance trust funds surpluses to be used as offsets for tax cuts or spending increases, and to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from official budget surplus/deficit pronouncements; to the Committee on the Budget, 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. STENHOLM:

H.R. 856. A bill to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes; to the Committee on Resources.

By Mr. SWEENEY (for himself, Mr. SPRATT, Mr. SHAYS, Mr. FORD, Mr. SMITH of New Jersey, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. ISAKSON, Mr. VITTER, Mr. CALVERT, Mr. GALLEGLY, and Mr. GREENWOOD):

H.R. 857. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on International Relations, and 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. TANNER (for himself, Mr. BOYD, Mr. JOHN, Mr. STENHOLM, and Mr. DAVIS of Tennessee):

H.R. 858. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. KANJORSKI, Mrs. BIGGERT, Mr. GONZALEZ, Mr. SHAYS, and Ms. HOOLEY of Oregon):

H.R. 859. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Financial Services.

By Mr. TOOMEY:

H.R. 860. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 861. A bill to provide that the individual income tax rate reductions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 862. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, 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. VITTER:

H.R. 863. A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 864. A bill to authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding in fiscal year 2004 and fiscal year 2005, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WAXMAN (for himself, Mr. BROWN of Ohio, Mrs. CAPPS, and Mr. MARKEY):

H.R. 865. A bill to protect the health and safety of individuals receiving smallpox vaccinations and to provide compensation and assured access to care for individuals injured by the vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. COSTELLO):

H.R. 866. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Transportation and Infrastructure.

By Mr. ISTOOK (for himself, Mr. STENHOLM, Mr. SENSENBRENNER, Mr. CHABOT, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANNON, Mr. CHOCOLA, Mr. COBLE, Mr. COLE, Mr. COMBEST, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EDWARDS, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. FRANKS of Arizona, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. HALL, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. ISAKSON, Mr. JENKINS, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAHOOD, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MARSHALL, Mr. MCCOTTER, Mr. MCKEON, Mr. MEEHAN, Mr. MICA, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NORTHUP, Mr. NORWOOD, Mr. OSE, Mr. OTTER, Mr. PEARCE, Mr. PITTS, Mr. RADANOVICH, Mr. REHBERG, Mr. ROSS, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMMONS, Mr. SIMPSON, Mr. STEARNS, Mr. SWEENEY, Mr. TANNER, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. TIAHRT, Mr. VITTER, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WELLER, and Mr. BUYER):

H.J. Res. 22. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 23. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. CANTOR (for himself, Mr. NEY, Mr. LARSON of Connecticut, Mr. LATOURETTE, Ms. MILLENDER-MCDONALD, Mr. CANNON, Mr. BRADY of Pennsylvania, Mrs. MYRICK, Mr. LANTOS, Mr. WILSON of South Carolina, and Mr. FROST):

H. Con. Res. 40. Concurrent resolution permitting the use of the rotunda of the Capitol

for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. FOLEY:

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FROST:

H. Con. Res. 42. Concurrent resolution expressing the sense of Congress that a postage stamp should be issued in honor of Melvin Jones; to the Committee on Government Reform.

By Mr. LANTOS:

H. Con. Res. 43. Concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441; to the Committee on International Relations.

By Mr. LEACH (for himself, Mr. GUTKNECHT, Mr. EVANS, Mr. KIND, Mr. MANZULLO, Mr. NUSSLE, Mr. SABO, Ms. MCCOLLUM, Mr. BOSWELL, Mr. LATHAM, Mr. OBERSTAR, and Mr. SMITH of Texas):

H. Con. Res. 44. Concurrent resolution to express support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854; to the Committee on Government Reform.

By Mr. MILLER of Florida (for himself and Mr. DAVIS of Illinois):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Mr. PAUL:

H. Con. Res. 46. Concurrent resolution expressing the sense of Congress that all United States Armed Forces should be withdrawn from South Korea and the United States should end its defense guarantee of South Korea; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. CONYERS, Mr. PAYNE, Mr. JEFFERSON, Ms. LEE, and Mr. MEEKS of New York):

H. Con. Res. 47. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on those descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on International Relations.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. HUNTER, Mr. WILSON of South Carolina, Mr. HAYES, Mr. GILCHREST, Mrs. WILSON of New Mexico, Mr. SCHROCK, Mr. LINDER, Mr. DOOLITTLE, Mr. ENGLISH, Mr. LOBIONDO, Mr. SIMMONS, Mr. HEFLEY, Mr. FOLEY, Mr. MILLER of Florida, Mr. ISRAEL, Mr. TAYLOR of Mississippi, Mr. KING of Iowa, and Mr. MCKEON):

H. Con. Res. 48. Concurrent resolution expressing the sense of Congress that the people and companies of the United States and the United States Armed Forces should not participate in the Paris Air Show, should the Government of France continue its opposition to the potential use of force to insure that Saddam Hussein complies with United Nations resolutions concerning weapons of mass destruction; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mr. WOLF, Mr. HOYER, Mr. LANTOS, Mr. WAMP, Ms. SLAUGHTER, Mr. ADERHOLT, and Mr. HASTINGS of Florida):

H. Con. Res. 49. Concurrent resolution expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; to the Committee on International Relations.

By Mr. STEARNS:

H. Con. Res. 50. Concurrent resolution to require the posting of the Ten Commandments in the House and Senate chambers; to the Committee on House Administration.

By Mr. STEARNS:

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress that Congress should have the power to prohibit desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LARSON of Connecticut, Mr. COX, and Mr. TURNER of Texas):

H. Res. 77. A resolution providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress; to the Committee on House Administration. considered and agreed to.

By Mr. SKELTON (for himself and Ms. HARMAN):

H. Res. 78. A resolution expressing support for emergency first responders and States and local communities, which are on the front lines of the Nation's homeland defense; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H. Res. 79. A resolution electing Members, Delegates, and Resident Commissioners to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BOEHNER (for himself and Mr. GEORGE MILLER of California):

H. Res. 80. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. HEFLEY, and Mr. MCINNIS):

H. Res. 81. A resolution expressing the sense of the House of Representatives that the North Atlantic Treaty Organization must begin to plan steps for the defense of Turkey as requested by that nation; to the Committee on International Relations.

By Mr. CUMMINGS (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. BALLANCE, Mr. DAVIS of Alabama, Mr. FORD, Mr. MEEKS of New York, Mr. RUSH, Ms. KILPATRICK, Mr. WYNN, Mr. WATT, Ms. CARSON of Indiana, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. CLYBURN, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Ms. WATERS, Ms. WATSON, Ms. MAJETTE, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. RANGEL, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. CLAY, Mr. JEFFERSON, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. LEE, and Mr. SCOTT of Virginia):

H. Res. 82. A resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H. Res. 83. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. PITTS (for himself, Mr. WOLF, Mr. ROHRABACHER, and Mr. SMITH of New Jersey):

H. Res. 84. A resolution calling for the immediate intervention in the conflict in Burma, and for other purposes; to the Committee on International Relations.

By Mr. PLATTS (for himself, Mr. WELDON of Pennsylvania, Mr. HOEFFEL, Mr. DOYLE, Mr. ENGLISH, Mr. HOLDEN, Mr. FATTAH, Mr. GREENWOOD, Mr. CASTLE, Mr. REYNOLDS, Mr. MURPHY, and Mr. TOM DAVIS of Virginia):

H. Res. 85. A resolution congratulating the Messiah College men's soccer team for winning its second National Collegiate Athletic Association Division III Soccer Championship; to the Committee on Education and the Workforce.

By Mr. ROGERS of Alabama (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. MCKEON, Mr. NORWOOD, Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. BURNS, Mr. KINGSTON, Mr. SKELTON, Mr. ROSS, and Mr. MCDERMOTT):

H. Res. 86. A resolution recognizing the contributions of historically Black colleges and universities; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 694 memorializing the Congress of the United States to quickly pass the State Budget Relief Act of 2001, HR 3414, or any temporary increase in Medicaid funding to assist our State in its budget crisis; to the Committee on Energy and Commerce.

2. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 281 memorializing the United States Congress to enact the Hunting Heritage Protection Act; to the Committee on Resources.

3. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 282 memorializing the United States Congress to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; to the Committee on Resources.

4. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 601 memorializing the United States Congress to enact legislation to provide that taxpayers can deduct fully the cost of their health insurance premiums; to the Committee on Ways and Means.

5. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 602 memorializing the United States Congress to enact legislation to remove the ''use it or lose it'' restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year; to the Committee on Ways and Means.

6. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 603 memorializing the United States Congress to enact

legislation to provide more flexibility for participants in medical care spending accounts; to the Committee on Ways and Means.

7. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 597 memorializing the United States Congress to expand Medicare to include a prescription pharmaceutical plan for low income seniors; jointly to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HOLT introduced a bill (H.R. 867) for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. CHOCOLA.

H.R. 5: Mr. CUNNINGHAM, Mr. BURR, Mr. DREIER, and Mr. CANTOR.

H.R. 13: Mr. VAN HOLLEN, Mr. HOUGHTON, Mr. OLVER, Mr. GALLEGLY, Mr. WALSH, Mr. OSE, Mr. HALL, Mr. WAMP, and Mr. BASS.

H.R. 14: Mr. DAVIS of Illinois and Mr. VAN HOLLEN.

H.R. 20: Mr. WATT, Mr. STUPAK, and Mr. SOUDER.

H.R. 21: Mr. AKIN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 24: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 33: Ms. GINNY BROWN-WAITE of Florida, Mr. WATT, Mr. BOSWELL, Mr. KENNEDY of Minnesota, and Mr. BISHOP of Georgia.

H.R. 49: Mr. REHBERG, Mr. SESSIONS, Mr. COMBEST, and Mr. CARSON of Oklahoma.

H.R. 51: Mrs. BLACKBURN.

H.R. 57: Mr. MANZULLO.

H.R. 58: Mr. MILLER of Florida, Mr. NORWOOD, Ms. WOOLSEY, Mr. ACKERMAN, Mr. FOLEY, Mr. KING of Iowa, Mr. GILLMOR, Mr. TOWNS, Mr. DINGELL, Mr. WHITFIELD, Ms. GRANGER, Mr. CARDOZA, Mr. MICA, Mr. LEWIS of Georgia, Mr. HOLDEN, Mr. MARSHALL, Mr. DOOLEY of California, Ms. ROYBAL-ALLARD, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. MEEHAN, Mr. INSLEE, Mr. MCINTYRE, Mr. PICKERING, Mr. GIBBONS, Mr. MCGOVERN, Mr. TURNER of Texas, Mr. FILNER, Mr. JOHNSON of Illinois, Mr. WEINER, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. GOODE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FROST, Mr. PAUL, and Ms. CORRINE BROWN of Florida.

H.R. 73: Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. FOSSELLA, and Mr. CROWLEY.

H.R. 109: Mr. FOLEY, Mr. CALVERT, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 111: Mr. EVANS, Mr. GUTKNECHT, Mr. DEUTSCH, Mr. REGULA, Mr. LUCAS of Kentucky, and Mr. CASE.

H.R. 126: Mr. BILIRAKIS.

H.R. 141: Mr. BURR.

H.R. 152: Mr. GRIJALVA.

H.R. 167: Mr. MANZULLO.

H.R. 168: Mr. HOLDEN and Mr. DUNCAN.

H.R. 173: Ms. BALDWIN, Mr. WATT, Mr. BISHOP of Georgia, Mr. ORTIZ, Mr. CLYBURN, Mr. OXLEY, and Mr. LAHOOD.

H.R. 193: Mr. HALL.

H.R. 218: Mr. STENHOLM, Mr. MANZULLO, and Mr. GUTKNECHT.

H.R. 235: Mr. CANTOR, Mr. RADANOVICH, Mr. CANNON, Mr. COMBEST, Mr. TAUZIN, Mr. SHUSTER, and Mr. SWEENEY.

H.R. 260: Mr. ROTHMAN.

H.R. 284: Mr. WOLF, Ms. ROS-LEHTINEN, Mr. RAHALL, and Ms. CORRINE BROWN of Florida.

H.R. 286: Mr. BOEHNER.

H.R. 300: Mr. CULBERSON.

H.R. 303: Mr. WEINER, Mr. GOODE, Mr. OSE, Ms. CORRINE BROWN of Florida, Mr. GRAVES, Mr. BAKER, Mr. LAHOOD, Mr. GIBBONS, Mr. DOGGETT, Mr. JOHNSON of Illinois, Mr. CULBERSON, Mr. KILDEE, Mr. LATOURETTE, and Mr. PASTER.

H.R. 336: Mr. PAUL.

H.R. 339: Mr. STEARNS, Mr. AKIN, and Mr. SENSENBRENNER.

H.R. 343: Mr. DELAHUNT and Mr. SMITH of Michigan.

H.R. 352: Mr. ISAKSON.

H.R. 361: Mr. DAVIS of Tennessee, Mrs. KELLY, Mr. KIRK, Ms. HART, Mr. PENCE, Mr. FLETCHER, Mr. MEEHAN, Mr. BERMAN, Mr. WATT, Mr. LIPINSKI, Mr. CHOCOLA, Mrs. EMERSON, Mr. GREEN of Wisconsin, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. SHUSTER, and Mr. TIAHRT.

H.R. 362: Mr. SIMMONS and Ms. ROS-LEHTINEN.

H.R. 381: Mr. CULBERSON.

H.R. 401: Mr. BERMAN, Mr. MCNULTY, Mr. WEINER, and Mr. FROST.

H.R. 412: Mr. FOLEY, Mr. ORTIZ, Mr. CULBERSON, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. CUMMINGS, Mr. ROGERS of Michigan, and Mr. CARSON of Oklahoma.

H.R. 441: Mr. FLAKE, Mr. CROWLEY, and Mr. GILLMOR.

H.R. 442: Mr. LOFGREN, Mr. FILNER, Mr. ANDREWS, Mr. BEREUTER, Mr. SNYDER, Mr. JOHNSON of Illinois, Mr. HAYWORTH, and Mr. CARDOZA.

H.R. 459: Mr. SESSIONS, Mr. TERRY, Ms. GINNY BROWN-WAITE of Florida, Mr. TANCREDO, and Mr. BLUNT.

H.R. 466: Mr. MATSUI and Mr. GILLMOR.

H.R. 478: Mr. BEREUTER.

H.R. 483: Mr. BEREUTER.

H.R. 490: Mr. CLYBURN and Mr. LAHOOD.

H.R. 501: Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Ms. MCCOLLUM.

H.R. 502: Mr. FORBES and Mr. CRANE.

H.R. 513: Ms. GINNY BROWN-WAITE of Florida.

H.R. 514: Ms. HOOLEY of Oregon.

H.R. 528: Mr. SOUDER and Mr. KIRK.

H.R. 534: Mr. FOLEY.

H.R. 545: Mr. CALVERT.

H.R. 548: Mrs. MYRICK, Mr. PLATTS, Ms. MILLENDER-MCDONALD, Mr. HEFLEY, Mr. DEFAZIO, Mrs. CAPPS, Mr. ALLEN, Mr. HASTINGS of Florida, Mr. SWEENEY, Mr. GOODLATTE, Mrs. DAVIS of California, and Mr. CLAY.

H.R. 571: Mr. SHAW and Mr. PRICE of North Carolina.

H.R. 574: Mr. ENGLISH, Mr. PAUL, and Mr. DREIER.

H.R. 584: Ms. GINNEY BROWN-WAITE of Florida.

H.R. 589: Mr. LUCAS of Oklahoma, Ms. KILPATRICK, Mr. UDALL of Colorado, Mr. GORDON, Mr. HOYER, Mr. WATT, Mr. MEEK of Florida, Mr. WELLER, Mr. GEORGE MILLER of California, Mrs. KELLY, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, and Ms. WATERS.

H.R. 626: Mrs. JONES of Ohio and Ms. BORDALLO.

H.R. 627: Mr. BARTLETT of Maryland.

H.R. 643: Mr. MARKEY, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. RAHALL, Mr. HOEFFEL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. STARK, and Mr. OLVER.

H.R. 655: Mr. GOODLATTE, Mr. MCINNIS, Mr. LUCAS of Oklahoma, and Mr. WELDON of Pennsylvania.

H.R. 654: Mr. BECERRA and Mr. RANGEL.

H.R. 690: Mr. MCDERMOTT and Mr. GRIJALVA.

H.R. 692: Ms. WOOLSEY and Mr. GRIJALVA.

H.R. 693: Mr. BARTLETT of Maryland, Ms. ESHOO, Mr. PAUL, Ms. CORRINE BROWN of Florida, Mr. GILLMOR, and Mr. HOSTETTLER.

H.R. 695: Mr. UDALL of Colorado.

H.R. 704: Mr. MCKEON.

H.R. 713: Mr. BOOZMAN and Mr. TIBERI.

H.R. 714: Mr. HEFLEY.

H.R. 715: Mr. KOLBE and Ms. HART.

H.R. 719: Mr. LAMPSON.

H.R. 720: Mr. CULBERSON and Mr. COMBEST.

H.R. 721: Mr. WALSH.

H.R. 723: Mr. MCGOVERN.

H.R. 726: Mrs. JONES of Ohio.

H.R. 728: Mrs. BIGGERT.

H.R. 737: Mrs. MOORE.

H.R. 752: Mrs. KELLY.

H.J. Res. 3: Mr. HASTINGS of Washington and Mrs. WILSON of New Mexico.

H.J. Res. 4: Mr. BURR and Mr. WILSON of South Carolina.

H. Con. Res. 23: Mr. HOSTETTLER.

H. Con. Res. 26: Mr. DEUTSCH, Mr. SABO, Mr. GRIJALVA, Mr. FARR, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. SOUDER, Mr. GUTIERREZ, Mr. LEVIN, Mr. MATHESON, Mr. FILNER, Mr. HAYWORTH, Mr. MICHAUD, Ms. LOFGREN, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Ms. SOLIS, Mr. SANDERS, Mr. SIMMONS, Mr. SCHIFF, and Mr. LIPINSKI.

H. Con. Res. 37: Mr. BISHOP of Georgia and Mr. BARTLETT of Maryland.

H. Res. 39: Mr. SCHIFF.

H. Res. 49: Mrs. JO ANN DAVIS of Virginia, Mr. MCNULTY, Mr. GRIJALVA, Mr. RANGEL, Mr. CULBERSON, Mr. HONDA, and Mrs. LOWEY.

H. Res. 59: Mr. CALVERT and Mr. WATT.

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Senate

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCIUT

(Continued)

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, one of the great privileges of being a Member of the Senate is to recommend to the President names of people who should be members of the Federal judiciary—that is either the Federal district court, circuit court of appeals, but certainly not the U.S. Supreme Court because that is out of the purview of recommendations by a single Senator.

Since I have been in the Senate, I have been able to recommend to a Democratic President at least two. We are not a large State so we have the opportunity to only recommend two people to the Federal bench.

The first one I was able to recommend was a circuit court of appeals judge and the second was a district court judge. This decision was so important to me that I went out of my way to make sure whoever I recommended to President Clinton at the time would be someone the President would want to nominate to be confirmed as a member of the circuit court of appeals. In this case it was the Ninth Circuit Court of Appeals. Montana is included in the Ninth Circuit.

What did I do? First, I went out of my way to put together a group of Montanans—6, 7, 8, 10 Montanans—and I selected the best folks I could find in my home State to represent a cross-section, a broad array of interests and points of view. Some were lawyers; some were not lawyers.

I said to each one of them: I want you to suggest to me the very best three people in the State of Montana who should serve on the Ninth Circuit Court of Appeals. I do not care whether they are Republicans. I do not care whether they are Democrats, liberals, conservatives; I just want the best, the most solid people, the people who have deep common sense, have a tremendous sense of history in our country, the highest integrity. I just want the best.

The committee I appointed came back to me several weeks, maybe a month later with three names. I sat down with each of the three for an interview, and I spent about 3 hours with each of the three to try to determine for myself who was the best person that President Clinton could nominate from Montana to sit on the Ninth Circuit Court of Appeals.

It was a very difficult process. It was very difficult because the three the group suggested to me were all very good. I made a selection finally. It was Mr. Sid Thomas, who President Clinton appointed and who now sits on the Ninth Circuit Court of Appeals.

He has been a tremendous credit to not just the State of Montana and the Ninth Circuit, but the Nation. In fact, many members of the judiciary, including the U.S. Supreme Court, talked to me specifically about Judge Thomas and indicated to me they are very proud of him. He is a ''solid person,'' a very solid man, a solid judge.

The second instance was virtually the same. I put together another group. There was an opening in the Federal district court in Montana. I put together seven, eight, to nine people I thought would do a terrific job in coming up with the very best person to sit on the Federal district court in Montana.

I interviewed each of the three persons the group gave me. I had the same criteria for the committee: I want the best. I do not care if they have brown eyes or blue eyes. I do not care if there is any acid test. That is not relevant to me. I want the very best, most solid, thoughtful people with the highest integrity and a deep sense of the law and history of our State and our Nation.

I do not care whether they are Republicans, Democrats, liberals, conservatives—that does not mean anything to me. I just want the best.

They came up with three names. I interviewed the three people. I, again, had the excruciating choice to make because they were all very good. I made a selection finally, and I recommended to President Clinton a person who I think has done great credit to the U.S. Federal district court in Montana, Judge Don Malloy.

I can tell you, the bar in Montana thinks he is terrific. The plaintiffs bar, the defense bar—they all have the highest regard for him. Why? Because he is smart, he is hard working, and he does not play favorites. He is what a Federal district court judge should be.

Why do I say all that? I say that because we are now faced with whether or not the Senate should confirm to the DC Court of Appeals Miguel Estrada. Should we or should we not? Let me roll back history a bit.

Several years ago, I was on the Judiciary Committee. In fact, it was quite a few years ago. At that time, Justice Sandra Day O'Connor, not then a Justice, was nominated by the President to sit on the U.S. Supreme Court. With all deference to Justice O'Connor, that was the first time, at least in my memory, when a nominee essentially did not answer very many questions.

I asked her questions, other members of the committee asked her questions, and she essentially began this tradition of not answering the questions. Again, I have the highest regard for Justice O'Connor. I think she has been a great Justice of the U.S. Supreme Court. It bothered me as a member of the Judiciary Committee that a nominee was not answering questions. It just did not seem right.

We at that time decided, OK, she seems like a very good person. She was in the State senate in her home State of New Mexico, so let's vote to confirm her.

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

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We are now faced with the situation where Mr. Estrada is not answering any questions whatsoever, and he is not providing other information to the committee. I am not now on the Judiciary Committee but I take this responsibility of whether or not the Senate should confirm a nominee to the circuit court of appeals, Federal district court, or the U.S. Supreme Court very seriously. I know all of us in this body do.

There are not very many decisions we can make that will be more important. There are not very many. Why is that? That is because these are lifetime appointments.

Mr. President, you run for reelection, I do, everybody in this body, every few years, every 6 years. Everybody in the other body runs for reelection every 2 years. Every Governor runs every 4 years, sometimes 2 years. Every President runs every 4 years, except those who cannot run because of the constitutional requirement. We face voters. We are held accountable. Voters have a chance to either reelect us or not. But boy, once someone is put in the U.S. Federal judiciary, an article III position, that is for life.

I believe that is the way it should be. Why? Because these are the people we want to be totally impartial to do what is right and not be swayed by temporary whims and vogues of the moment. We try not to as elected officers. It is our job to represent people in our State. If they want something, we should give that to people, given what we think makes sense and is right for our home States and right for the country.

Federal judges are held to a different standard. State judges are not lifetime appointments. I do not know any who are. Federal judges are appointed for life. That is a huge responsibility they have.

We have to make sure we get the right people. It is our responsibility. When voters elect us, they basically say: Senator, we do not know all the ins and outs of what goes on in Washington, DC, but we want you to do the right thing. Just do not do something nutty or crazy, but, basically, do the right thing.

Most people give us a lot of latitude. So long as it sounds right, fits right, and smells right, it really is all right.

It does not sound right, it does not fit right, it does not smell right, it does not seem right, for this body to confirm somebody who will not answer any questions, who will not give us relevant information, and who has no prior history so it is hard for us to know.

I will bet this: At that Justice Department and perhaps at the White House, they sat down with Mr. Estrada and asked him a lot of questions. I bet he gave them a lot of answers. I bet there is somebody in this operation who is supporting his nomination in the executive branch who knows a lot about Mr. Estrada, who had long conversations with him. If they did, which is entirely proper—in fact, it is imperative and an obligation they have to ask him questions, particularly before the President suggests a nominee for the DC Court of Appeals. If they do, so should we have the information in the Senate. We have an equal responsibility to know how he feels about certain issues.

I am not saying he should address how he feels about certain cases decided by the Supreme Court or cases decided by even the court of appeals. I am not asking for that because judges have to be impartial. I am saying we have a responsibility to know who this fellow is: What makes him tick? What does he really think about? What are his values? What does he stand for? Will he be impartial? What does he think about our Constitution? What does he think about the court as the third branch of Government? There are tons of questions one could come up with, and we have that responsibility.

Why do I say we have that responsibility? I have already said it is a lifetime appointment, but in addition the Constitution tells us we have that responsibility. The advice and consent provision is in the U.S. Constitution.

When our Founding Fathers wrote the Constitution, they debated the advice and consent clause. They did not know what it should provide. There are various interpretations, but they knew it was very serious. One interpretation, that is one view, that was advanced very seriously when our Founding Fathers wrote the Constitution, was this: That the Senate should send a selection of three, four, or five names to the President and then the President makes the decision. The Senate would give the names to the President and then the President would decide. It is kind of like what I did a little bit when I was interviewing people in Montana. I got a bunch of names of the best people, and I made a decision who I thought was the best person.

Why did our Founding Fathers really wrestle over this question over what the proper mechanism would be for the Senate to jointly decide with the President who should or should not be on the Federal judiciary? It is pretty simple. It is our third branch of Government. It is the third of the three branches of Government, and it is not right that one branch of Government should dictate who does or who does not sit on the U.S. Supreme Court. That is not right. Rather, it is a joint decision. It is a decision which, just as the President took very seriously, we have an obligation to take equally seriously.

It reminds me a little bit of a number of years ago when an earlier President, President Franklin Roosevelt, decided he did not agree with the Supreme Court decisions. What did he do? He came up with an idea to add more Justices to the U.S. Supreme Court. It is colloquially referred to as court packing by President Roosevelt.

The Senate stood up. It said: No, that is the wrong thing to do. I am very proud to say that the Senator who stood up was from Montana. It was Senator Burton Kendall Wheeler. He said: No, it is not the right thing to do.

Just as he stood up, I think we have an obligation in the Senate to stand up when it is the wrong thing to do; that is, to pass judgment on—to agree with the President's nominee where we have no information, where he will not answer questions, he will not tell us what he thinks. What is this person really all about? What is the sense of the man? Where is he? Where is his soul? Who is he? That is what we have to determine in deciding whether he should be placed on the DC Court of Appeals. And I say that very respectfully.

I might add that the DC Court of Appeals is no ordinary, garden variety appellate court. It is a special appellate court, and that is because so many decisions made by Federal agencies go to the DC Court of Appeals as opposed to the Ninth Circuit or the Fourth Circuit. There are so many of them. There are environmental laws, for example, and labor laws that go primarily to the DC Court of Appeals, for which Mr. Estrada has been nominated, much more than to other courts. These decisions affect all of us around the country. They do not just affect the DC Circuit or people who reside in the DC Circuit. They affect all Americans. The DC Court of Appeals jurisdiction extends to the National Labor Relations Board, the Occupational Safety and Health Administration, the Federal Communications Commission, the Federal Elections Commission, the Environmental Protection Agency.

Obviously, decisions made by those agencies have a great effect on all Americans. When they are reviewed by the DC Court of Appeals, the decisions the DC Court of Appeals makes certainly have the same effect upon all Americans. Those rulings affect our workers, our businesses, our national environment, our families, and our homes. They affect political elections. They affect directly the present occupant of the chair, just as they affect me directly.

About 50 percent of the DC Court's caseload consists of appeals from regulations or decisions made by Federal agencies. Fifty percent of the DC Court of Appeals caseload is appeals of Federal agencies. In many cases, the DC Court of Appeals is the last word, too, on Federal decisions. We all know this.

The U.S. Supreme Court is taking fewer cases on appeal. The caseload of the U.S. Supreme Court has fallen off dramatically in the last couple or 3 years, which means that the courts of appeals' rulings are that much more important. They are almost like a supreme court in many respects because the U.S. Supreme Court is taking fewer cases.

I will give an example of the power of the DC Court of Appeals in my State of Montana. This is Montana. Don't forget we are in the Ninth Circuit—not

the DC Circuit—as is the State of the Presiding Officer. The DC Court of Appeals has exclusive jurisdiction over cases brought against the Environmental Protection Agency, particularly regarding the Superfund.

I know in the Presiding Officer's State there are huge Superfund issues. They are dramatic. Superfund is tremendously important to my home State of Montana as well. In the town of Libby, MT, for example, they have suffered from decades of asbestos contamination at the hands of W.R. Grace. It is just tragic. It happened to the people of Libby, MT. As a result, Superfund cleanup efforts are now taking place in an attempt to make the town and its residents whole again. It is a gigantic undertaking.

Libby is not the only Superfund site. As the Presiding Officer knows, we have Superfund sites around the country. In Montana, for example, we have the largest Superfund site in the Nation. It is called the Clark Fork Basin. It starts up in Butte and ends up eventually down in the State of the Presiding Officer. It is huge. These sites threaten the health and well-being of so many people not only in my State but in other States as well.

When Congress created the Superfund, our goal was to ensure that the public health and environment were protected and made whole, particularly the cleanup. So decisions made by the DC Court of Appeals overseeing the Environmental Protection Agency obviously greatly influence whether the intent of the law is actually fulfilled on the ground; that is, in Montana or any other State in the Nation, because EPA is all over America. It is not only the Ninth Circuit where the Presiding Officer and I live. There is no question that in the State of Montana we have a terrific interest, a big interest, in who sits on the DC Circuit Court, given that court's influence over our Nation's health, safety, and welfare laws.

Different Members may disagree with different decisions made by the DC Court of Appeals, but we do agree we want a very thoughtful, fully considered, and impartial decision. That is what we want. That is what we expect. That is why, in my judgment, this body has to go to extraordinary lengths to determine whether nominees to the courts of appeals, district courts, and the Supreme Court, are the right people. It is our duty.

We cannot just pass it off and say, oh, the President appointed him. We cannot stop there. It would be irresponsible. When we are elected, we are elected by people in our States to hold up the Constitution of the United States. Certainly the President can appoint, but just as certainly the Senate has the right and, indeed, the obligation to advise and consent and, given the tradition of the advice and consent clause and balance of powers, give it the same weight as the President.

That is why I think at the bare minimum the Senate has the right to ask for more information. Who is this man? Find out more about him. Look at his writings. What is he hiding? What is there to hide? We all know the more information in the public arena, the more likely it is we will make the right decision. We know that. It is only proper the White House ask Mr. Estrada to answer some questions and give some information. This is not rocket science. This is pretty easy. This is simple stuff.

I do not feel it is proper for the Senate to confirm Mr. Estrada. This is very important. I cannot think of many decisions we make that are ultimately more important, particularly regarding the DC Court of Appeals. We may have different conclusions when he gives us information, but at least he should talk to us.

(The remarks of Mr. BAUCUS pertaining to the submission of S. 396 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I continue to oppose the Estrada nomination. What is at stake in this nomination is a lifetime appointment to the second highest court in the land. The D.C. Circuit Court of Appeals makes decisions that affect millions of Americans every day—whether they will drink clean water and breathe clean air—whether workers will be safe in the workplace, and can join unions without fear of reprisal by their employer—whether minorities and women will be able to stop workplace harassment.

Yet our Republican colleagues want us to rubber stamp the nomination of Miguel Estrada to this important court. They say to us, you do not need to look at his record. You do not need to ask him what kind of judge he would be. You do not have to ask him to explain the serious discrepancies in the answers he gave during his hearing in the Judiciary Committee. They even make the preposterous and shameless claim that Mr. Estrada is being opposed because he is Latino.

Our Republican colleagues obviously do not appreciate the importance of the position that Mr. Estrada seeks. If they did, they would not be in such a rush to confirm a divisive nominee about whom we know so little.

Our duty under the Constitution is not to rubber stamp. It is to provide informed advice and consent in the nomination process. Our duty is to ensure that the Federal judiciary is fair and independent, a place where everyone, even the most vulnerable among us, can obtain protection of their rights. If we become a Senate that simply rubber stamps judicial nominees, the nomination process becomes a charade. Whoever happens to have the favor of the White House can become a Federal judge simply by refusing to give the Senate the information necessary to provide real advice and consent. The Federal courts would become a political lackey of the executive and legislative branches, and would lose their essential independence.

We all know the importance of this judicial independence and the critical role that the Federal courts have in the lives of millions of our fellow citizens, especially those who are minorities.

The Latino experience is typical of minority groups that seek justice. When the executive branch has failed them, when the legislative branch has failed them, it is the Federal courts, independent of political forces, that have protected their rights. Federal courts have protected Latinos' right to fair redistricting rules in Lopez v. Monterey County. Federal courts have also protected Latinos' right to bilingual education. They have protected Latinos' right to sit on a jury free from challenge on the basis of their race. They protect Latinos' right to be free from racial profiling.

When the Senate considers a judicial nominee, it must take this history into account. We must consider whether the nominee accepts the historic role of the courts in the protection of basic rights. One of the most serious concerns raised by the Congressional Hispanic Caucus, which met with Mr. Estrada, was that he does not understand and appreciate this history. The Hispanic Caucus does not lightly oppose the nomination of a Latino to a Federal court. In fact, they have never done it before. It would have been far easier for them to decide that a Latino judge on the DC Court of Appeals could be called a victory for them. But they realized it would be a victory in name only. They saw that Mr. Estrada would not uphold the basic rights of the Latino community, and they decided—unanimously—to oppose his nomination.

When the Hispanic Caucus reviews a judicial nominee, they look for a person who will have a sense of fairness, who will be sensitive to claims of racial bias and discrimination, and who are aware of the fundamental role of the Federal courts in ending these injustices. Mr. Estrada failed to satisfy them on each of these important points.

The Hispanic Caucus asked Mr. Estrada about his legal work on two cases in which he defended anti-loitering ordinances. Statutes such as these have too often been used for racial profiling and to harass minorities performing lawful activities. The members of the Hispanic Caucus left that meeting convinced that Mr. Estrada did not understand the effect of these anti-loitering statutes on minorities, or that he did not care about them.

Mr. Estrada has also demonstrated his lack of sensitivity on issues affecting Latinos in his numerous statements about race and affirmative action. He has been dismissive of the under-representation of Latinos among

law clerks in the Supreme Court. You do not have to be Latino to understand that there are long-standing barriers to full participation by Latinos. But Mr. Estrada does not see it that way. Perhaps this is why Mr. Estrada has never tried to improve opportunities for Latino lawyers or law students.

But if you cannot see the problem, you cannot be part of the solution. I am deeply concerned, given these statements by Mr. Estrada, that he would oppose basic programs, that have done so much to open the doors of opportunity for minorities throughout our Nation.

In light of all of these facts, the Hispanic Caucus has decided to oppose this nomination. As I said, they did not make this decision lightly. They have supported the nomination of conservative judges in the past, including judges nominated by the current administration. Jose Martinez, for one, was nominated by this administration. The Caucus met with him. Not all of the members of the Caucus agreed with Mr. Martinez's politics, but they saw that Mr. Martinez was sensitive to the needs and experience of the Latino community. He understood the historic and important role of the Federal courts in the lives of Latinos. So the caucus supported his nomination and Judge Martinez is now a United States District Judge for the Southern District of Florida.

When Democrats oppose Mr. Estrada, we are standing with these groups. We are standing up for the rights of Latinos and other minorities. In fact, it has been Senate Republicans who have unfairly blocked the confirmation of Latino nominees. The last Republican-controlled Senate unfairly refused to confirm eight—eight—qualified Latino nominees. Two who were nominated to the Fifth Circuit Court of Appeals from Texas were not even given hearings by the Republicans.

The Fifth Circuit is one of the areas where the highest percentage of minorities in this country live. Where were our Republican colleagues when these qualified judges were waiting for confirmation? Where were our Republican colleagues when Richard Paez waited for confirmation longer than any other nominee in U.S. history? Where were they? They were in control of the Senate.

When Republicans call on us to rubberstamp a judicial nominee, telling us that we have no right to look into his record to see what kind of judge he may be, they are ignoring their own history, and they are ignoring the proper role of the Senate. President Bush, more than perhaps any other President, has made it his goal to pack the courts with judges who will roll back basic Federal rights, including civil rights, workers' rights, and environmental protections. Ideology clearly guides the President's decision to nominate judges. It clearly guided the decision to nominate Mr. Estrada. It would be wrong to ask Senators now to ignore his ideology. Judges should be committed to basic principles and ideals. They should respect our judicial system and the co-equal relationship between the executive, legislative, and judicial branches. It makes no sense for the Senate, in fulfilling its constitutional role, to adopt a head-in-the-sand approach and abandon all ideological considerations in deciding whether to confirm Mr. Estrada.

Now we have, instead, a Republican stampede to confirm a nominee we know very little about. Despite the critical importance of the Federal courts, and despite the immense power of the appellate court to which he has been appointed, Miguel Estrada has not answered the questions put to him. He has not been forthcoming about the views that he would bring to the bench. He has failed to resolve the serious discrepancies in his answers to the questions put to him during his hearing. The Bush administration refuses to turn over important documents to the Senate as we consider this nominee, despite clear precedent for doing so.

At the same time, what we do know about him clearly indicates that he fails to appreciate the role of the Federal courts and Federal rights in the protection of the most vulnerable members of our society. On this inadequate and unsatisfactory record, the Senate should not confirm a nominee to such an important position.

IRAQ

Mr. President, tomorrow, the United Nations inspectors will report to the Security Council about Iraq's weapons of mass destruction. In all likelihood we will continue to hear from Mr. Hans Blix that the inspections are proceeding, but that Iraqi authorities need to be much more cooperative. We know that the administration is lobbying Mr. Blix to submit the strongest possible case that Iraq is not cooperating.

We all agree that Saddam Hussein is a dangerous and deceptive dictator. We live in a dangerous world and Saddam must be disarmed. The question is how to do it in a way that minimizes the risks to the American people at home, to our armed forces, and to our allies.

I am still hopeful that we can avoid war. War should always be a last resort.

Earlier today, President Bush quoted President Kennedy and referred to the Cuban missile crisis. President Bush praised my brother for understanding that the dangers to freedom had to be confronted early and decisively.

President Kennedy did understand this. But he also genuinely believed that war must always be the last resort. When Soviet missiles were discovered in Cuba—missiles far more threatening to us than anything Saddam has today—some leaders in the highest councils of our government urged an immediate and unilateral strike. Instead, the United States took its case to the United Nations, won the endorsement of the Organization of American States, and persuaded even our most skeptical allies. We imposed a blockade, demanded inspection, and insisted on the removal of the missiles—all without resorting to full-scale war.

As he said then:

> Action is required . . . and these actions [now] may only be the beginning. We will not prematurely or unnecessarily risk the costs of . . . war—but neither will we shrink from that risk at any time it must be faced.

I continue to be concerned that the Bush administration is persisting in its rush to war with Iraq, even as we face grave threats from al-Qaida terrorism and North Korea's nuclear ambitions. The administration has done far too little to tell Congress and the American people about what our country and our troops will face in going to war with Iraq, especially if we have little genuine support from our allies.

We are nearing decision time. I urge President Bush to come clean with the American people about this war. Before endangering the Nation's sons and daughters in the Iraqi desert, our citizens deserve full answers to four questions.

First, the President must explain what he considers victory in Iraq. The American people deserve at least this much. Is it disarmament? Is it the overthrow of Saddam? Is it the establishment of a stable, democratic government? If we get rid of Saddam, but leave his bureaucracy in power, will that be a victory? Or, as General Zinni has said, will we be doing what we did in Afghanistan—drive the old Soviet Union out and let something arguably worse emerge?

This should be a basic consideration in committing American lives to this war. Our country should know what we are fighting for. But the administration has failed to define even this most basic question for the American people.

Second, the President must explain whether we are doing all we can to see that America will be secure at home. A war in Iraq may well strengthen al-Qaida terrorists, not weaken them, especially if the Muslim world opposes us. We have not broken Osama bin Ladin's will to kill Americans. Our Nation has just gone on new and higher alert because of the increased overall threat from al-Qaida. What if al-Qaida decides to time its next attack for the day we go to war? The war against al-Qaida must remain our top priority.

In fact, our Nation's intelligence experts have maintained consistently since 9/11 that al-Qaida terrorism is the greatest threat to our security here at home. They also fear that an American attack on Iraq will only make matters worse by inflaming anti-American sentiments across the Arab world.

Third, the President must fully explain how long, even after the war ends, we will have to commit our forces and economic resources to deal with the consequences of the war. This war will be different than the Gulf war. We will not stop short of Baghdad. If we want to change the regime, we may well have to fight in Baghdad and engage in hand-to-hand combat and

urban guerilla warfare. When the war is over, our troops will become an occupying force, possibly for many years. The tribal, ethnic, and religious fault lines that Saddam has held together through repression may fall apart—much as they did in the brutal civil wars in the former Yugoslavia, in Rwanda, and other countries.

Will the United States have to manage Iraq for years to come on our own? Are we prepared to commit billions of American dollars to Iraq for years to come? Will our troops be part of a United Nations force? Will they become sitting targets for terrorists?

Finally, the President must explain whether our Nation is prepared to use this war as the new foreign and defense policy for the future. Are we prepared to invade any nation that poses a threat?

Iran, Libya—forget Libya. Pan Am 103; 67 American servicemen who were killed; 13 families in the State of Massachusetts; scores of families in New Jersey and other States—a country that has used chemical warfare against its neighbors and against Chad in the south.

Libya, Iran, with all of the harboring of terrorists and Hamas—the terrorists that are so active in Syria, and these other countries. What are we going to do about these nations as they continue to move forward in developing weapons of mass destruction? What are our policies going to be about them? Which country will be next? Will we attack them, too?

Are we really prepared, as the administration is considering, to radically change our nuclear weapons policy and use nuclear weapons in Iraq and other conflicts? Even contemplating the first use of nuclear weapons in Iraq under current circumstances and against a non-nuclear nation dangerously undermines the crucial and historical distinction between conventional and nuclear arms. It undermines our international commitment to the Nuclear Non-Proliferation Treaty that we will not consider a first strike against a country that is a nonnuclear country. If we use the Nation's nuclear arsenal in this unprecedented way in Iraq, it will be the most fateful decision since the nuclear attack on Hiroshima. All of us are hopeful we will not use the tactical nukes. We have abundant testimony that our conventional weapons are quite capable and able to handle any of the challenges we are going to face in terms of deep bunkers and other activities. But we have to listen to those in the administration who are talking in a different way about the development of a tactical nuke, and also about perhaps changing what they consider to be the STRAPP amendment that limits the research to 5 kilotons and the administration's consideration of that.

Obviously, implications of any use of any nuclear war in Iraq would inflame the people not only of that nation but certainly of Arabs all over the world—and not only the Arabs and the move towards developing smaller, more easily usable nuclear weapons and all of the challenges we would have of being more attractive to use under certain circumstances with the dangers of proliferation and the fact these weapons could be proliferated and stolen and used and captured by terrorists.

On each of these questions, the President must reassure the American people. They deserve to know that we are not stepping into quicksand and that this military operation is well thought out. He must convince the Nation that we are putting as much effort into thinking about how we get out of Iraq as we are about getting into Iraq.

We must take both the short-term and the long-term view of this enormous problem. Whether war with Iraq will be a sprint or a marathon we must always remember the finish line.

There is no more important decision by Congress or the President under the Constitution than the decision to send our men and women in uniform to war. The administration must make a compelling case that war with Iraq is now the only alternative and explain it to the American people

The administration says we can fight a war in Iraq without undermining our most pressing national security priority—the ongoing war against the international al-Qaida terrorist network.

al-Qaida—not Iraq—is the most imminent threat to our national security. Our citizens are asked to protect themselves from Osama bin Ladin at home with a roll of duct tape, while the administration sends the most deadly and sophisticated army in the world to go to war with Saddam Hussein. Those are the wrong priorities.

On Monday, Tom Ridge, the Secretary of Homeland Security said that the heightened security warning that has millions of Americans stocking up on food, water, duct tape, and plastic sheeting is connected to al-Qaida and not ''the possibility of military involvement with Iraq.''

On Tuesday, FBI Director Mueller told the Senate Intelligence Committee that ''the Al Qaeda network will remain for the foreseeable future the most immediate and serious threat facing this country.''

On Wednesday, CIA Director Tenet told the Senate Armed Services Committee that the heightened alert issued this week is because of the threat from al-Qaida—not Iraq.

For any Member of this body who thinks we have done what we need to do in homeland security, call any mayor in your State, call any mayor in a major city or a small city in your State, and ask them whether they have received the support for the training of first responders. Ask them if they have the various vaccines, how that program is going—and it isn't going, because we have failed to develop a compensation fund for that and to match our determination for vaccines with the other kinds of supportive efforts in terms of health care.

Ask any mayor in any sized city what degree of support they are getting and whether they believe they are receiving the kind of assistance they need—whether it is in the radios, in the communications, whether it is in the training, whether it is in the wide area of support for public health interests—and you will get the answer that all of us heard—that I heard—within the last 10 days when the mayors across this country came together and met here. And the answer is clearly: No, no, no, it is not there.

In addition to threatening American lives, Saudi Arabia has indicated it will ask American troops to leave its soil. NATO's division over war has threatened the alliance. The Chairman of the Federal Reserve, Alan Greenspan, has said uncertainty over Iraq is slowing our Nation's economy.

There you have three activities: Osama bin Laden, wherever he is, American troops out of Saudi Arabia, division in the alliance, stagnation here at home in the economy. And we are all blaming Osama bin Laden. We are about to send our troops on into Iraq, not giving inspections a chance to finish. The wrong priorities, Mr. President.

As I mentioned in terms of what we are doing here at home, I am concerned about the state of our preparedness. Clearly, there is much more we need to do at the Federal, State, and local levels to strengthen our defenses against a terrorist attack.

First responders are not adequately prepared for a chemical or biological attack. The radios are not interoperable, and they lack the training and gear to protect them in the event of an emergency. Ask any of your mayors, as I mentioned, across the country. You will get your answer.

This isn't just a Democrat pointing this out. Last week, our former colleague, Senator Rudman, of the State of New Hampshire, said:

> There was no rational answer for the White House failure to seek more funds for the domestic security in the 2004 budget. I'm very concerned. We have to put more money into the Coast Guard, into communications gear, into preparedness for the use of weapons of mass destruction, into police and firefighters. We have to spend a huge additional amount of money on port security. Money isn't the only answer, but it is a pretty clear indication of a nation's priorities in this area, and it has not been there in terms of the support on homeland security.

Even before the war has begun, we hear of possible threats from a wave of suicide bombers. War with Iraq could swell the ranks of terrorists and trigger an escalation in terrorist acts. As Gen Wesley Clark told the Armed Services Committee last September, war with Iraq could ''super-charge recruiting for Al Qaeda.''

These are real dangers—dangers that the administration has minimized in its determination to attack Iraq.

The administration maintains there are convincing links between al-Qaida

and Iraq that justify war. But al-Qaida activists are present in more than 60 countries, including Iran, Pakistan, Afghanistan, and also in the United States. Even in the administration, there are skeptics about the links with Iraq. Intelligence analysts are concerned that intelligence is being politicized to justify war, as the New York Times pointed out in a recent article which I will ask to be printed in the RECORD.

Mr. President, I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPLIT AT C.I.A. AND F.B.I. ON IRAQI TIES TO AL QAEDA

(By James Risen and David Johnston)

WASHINGTON, Feb. 1—The Bush administration's efforts to build a case for war against Iraq using intelligence to link it to Al Qaeda and the development of prohibited weapons has created friction within United States intelligence agencies, government officials said.

Some analysts at the Central Intelligence Agency have complained that senior administration officials have exaggerated the significance of some intelligence reports about Iraq, particularly about its possible links to terrorism, in order to strengthen their political argument for war, government officials said.

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. We've been looking at this hard for more than a year and you know what, we just don't think it's there,'' a government official said.

The tension within the intelligence agencies comes as Secretary of State Colin L. Powell is poised to go before the United Nations Security Council on Wednesday to present evidence of Iraq's links to terrorism and its continuing efforts to develop chemical, biological and nuclear weapons and long-range missiles.

Interviews with administration officials revealed divisions between, on one side, the Pentagon and the National Security Council, which has become a clearinghouse for the evidence being prepared for Mr. Powell, and, on the other, the C.I.A. and, to some degree, the State Department and agencies like the F.B.I.

In the interviews, two officials, Paul D. Wolfowitz, deputy defense secretary, and Stephen J. Hadley, deputy national security adviser, were cited as being most eager to interpret evidence deemed murky by intelligence officials to show a clearer picture of Iraq's involvement in illicit weapons programs and terrorism. Their bosses, Defense Secretary Donald H. Rumsfeld and the national security adviser, Condoleezza Rice, have also pressed a hard line, officials said.

A senior administration official said discussions in preparation for Mr. Powell's presentation were intense, but not rancorous, and said there was little dissension among President Bush's top advisers about the fundamental nature of President Saddam Hussein's government. ''I haven't detected anyone who thinks this a not compelling case,'' the official said.

Mr. Bush asserted in his State of the Union address this week that Iraq was protecting and aiding Qaeda operatives, but American intelligence and law enforcement officials said the evidence was fragmentary and inconclusive.

''It's more than just skepticism,'' said one official, describing the feelings of some analysts in the intelligence agencies. ''I think there is also a sense of disappointment with the community's leadership that they are not standing up for them at a time when the intelligence is obviously being politicized.''

Neither George J. Tenet, the director of central intelligence, nor the F.B.I. director, Robert S. Mueller III, have publicly engaged in the debate about the evidence on Iraq in recent weeks, even as the Bush administration has intensified its efforts to build the case for a possible war.

The last time Mr. Tenet found himself at the center of the public debate over intelligence concerning Iraq was in October, when the Senate declassified a brief letter Mr. Tenet wrote describing some of the C.I.A.'s assessments about Iraq.

His letter stated that the C.I.A. believed that Iraq had, for the time being, probably decided not to conduct terrorist attacks with conventional or chemical or biological weapons against the United States, but the letter added that Mr. Hussein might resort to terrorism if he believed that an American-led attack was about to begin.

Alliances within the group of officials involved have strengthened the argument that Mr. Bush should take a firm view of the evidence. ''Wolfowitz and Hadley are very compatible,'' said one administration official. ''They have a very good working relationship.''

There were some signs that Mr. Powell might not present the administration's most aggressive case against Iraq when he speaks to the United Nations, leaving such a final definitive statement to the president in some future address.

''You won't see Powell swing for the fences,'' the official said. ''It will not be the end-all speech. The president will do that. The president has to lay it out in a more detailed way.''

Deputy Secretary of State Richard L. Armitage told the Senate Foreign Relations Committee last Thursday that Mr. Powell would not assert a direct link between the Iraqi government and the September 11 attacks on New York and Washington.

In demonstrating that there are links between Iraq and Al Qaeda, Mr. Powell is expected to focus on intelligence about possible connections between Mr. Hussein, an Islamic militant group that may have produced poisons in a remote region of northern Iraq and a Qaeda terrorist leader, Abu Mussab al-Zarqawi. Much of the intelligence had been publicly known for months.

Some of the most recent intelligence related to Mr. Zarqawi centers on charges that he orchestrated the plot on Oct. 28 in Amman, Jordan, in which two Qaeda followers—under Mr. Zarqawi's direction—stalked and shot to death Laurence Foley, an American diplomat.

In December, the Jordanian authorities announced that the two men had confessed to killing Mr. Foley and that they had been directed by Mr. Zarqawi.

The connection to the Foley killing was important because the United States had evidence that Mr. Zarqawi, a Jordanian of Palestinian descent, has spent time in Baghdad earlier in 2002. American officials describe Mr. Zarqawi as a major figure in Al Qaeda's leadership and say that after he was wounded in the fighting in Afghanistan after September 11, he made his way to Iraq in the spring of 2002.

He was hospitalized in Baghdad for treatment of his wounds, and then disappeared in August, after Jordanian officials told the Iraqi government they knew he was there. There have been recent reports that he is in hiding in northern Iraq, but that has not yet been confirmed.

But despite Mr. Zarqaqi's earlier presence in Baghdad, American officials have no evidence linking Iraqi officials to Mr. Foley's killing, or direct evidence that Mr. Zarqawi is working with the Iraqi government.

''All they know is that he was in the hospital there,'' one official said.

If he is in northern Iraq, American officials believe that Mr. Zarqawi may be with members of a militant group there called Ansar al-Islam. There is evidence that he has links to the group, and that he may have been working with it to develop poisons for use in terrorist attacks, possibly including a recent plot to poison the food supply of British troops.

But intelligence officials say there is disagreement among analysts about whether there are significant connections between Ansar al-Islam and the Baghdad government. Some administration officials, particularly at the Pentagon, have argued that Ansar al-Islam has close ties to the Iraqi government, but other intelligence officials say there is only fragmentary evidence of such a link.

Intelligence professionals have expressed fewer reservations about the administration's statements concerning Iraq's weapons programs. There is broad agreement within intelligence agencies that Iraq has continued its efforts to develop chemical, biological, and probably nuclear weapons, and that it is still trying to hide its weapons programs from United Nations inspectors.

Officials said the United States had obtained communications intercepts that show Iraqi officials coaching scientists in how to avoid providing valuable information about Iraq's weapons programs to inspectors. At the United Nations, Mr. Powell may also display American satellite photographs showing Iraqi officials moving equipment and materials out of buildings before they can be inspected by the United Nations.

Still, there have been disagreements over specific pieces of intelligence used publicly by the White House to make its case, including the significance of one report that Iraq had imported special aluminum tubes for use in its nuclear weapons program.

In testimony before the Senate Foreign Relations Committee on Thursday, Mr. Armitage acknowledged that the administration had at times relied on inconclusive reports that had not served to strengthen Washington's case.

He agreed with the suggestion of Senator Joseph R. Biden Jr. of Delaware, the committee's ranking Democrat, that the administration should instead stick with the indisputable evidence that Iraq has in the past stockpiled chemical weapons, tried to make biological weapons, and has continued to deceive United Nations inspectors.

''As we used to say in the Navy, KISS, 'Keep it simple, sailor,'" Mr Armitage said. ''Go with your strong points.''

Mr. KENNEDY. Although the U.N. inspectors have found no evidence so far of a revived nuclear weapons program in Iraq, there is ample evidence in North Korea. North Korea possesses 8,000 spent nuclear fuel rods capable of being reprocessed, by May, into enough plutonium to make up to 6 nuclear bombs. With inspectors gone and North Korea gone from the Non-Proliferation Treaty, we face an urgent crisis, with nothing to prevent that nation from quickly producing a significant amount of nuclear materials and nuclear weapons for its own use, or for terrorists hostile to America and our allies.

North Korea has already provided missiles to deliver chemical, biological, and nuclear weapons to terrorist

states, including Iran, Syria, and Libya. We understand that. North Korea has already provided the missiles to deliver chemical, biological, and nuclear weapons to terrorist states. Desperate and strapped for cash, North Korea can easily provide nuclear weapons or weapons grade plutonium to terrorist groups, which could be used against us in the very near future. And we are talking about the production of weapons grade plutonium in the next few weeks. There is no division of opinion on that, absolutely none. There is no division of opinion on that. As some have described it, it would be a cash cow for North Korea that is absolutely strapped for cash.

Despite these alarm bells, the administration refuses to call the situation on the Korean peninsula what it is: a genuine crisis. If this is not a crisis, I don't know what is.

The administration refuses to directly engage the North Koreans in talks to persuade North Korea to end its nuclear program. By ignoring the North Korean crisis in order to keep focus on Iraq, the administration has kept its eye on the wrong place.

The administration says we can handle the war in Iraq, we can handle the war against al-Qaida, and we can deal with the problems of the nuclear crisis in North Korea. Any administration should seek to avoid three simultaneous foreign policy crises. In this case, we can, and we should, by not rushing to war with Iraq.

It is far from clear that we will be safer by attacking Iraq. In an October 7, 2000, letter to the Senate Committee on Intelligence, CIA Director George Tenet said the probability of Saddam Hussein initiating an attack on the United States was low. But his letter said: ''should Saddam Hussein conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions.''

Yesterday, Admiral Jacoby, the Director of the Defense Intelligence Agency, told the Senate Armed Services Committee that Saddam Hussein would use weapons of mass destruction ''when he makes the decision that [his] regime is in jeopardy.'' CIA Director Tenet agreed with this assessment.

This assessment begs the question: If Saddam will not use weapons of mass destruction against the United States until his regime is about to fall, why is it in our national security interest to provoke him into using them?

The administration must be more forthcoming about the potential human costs of war with Iraq, especially if it pushes Saddam into unleashing whatever weapons of mass destruction he possesses. The administration has released no casualty estimates, and they could be extremely high. Many military experts have predicted urban guerilla warfare—a scenario which Retired General Joseph Hoar, who had responsibility for Iraq before the gulf war, says could look ''like the last 15 minutes of 'Saving Private Ryan.'''

Nor has the administration fully explained the ramifications of large-scale mobilization of the National Guard and Reserve—especially its effect on police, firefighters, and others, who will be on duty for Iraq but who are needed on the front lines here at home if there is a terrorist attack on the homeland. In Massachusetts, 2,000 citizens have been called to active duty in the Armed Forces. Many of them are police, firefighters, first responders, and other health workers.

Nor has the administration been candid about the humanitarian crisis that could result from war.

Refugee organizations are desperately trying to prepare for a flood of as many as 900,000 refugees. Billions of dollars and years of commitment may well be needed to achieve a peaceful post-war Iraq, but the American people still do not know how that process will unfold and who will pay for it.

No war can be successfully waged if it lacks the strong support of the American people. Before pulling the trigger on war, the Administration must tell the American people the full story about Iraq. So far, it has not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak in support of the nomination of Miguel Estrada.

The PRESIDING OFFICER. The Senator has that right.

Mr. CHAMBLISS. Mr. President, I recognize that we are now in our ninth day of debate leading up to an ultimate vote on whether or not Miguel Estrada should be confirmed as the nominee of President George W. Bush to the Circuit Court of Appeals for the District of Columbia. As part of the debate on both sides of the aisle, there has been a continual question asked on this side of our friends by the other side who are in opposition to the appointment and confirmation of Mr. Estrada. That question has been: Give us a reason we should not have a vote on whether or not Mr. Estrada should be confirmed.

I have great respect for the Senator from Massachusetts. He has certainly been a part of this institution for a long time. I listened very closely to his comments which I respect. And I respect his opinion and his right to hold his opinion in opposition to Mr. Estrada. But I think what we have just heard for the last 20 minutes is very indicative of what we have heard for the last 9 days. And that is, there is no reason Mr. Estrada should not be confirmed.

There have been reasons put forth from the other side, and every time one of those reasons has been put forth, the chairman of our committee, Senator HATCH, or someone else, has risen to refute that argument. What the other side has now done is, instead of concentrating on the argument in opposition to Mr. Estrada, they have gotten off extensively on to other issues.

I go back to the same question we have asked: Why do we not vote on Mr. Estrada? What is the reason you have that Mr. Estrada should not be confirmed as President Bush's nominee to the Circuit Court for the District of Columbia?

There has been a lot of debate about what was said and the opinion that came out of the conversation between Mr. Estrada and the Hispanic Caucus over on the House side. Let me tell you about some of the folks in the Hispanic community who have come out in support of the nomination of Mr. Estrada: The League of United Latin American Citizens, which is the Nation's oldest and largest Hispanic civil rights organization, has come out in support of the nomination and confirmation of Mr. Estrada; the U.S. Hispanic Chamber of Commerce; the Hispanic National Bar Association; the Hispanic Business Roundtable; the Latino Coalition; the National Association of Small Disadvantaged Businesses; the Mexican American Grocers Association; the Phoenix Construction Services; the Hispanic Chamber of Commerce of Greater Kansas City; the Hispanic Engineers Business Corporation; the Hispano Chamber of Commerce de Las Cruces; Casa Del Sinaloense; the Republican National Hispanic Assembly; Hispanic Contractors of America, Inc., and Charo Community Development Corporation—a long and distinguished list of Hispanic entities that have come out in strong support of the nomination and confirmation of Miguel Estrada.

Let me go further and quote from statements from some individuals who are involved in some of these organizations. The League of United Latin American Citizens, the oldest and largest Hispanic civil rights organization—the president of that organization is a gentleman named Dovalina. Here is what he says about Miguel Estrada:

> On behalf of the League of United Latin American Citizens, the nation's oldest and largest Hispanic civil rights organization, I write to express our strong support for the confirmation of Miguel Estrada. . . .Few Hispanic attorneys have as strong educational credentials as Mr. Estrada, who graduated magna cum laude and Phi Beta Kappa from Columbia and magna cum laude from Harvard Law School, where he was editor of the Harvard Law Review. He also served as a law clerk to the Honorable Anthony M. Kennedy in the United States Supreme Court, making him one of a handful of Hispanic attorneys to have had this opportunity. He is truly one of the rising stars in the Hispanic community and a role model for our youth.

The Latino Coalition, of which the president is, Mr. Robert Deposada—here is what he said about Mr. Estrada:

> To deny Latino's, the nation's largest minority, the opportunity to have one of our own serve on this court in our nation's capital is unforgivable.

The president of the United States Hispanic Chamber of Commerce, Ms. Elizabeth Lisboa-Farrow, stated:

We unanimously endorse this nominee and strongly urge you to move on the confirmation of Miguel Estrada. As a judge, he will be a credit to the federal judiciary, the President, Hispanics, and all Americans.

That emphasizes something I said on the floor a few days ago. There has been a lot of debate about Mr. Estrada being a Latino. Mr. Estrada is a Latino. I am sure he is very proud of that. But the thing I like about Mr. Estrada is that he is qualified to be appointed to the Circuit Court for the DC Circuit. He is qualified because he is an intellectual. He is bright. His record proves that. He is a world class lawyer who happens to be a Latino. This man needs to be appointed and confirmed to the DC Circuit Court of Appeals because he is a good lawyer. Even more than that, he is an outstanding lawyer.

The president of the Hispanic National Bar Association, Mr. Rafael Santiago, stated as follows:

The Hispanic National Bar Association, national voice of over 25,000 Hispanic lawyers in the United States, issues its endorsement. . . .Mr. Estrada's confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada's nomination. I urge the Senate Committee on the Judiciary to schedule a hearing on Mr. Estrada's nomination and the U.S. Senate to bring this highly qualified nominee to a vote.

Mr. Henry T. Wilfong, Jr., president of the National Association of Small Disadvantaged Businesses, stated as follows, in a letter to Senator LEAHY on July 12, 2001:

The [National Association of Small Disadvantaged Businesses] would like to add our support . . . for Miguel Estrada's nomination as United States Court of Appeals Judge for the District of Columbia Circuit.

Mr. Estrada is a brilliantly talented and accomplished attorney who will make an outstanding addition to the prestigious DC Circuit. . . .While we do not dwell on symbolism, we feel that Mr. Estrada's appointment as the first Hispanic member of the DC Circuit will be of benefit to us in further illustrating the wide range of talent in the minority communities, just wanting to be effectively and fully used.

Well, I could go on quoting comments from other members of the Hispanic organizations around the country. All of the major Hispanic organizations have said this man needs to be confirmed to the DC Circuit Court of Appeals. He needs to be confirmed, yes, because we are proud of him as a Latino, but he needs to be confirmed because he is one of America's outstanding lawyers.

Now, some of the criticism that has been directed at Mr. Estrada has been for totally unfounded reasons. I wish to talk about a couple of those. I wasn't here back in September of 2002, when the hearing of Mr. Estrada was held before the Senate Judiciary Committee. But at that point in time, the Judiciary Committee was controlled by the Democrats. The chairman of that committee was Senator LEAHY, who I have come to know. He is a very fair man. He is a very strong advocate for his beliefs. But I have seen him operate within the Judiciary Committee, and I know him to be a person who is very deliberate in the way he presents himself on that committee. So I have no doubt that at the time of Mr. Estrada's hearing in September of last year, Mr. Estrada was treated very fairly and was given due accord.

One of the criticisms that has been repeated today is the fact Mr. Estrada, during the course of that hearing, in September of last year, was that he was nonresponsive to questions that were presented. Under the leadership of Senator LEAHY, the hearing began at around 10 o'clock in the morning. I am told it lasted until 5:30 in the evening; and although there were few district court nominees who were also testifying at that hearing, the great bulk of the time was given to Mr. Estrada. That is the case, as I have seen it, over the last several weeks since I was elected and sworn in as a Member of this body and appointed to the Judiciary Committee.

After the hearing, every member of the Judiciary Committee was given an opportunity not just to ask every question they wanted to ask, but if they weren't satisfied with the answers they received, whether it was what they wanted to hear or not, they had the opportunity to ask that Mr. Estrada come back for another series of questions. But they did not do so. He was not asked to come back and appear before the Judiciary Committee again.

In addition to that, at every hearing we have on judicial nominees—and I know this to have been the case last year under the direction of Senator LEAHY—every member of the Judiciary Committee has the opportunity to submit written questions to every nominee who has their confirmation hearing before the Judiciary Committee. So if there was any member of that committee who was not satisfied with the answers they received, or wanted a written answer in addition to the verbal answer that was given that day, or if they didn't feel as if the nominee was being totally forthcoming, they could ask the question again and get an answer in writing.

After the hearing of Mr. Estrada before the Judiciary Committee, only two Democratic Senators submitted written questions. Some of those folks who are on the other side of the aisle, over the last 9 days who have been complaining the loudest about not knowing enough about Mr. Estrada, did not submit any written questions at all. Is that fair? Is that reasonable? Is that the way this body ought to function with respect to the confirmation of our judicial nominees? I don't think so. I don't think that is the way our Founding Fathers intended this body to operate.

Let me look at another couple of objections that have been raised by the other side with respect to Mr. Estrada. There has been an issue regarding the fact that he has no judicial experience and, therefore, he should not be confirmed.

Well, let me say that if that were the case, if experience in an area in our line of work, politics, was a requirement to be elected, I never would have been elected to the House of Representatives where I gained experience before I was elected to the Senate. I had never run for political office before. You know what? I brought a lot of assets to the House of Representatives because I was not involved in politics before. I had about 72 other Republican classmates in my class in 1994. Some of them had been involved in politics. The one common thread we all had was that we came from a business background. Most of us have had to meet a payroll, and we knew and understood about business and about balancing budgets. And one of the focuses of the class of 1994 in the House of Representatives was to move forward to balance the budget of this country, which had not been balanced for decades prior to that election. We achieved that. We achieved it because we knew and understood that is what was required of families in America who sit around their kitchen table every single month, and it was only right to ask Congress to do that. That is the kind of lack of political experience that my class had when we were elected in 1994.

For the contention to be made that Mr. Estrada has no judicial experience and that is why he ought not to be confirmed, I think is just ludicrous. I think because he lacks judicial experience, that may be an asset. There have been some pretty significant judges appointed to the bench who did not have judicial experience. Byron White, nominated by President Kennedy, and William Rehnquist, currently Chief Justice of the U.S. Supreme Court, had no judicial experience when they were appointed to the court. Of the eight judges who are today serving as members of the same court to which we seek to have Mr. Estrada nominated, five had no previous judicial experience at the time they were nominated and confirmed by this body. I don't know whether the same objection was raised then or not, but if it was, it has obviously been proven that it was not a valid objection.

There has been an allegation that the administration has refused to produce memoranda that Mr. Estrada wrote as an Assistant to the Solicitor General. Mr. Estrada was Assistant to the Solicitor General both in the Clinton administration as well as in the Bush administration. There is just a wealth of knowledge that he gained by virtue of the fact that he worked for the Government in addition to serving in the private sector as a lawyer.

But while he was in the Solicitor General's Office, sure, he did what his boss told him to do. If it required research and giving his boss a memorandum on a particular issue, he did what he was told to do and, obviously, did it in a very efficient manner, because every single living Solicitor General has come forward, including those

for whom Mr. Estrada worked, and has said that it would be improper for the Justice Department to produce the memoranda that Mr. Estrada worked on and provided to his boss. And also, the Solicitor General for whom he worked, both in the Clinton administration as well as in the Bush administration, have both talked about how highly qualified and how competent this individual is.

For an objection to be made that he failed to produce memoranda that the Justice Department says would not be proper to present, and that Republican and Democratic Solicitor Generals say would not be proper for the Justice Department to present, I think totally negates any argument about the fact that those memoranda have not been produced.

I could go on and on about the issues relative to Mr. Estrada's nomination that had been presented by the other side. I repeat, every time one of those issues has been raised, Chairman HATCH or some other member on this side has totally refuted that argument.

I go back to the point of why are we here? Why are we, 100 Members of this body, here? We are here to do the people's work. We are here to do what is in the best interest, not just of our constituents, but in the case of judges, we are required—and I agree with the Senator from Massachusetts, we ought not be a rubberstamp. But we have a process we go through to nominate and confirm judges. We ought to have full, open, and free debate on each and every one of those nominees, and we have done that.

We are here to do the work of the people of the United States of America. The people of the United States of America elected us to have full, free, and open debate on judges, as well as the many other issues with which we have to deal. We have done that. We have had 9 days of debate on the nomination of Miguel Estrada. It is time now that we do what the people elected us to do, and that is to vote. If a Member thinks he ought not be confirmed, vote against him.

I think he ought to be confirmed because he is well qualified and his time to go to the Federal bench has come. I am going to vote to confirm him. Because we are here as elected officials and because we have a duty to represent not just the people who sent us but the people of America when it comes to the confirmation of judges, we owe those people who sent us here and the people all across America a response to that obligation. We should move this nomination forward to a vote.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I wish to take an opportunity to discuss the appointment of Miguel Estrada to the circuit court and to raise an objection I share with other colleagues on this side of the aisle.

I come out of the business world. I think of how I might react if I were interviewing a senior executive candidate, and if that individual refused to answer relevant questions about his experience or her views, or what kind of a life attitude had developed in that person's mind, I sure would not be putting them on my payroll.

To respond to our colleague from Georgia who raises legitimate questions about why there is opposition on our side, the Senator challenges the fact that Mr. Estrada's lack of experience—I think if I heard him correctly—could even be an asset.

The Senator also alluded to the fact he came here without experience. I certainly did. I came here directly from the business community. I came here without experience. He and I and the occupant of the Chair have a job that is less than permanent. My colleague from Georgia and my colleague in the Chair got here because they terminated someone else's tenure in office. If that was the condition, if we were not talking about a lifetime appointment, we would not be having this debate, in my view. I am sure we would have had a vote and probably approved for Mr. Estrada to assume the appeals court bench.

That is not the case. Nor is it the case that the advise and consent relationship of a recommendation that comes from the President means automatic consent. We are supposed to take these responsibilities seriously. I am not a lawyer, but I feel the full measure of a democracy is the way justice is dispensed. We have a separation of powers to make sure there are checks and balances. That is why we protect the judiciary from being tossed out of office willy-nilly. They are able to exercise their will and exercise it to the best of their ability. But we have an obligation to confirm what the best of their ability is.

I am not happy about entering this discussion like this because I do have respect for colleagues on the other side of the aisle. I think they should have every right to add their views of support, to register those views as diligently and as forcefully as we have seen.

This is a two-way street. When a Democratic President sent up nominations, the delays were interminable. We heard last night about 1,500-day delays without being able to get a hearing. That is over 4 years.

I register my opposition to the confirmation of Mr. Estrada for the Circuit Court of Appeals for the District of Columbia. My opposition stems from several reasons, particularly questions about his unwillingness to come forward to discuss his views, to say to the American people—because they are ultimately the folks who are listening—that he is unwilling to participate in the system as it exists; that he is challenging the advice and consent aspect of the Senate's approval of asserting himself as a viable candidate for the United States Court of Appeals; that he is unwilling to open up his views to the people who are responsible for making the judgment.

Last night, I listened eagerly to the debate that took place. I listened to the distinguished chairman of the Judiciary Committee—a friend, someone I have known for a long time—talk about how unfair we are being to the President of the United States in not giving him full recognition of the fact he is the President and he is entitled to make his recommendation. The Constitution is so clear. The Constitution says the nomination has to come to the Senate for advice and consent. That is the process. We are not violating any rule by raising these questions.

Last night, it was even insinuated there might be some racial issue tied up here, and that borders on the ludicrous. I point out that the Puerto Rican Legal Defense and Education Fund, the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, NAACP, and the Congressional Hispanic Caucus all oppose Mr. Estrada's nomination. These organizations obviously are not prejudiced against Hispanics.

Any illusion, any suggestion, any insinuation that there could be a racial concern here is an outrageous claim.

So we are going to leave those comments behind. They are without merit and without consideration. I have real substantial concerns about this nominee.

His former supervisor at the Justice Department concluded:

> He lacks the judgment and is too much of an ideolog to be an appeals court judge.

We have a right to hear what his views are. It is especially troubling because we are talking about a nominee to the DC Circuit, the most important court outside the Supreme Court in this country. The DC Circuit overseas enforcement of critical environmental, consumer, and worker protection laws. Three sitting U.S. Supreme Court Justices have come from the DC Circuit. It is an enormously important position and it is, once again, a lifetime position.

If we were to do anything except fully exercise our conscience to make sure that we understood as clearly as each one of us has not only the right but the obligation to do to examine what this individual brings to the position, we would be shirking our responsibilities.

Last night we heard talk about the fact that the Mexican American Legal Defense and Educational Fund, and other groups, have raised concerns about Mr. Estrada's view on a subject that I am particularly concerned about: racial profiling. The concern is that Mr. Estrada's support for so-called antiloitering laws were actually a guise for racial profiling.

Racial profiling is a terrible problem. We had a very difficult time in the

State of New Jersey with that issue. I introduced racial profiling prohibition legislation in the Senate, and I am pleased to work with my colleague from Wisconsin, Senator FEINGOLD, on that issue now.

Driving while black, walking while Hispanic—we have heard those phrases—should not be crimes. I think the courts must do all they can to prevent this practice. I am worried that Mr. Estrada's views go in another direction.

Another major problem with this nominee is that he seems to be hiding the ball, not playing the game the way it ought to be, refusing to discuss his basic legal theories and beliefs. The Constitution does not say the President of the United States has a unilateral right to put anybody he wants to on the Federal bench. Presidential appointments require, as I said before, the advice and consent of the Senate, and that certainly does not suggest automatic consent.

We have a constitutional obligation to evaluate the President's choices. As all judicial nominees, Mr. Estrada had his job interview before the Judiciary Committee. At his Judiciary Committee hearings, Mr. Estrada refused to answer important questions. My colleagues who serve on that committee asked the appropriate questions about his judicial philosophy, such as his views on key Supreme Court decisions, but he failed to respond or was unwilling to respond to fundamental and simple questions expected of a nominee before that committee.

I mentioned that before I came to the Senate I ran a pretty good sized company, and when we would interview people for important positions in our company we would expect them to be completely responsive to our inquiries. If someone was evasive, refused to answer reasonable questions, we would not hire them. It would not be fair to our shareholders, our customers, and the other employees of the company to hire someone who refused to answer basic questions about how they would handle the job.

In the case of Miguel Estrada, we have someone who refused to answer questions regarding his nomination for a lifetime position. We, in the Senate, have a constitutional responsibility to review the nominees fully and have our consciences clear when we decide their fate. This nomination should not move forward because Mr. Estrada has left too many questions unanswered. He has kept many of his views on important legal matters a mystery, and that is not how this process should work. That is not how it is going to work.

This has nothing to do with anyone's ethnic background. That is silly. This Democratic caucus is always looking to expand diversity, and everybody knows that. This debate is about a nominee who is not cooperating. If he thinks Roe v. Wade is unsound law, let him say it. If he thinks it is settled law and respects it as a judge, let him say that. I do not think this nominee should move forward until serious questions about his legal philosophy have been answered.

Some of my colleagues on the other side act as if this is unprecedented for a Presidential nominee to not receive a vote, but there were Clinton nominees who could not even receive a hearing, no less a vote. I wish to remind the Senate of some of the names we heard from our Democratic whip the other day, people such as Judith McConnell, John Tait, John Snodgrass, Patrick Toole, Wenona Whitfield, Leland Shurin, John Bingler, Bruce Greer, Sue Ellen Myerscough, Cheryl Wattley, Michael Schattman, James A. Beaty, Jr.; J. Rich Leonard, Anabelle Rodriguez-Rodriguez, Helene White, Jorge Rangel, Jeffrey Coleman, James Klein, Robert Freedberg, Lynette Norton, Robert Raymar, a fellow from New Jersey whose name came up, could not get a hearing, Legrome Davis, Lynne Lasry, Barry Goode, H. Alston Johnson, James Duffy, Elana Kagan, James Wynn, Kathleen McCree-Lewis, Enrique Moreno, James Lyons, Kent Markus, Robert Cindrich, and the list of those who waited for such long periods is rather lengthy. We are talking about 57 nominees who were never allowed votes by the Republican-controlled Senate: 31 circuit and 48 district judges, 57 of those never allowed votes; 31 circuit court nominees, 22 blocked from getting a vote or being confirmed. There is person after person. One person waited more than 1,500 days, Helene White, never to be allowed a hearing or a vote. Richard Paez waited more than 1,500 days, finally confirmed. The list goes on.

So when I hear the complaining about how unfair the Democrats have been, I just say look back over our shoulder not too long ago and see the number of people who waited and waited and could not get any attention at all.

Mr. Estrada is getting attention, a lot of attention, and if he was responsive appropriately, I am positive a vote would have taken place and we would all have registered our opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD wished to come to the floor and speak for about 45 minutes. I spoke to him a few minutes ago. He indicated he would be ready to go at quarter after 5. The Senator from Washington wishes to speak for 10 or 12 minutes. So I do not think it would greatly inconvenience anyone if I ask unanimous consent that the Senator from Washington be recognized for up to 12 minutes, and following her statement that Senator BYRD be recognized for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise today to discuss the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia. Throughout my service in the Senate, we have struggled with judicial nominations. I know we can make the process work.

In Washington State, I worked with a Republican Senator and a Democratic President to nominate and confirm Federal judges, and today, with a Republican President I am working with my Democratic colleague from Washington State on a bipartisan process to recommend judicial candidates.

I have also seen the process work in the Senate. My Democratic Senate colleagues agreed to confirm 100 Federal judges during the period of the 107th Congress when Democrats were in the majority. That is a great accomplishment for a Democratic Senate and a Republican President.

There were also periods during the Clinton administration where the Republican Senate confirmed significant numbers of judges appointed by a Democratic President. It is important to put this standoff in the proper context. We are considering a nominee to the DC Circuit Court which is widely acknowledged as the second highest court in our country.

This court has jurisdiction over a broad array of critical issues involving workers rights, civil liberties, disabilities, and environmental regulations. Judges at the DC Circuit Court are often given serious consideration for service on the United States Supreme Court. This is a lifetime appointment. Neither the President nor the Senate can revisit this nomination once it has been confirmed.

All of these factors—the importance of the DC Circuit, the potential of consideration for the Supreme Court, and the lifetime appointment—signal Members to proceed with caution. We are not considering a nomination to a commission or an ambassadorship or some other Senate-confirmable position. This is different. This is a lifetime appointment for a Federal judge whose rulings over the next 30 or 40 or more years will have ramifications for every single American.

I respect President Bush's role in nominating Miguel Estrada. I respect the majority's right, working with the President, from the same party, to promptly move judicial appointments. I come to the floor today to ask my colleagues to respect the Senate's constitutional advice and consent responsibilities. As Senators, we are elected to serve our constituents. We are asked to confirm judges whose decisions can change U.S. history and shape the lives of the American people for generations to come. That is a tremendous responsibility. I know all Senators take it very seriously.

Let me say a few words about the nominee now before the Senate. Miguel Estrada, by all accounts, is an accomplished lawyer with a compelling personal history. But I owe it to my constituents to make an informed judgment on his nomination. At this time I

am simply not prepared to move forward with a vote on the nomination of Miguel Estrada because there is too little information for me to make an informed decision. I encourage the majority leader to take this nomination off the floor at this time. We expect Federal judges to provide the proper check in our system of checks and balances outlined in the Constitution. Without it, our system does not function properly.

We must ensure each nominee has sufficient experience to sit in judgment of our fellow citizens, will be fair to all those who come before their court, will be evenhanded in administering justice, and will protect the rights and liberties of all Americans. To determine if a nominee meets those standards, we need to explore their record, ask questions, and weigh their responses. Miguel Estrada and the administration have failed to address these basic issues. And without addressing these basic issues, I cannot assess the nominee's qualifications. From my perspective, the Senate has been asked to confirm a candidate about whom we know very little. I cannot at this time vote to confirm Miguel Estrada for lifetime service on the DC Circuit Court.

As several of my colleagues have done, I need only to invoke the words of the chairman of the Judiciary Committee to describe my hesitancy to move forward with the Estrada nomination. Speaking of President Clinton's judicial nominees and the Senate, Senator HATCH said the Senate will have ''to be more diligent and extensive in its questioning of nominees' jurisprudential views.''

Mr. Estrada and the administration have failed to meet the same standard set out by Senator HATCH. Mr. Estrada has failed to provide through his writing, his experience, or through answers to questions at the Judiciary Committee, any meaningful insight into his likely decisionmaking process as a Federal judge. He has very limited scholarly or judicial experience. He did work in the Solicitor General's Office at the Department of Justice during the 1990s. But, unfortunately, the administration has refused to provide the Senate with or characterize any opinions he wrote or had while at DOJ.

Despite repeated requests from Senators, the nominee and the administration have refused to provide information that can help all Senators determine whether Miguel Estrada is deserving of confirmation to a lifetime appointment to the Federal bench. Allowing Senators to access the memoranda he wrote while at the Solicitor General's office is particularly important.

Unlike most judicial nominees, he has nothing on paper to give us any indication as to how he would rule on the bench. In fact, Mr. Estrada has not had any published legal writings since he was in law school.

Time and again, we are told by the administration that Miguel Estrada is a brilliant lawyer and more than qualified to serve on the D.C. Circuit Court. Yet, all we have to base a decision on his nomination are the endorsements of others. I appreciate these endorsements, but each of us as Senators must reach our own conclusions based on the facts. I am greatly troubled by the silence we have heard from the nominee himself.

The path to confirmation for a judicial nominee is indeed a difficult one. But in the case of Mr. Estrada, the nominee and the administration went beyond anything we are accustomed to and brought great difficulty upon themselves. At his confirmation hearing before the Judiciary Committee, Mr. Estrada refused to give Senators straight answers to most of their questions.

Many of our Judiciary Committee colleagues have discussed this nomination at great length here on the floor. I have listened to the statements from both Democrats and Republicans on the Judiciary Committee.

The words of Senator FEINSTEIN stands out as I look at this nomination. Let me share them again with the Senate.

Senator FEINSTEIN said:

> I have been reviewing background materials about Miguel Estrada, talking to those who have concerns about him, and I have reread the transcript from Mr. Estrada's hearing.
>
> I must say that throughout this process, I have been struck by the truly unique lack of information we have about this nominee, and the lack of answers he has given to the many questions raised by Members of this Committee.
>
> He, essentially, is a blank slate. And, if confirmed, he could serve for 30, 40, or even 50 years on one of the highest courts in the Nation. We has better be right about this decision.

Mr. President, I agree with that assessment. The Senate must be right about this decision. That is why so many on this side of the aisle have asked the majority leader to help us be right about the Miguel Estrada nomination.

At a minimum, Mr. Estrada should be sent back to the Judiciary Committee for more questioning. In the Committee, he should be more forward in answering the questions of Senators. He should be more willing to release information regarding his opinions about important judicial matters.

Mr. Estrada was asked to name any case in the history of the Supreme Court with which he disagreed. Surely, Mr. Estrada—who served as the editor of the Harvard Law Review—can cite a case that he disagrees with. At his original confirmation hearing, Mr. Estrada could not cite a single case before the Supreme Court he disagreed with. The Senate should give Mr. Estrada another opportunity to answer this question before the Judiciary Committee.

Mr. Estrada was asked to name a Supreme Court judge that he admired. When he refused to answer this question, Mr. Estrada was asked to name any Federal judge that he admired. Again, Mr. Estrada refused. The Senate should give Mr. Estrada another opportunity to answer this question before the Judiciary Committee.

Unless the Senate is able to learn more about Miguel Estrada, I am left to conclude that this nominee has no judge he would try to emulate, no judicial philosophy he follows, and no opinion on any important case that has ever come before the Supreme Court.

Without so little information to determine how Mr. Estrada will rule as a Federal judge on important matters of labor rights, rights of privacy, civil rights and environmental regulation, I cannot consent to considering his nomination at this time.

I strongly encourage the majority leader to withdraw this nomination and send it back to the Judiciary Committee. I encourage the President and the nominee to address the many issues raised by Senators.

The ultimate fate of the Miguel Estrada nomination—was well as the Senate's ability to move forward with bipartisan support for judicial nominees—rests with the majority leader and the President of the United States.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the distinguished Senator from West Virginia, who is to be recognized following the statement of the Senator from Washington, has agreed the Senator from Arkansas could speak for up to 6 minutes prior to his speech. There is no one here on that side, so I don't think it inconveniences anyone.

I ask unanimous consent that the order now in effect be changed to allow her to speak for up to 6 minutes before Senator BYRD speaks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I certainly thank my colleague from West Virginia for his courtesy and kindness in letting me go forward. I appreciate it.

Mr. President, I come to the floor today to express my frustration with the nomination of Miguel Estrada to the Court of Appeals for the DC Circuit. I have never before opposed a judicial nominee, but after much prayer and reflection I cannot support this nominee until he is able and willing to cooperate with the Senate in its Constitutional responsibility to advise and consent. I believe all executive and judicial nominations that come before the U.S. Senate are entitled to courtesy and respect. I also believe the U.S. Senate's role of advise and consent is an important check and balance that our forefathers instituted, and it is an obligation that I do not take lightly. I know our forefathers put it there for a good reason. Each nominee is entitled to a thorough and fair hearing, and I have fully evaluated each of President Bush's nominees as the Constitution

mandates. In every case before us, I have supported President Bush's nominees. Yet I can not in good conscience support this nominee at this time based on the lack of information that has been made available and the manner in which this nomination has been presented. Is it too much to ask of a person who is being offered a lifetime position to simply answer a few questions?

As a nominee seeking Senate confirmation, Mr. Estrada has the burden of proof to demonstrate his fitness for the high office he seeks. During the confirmation process, a nominee can meet this burden in many ways depending in part on the background and experience of an individual at the time of appointment. Another consideration is the level of scrutiny warranted for a life-time appointment to an important judgeship. Finally, one critical element I look for in all nominees is a willingness to cooperate with the Senate and show deference and respect for the process we engage in here in the Senate.

As many of my colleagues have already established, Mr. Estrada comes to the Senate with a very limited written record upon which to make an informed judgment. To make our job even more difficult, the administration has refused to release relevant information that would shed much needed light on this nominee's judicial philosophy and reasoning. Moreover, Mr. Estrada seemed determined to be evasive and unresponsive to questions put to him during his confirmation hearing.

After weighing these factors, reviewing the committee record, meeting personally with Mr. Estrada, and considering the views of hundreds of constituents and interested organizations, I am not satisfied that Mr. Estrada has met the burden required for confirmation to such an important position.

Even though Mr. Estrada is reluctant or unwilling to say so, I assume Mr. Estrada has a conservative ideology and that he and I would disagree on many issues. But after voting for every judicial nominee to come before the Senate since I took office, I can say with credibility that Mr. Estrada's ideology doesn't prevent me from supporting his nomination. A nominee's particular views or political beliefs don't bother me, so long as I am confident that nominee can separate his personal beliefs and opinions from his duty as a Federal judge to follow established precedent and interpret the law and Constitution fairly and without political bias.

What concerns me a good deal, however, is the unwillingness of the administration and Mr. Estrada to respond directly to reasonable requests for legitimate information. How hard is it to answer questions about Supreme Court cases that have been on the books for years? Why is the administration so unwilling to allow U.S. Senators to review written material that would help us discharge our duty under the Constitution?

I believe having judges from different backgrounds is important, and I salute President Bush for nominating an Hispanic to serve on this court. I fully support efforts to diversity the Federal judiciary so that it is more representative of our society. But I cannot support Mr. Estrada simply because he is Hispanic.

Charges of racial insensitivity have no place in this debate. This Senate has already confirmed unanimously seven of President Bush's Hispanic judicial nominees.

Like all nominees that come before the Senate, Mr. Estrada must answer questions put before him. I want to make clear that the questions Democrats asked of Mr. Estrada are no different than the questions Republicans have asked of nominees. In fact, when the current Attorney General served on the Senate Judiciary Committee, he asked a judicial nominee the same question that Mr. Estrada refused to answer. The question was: ''Which judge has served as a model for the way you would conduct yourself as a judge and why?'' Mr. Estrada was asked and refused to answer a similar question.

When I let my boys off at school this morning—they are 6 years old and in the first grade—they were having problems with a buddy at school, in their class. They were saying: What do we do with this, Mom? How do we handle it?

Do you know what I said to them? I said: Work with him. Figure it out. Work with him.

That is simple, and it is simply what Democrats have told Mr. Estrada: Work with us. We are trying to do our job, to satisfy our constitutional responsibility, in good conscience, to meet the job we are sent here to do by the constituents who believe in us. If that means reviewing oral arguments and briefs of a few cases so that Mr. Estrada can state an opinion on at least one case decided by the Supreme Court in the last 40 years, why not do it? No one disagrees that Mr. Estrada has a distinguished academic and professional background. He is a very nice man. I met with him. My responsibility is not just to put nice people into judgeships.

He graduated magna cum laude from Columbia and magna cum laude from Harvard Law School, served as editor for Harvard Law Review, and clerked for a Supreme Court Justice. It should not take him more than an afternoon, or less, to do a little research so that he could answer the questions that members of the Judiciary Committee have put before him.

I call on the administration to let Mr. Estrada answer the questions the Senate has put before him, in good faith, so that the Senate can vote on Mr. Estrada. Is it really too much to ask, to simply say we need more information to make an important judgment on a very important, lifetime nomination? Please, give us the ability to execute our responsibilities under the Constitution. Is it too much to ask of one man, who is before us, who has the burden of proof, to show us his capabilities? Is it too much to ask, to simply say let's spend a couple of more hours, answer a few questions, and move forward? Because this Nation has a great deal to deal with. We have many issues on our plates and many things we need to address immediately. I simply say to my colleagues, is it too much to ask, to simply answer a few questions?

Mr. President, I especially thank my colleague from West Virginia for his yielding to me and allowing me to move forward.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Arkansas, my favorite Supreme Court Justice was John Marshall. It is not a very hard question to answer.

U.S. RHETORIC GOES OVER THE TOP

Mr. BYRD. Mr. President, the language of diplomacy is imbued with courtesy and discretion. Diplomats the world over can be counted on to choose each word of every public statement with precision, for an ill-received demarche could turn allies into adversaries or cooperation into confrontation.

Like most professions, diplomacy has its own lexicon. As John Kenneth Galbraith wrote in 1969, ''There are few ironclad rules of diplomacy but to one there is no exception: when an official reports that talks were useful, it can safely be concluded that nothing was accomplished.'' And when we hear a seasoned envoy refer to a ''frank and open discussion,'' we know that he is actually talking about a knock-down, drag-out fight behind closed doors. While negotiation can steer great powers away from a course that would lead to war, we can usually count on public statements about diplomacy to be underwhelming—not overwhelming but underwhelming.

There have been exceptional times when bold statements have energized world opinion. When President Reagan stood on the Berlin Wall in 1987 and proclaimed, ''Mr. Gorbachev, tear down this wall,'' he spoke to millions of Germans who longed to be freed from oppression. While I would not go so far as to credit a single phrase with hastening the fall of the Eastern Bloc, certainly President Reagan's statement reflected the resolve of the West to oppose communism.

There have also been a fair number of bold statements to the world that have backfired. For example, Nikita Khrushchev squandered whatever credit he might have gained through a goodwill tour of the United States in 1959, when he visited the United Nations the next year. The Soviet Premier famously exclaimed to the West, ''We will bury

you,'' while slamming his shoe on the table in front of him. This ill-advised outburst was a vivid depiction of an irrational and out-of-control superpower.

Fortunately, the United States has a tradition in foreign policy of being slow to anger. We have nurtured a reputation of being rational and deliberate. I doubt that Americans would have much tolerance for a president who used the United Nations as a forum for testing the construction of his footwear on the nearest table. It would be a great departure for the United States to use its foreign policy organs as a means to spread divisive rhetoric.

Unfortunately, the tone of our foreign policy in recent months has been in a steady decline. To some of our allies, the United States, through its words and its actions on the crisis in Iraq, is beginning to look more like a rogue superpower than the leader of the free world. Many newspapers in European capitals criticize U.S. policy toward Iraq. Moderate Muslim nations, such as Jordan and Turkey, are growing progressively suspicious of American motives in the war against terrorism. An increasing number of people in Arab countries are coalescing around an outright hatred of the United States.

Let us remember that President Bush came to office promising to change the tone in Washington. I wonder if the current tone of American foreign policy is what he had in mind? One source of alarm is the tone of the National Security Strategy released by the White House in September 2002. In broad strokes, the strategy argues that the United States should use its overwhelming military power to engage in preemptive strikes to prevent others from ever developing the means to threaten our country. The strategy notes a preference for working with allies to keep the peace, but underscores the willingness of the United States to act unilaterally.

The content and the tone of these important pronouncements in the National Security Strategy sparked outcry, in the United States and around the world. The report gave critics plenty of ammunition to make their case that the United States is a 400 pound gorilla that will stop at nothing to get its way. Our strategy leaves much of the world the impression that Americans agree with the quotation of the late Chinese leader, Zhou Enlai, which turned the axiom uttered by the military strategist Carl von Clausewitz on his head: ''All diplomacy is a continuation of war by other means.''

There are many examples of provocative rhetoric that have escalated the stakes of our standoff with Iraq. In his 2002 State of the Union Address, the President coined an ''Axis of Evil,'' comprised of Iran, Iraq, and North Korea. In October 2002, the White House press secretary suggested that regime change in Iraq could be accomplished with ''the cost of one bullet.'' On December 30, 2002, President Bush said that Saddam's ''day of reckoning is coming.'' The next day, he chided a reporter who asked about the prospect of war in Iraq by saying, ''I'm the person who gets to decide, not you.'' The President's coarse words did nothing to ease criticism of American unilateralism.

Several members of the President's national security team warned Iraq in January 2003 that ''time is running out'' for Iraq, and that such time was measured in weeks, not months. On Sunday talk show interviews on January 29, the White House Chief of Staff refused to rule out the use of nuclear weapons in a war against Iraq. On February 6, President Bush ominously declared that ''the game is over.'' With each of these statements, the chances of war appeared to grow.

To be fair, the President and his advisors have repeatedly stated a preference for the peaceful disarmament of Iraq. But as I speak right now, many Americans believe that war is inevitable. Through words and through action, the United States appears to be on a collision course with war in the Persian Gulf. Stating a preference for a peaceful solution is not enough to alter the heading of our great ship of state.

If our rhetoric toward Iraq is not alarming enough, the last weeks have seen an appalling increase in criticism of our allies and the United Nations.

On September 12, 2002, President Bush delivered a strong and effective speech that urged the United Nations to take action to disarm Iraq. The President said: ''All the world now faces a test, and the United Nations [faces] a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?''

The President threw down the gauntlet, and the United Nations acted. Inspectors have returned to Iraq, and they are doing their job. The inspectors have asked for more time, but the President has now challenged the U.N. to authorize the use of force, or again face irrelevance.

And so, the world is now wondering, which is the greater threat to the relevance of the U.N.: a rogue nation that flaunts the will of the international community; or a permanent member of the Security Council that views the institution as useless unless the institution submits to its will? This hand has been overplayed. More threats of U.N. irrelevance will only portray the United States as a bully superpower.

European allies who do not share our view on the crisis in Iraq have recently been in the cross hairs for verbal bombardment. Secretary of Defense Rumsfeld has lumped Germany in with Libya and Cuba as the principal opponents of war in Iraq. He also characterized Germany and France as being ''Old Europe,'' as if their economic and political power does not matter as compared to the number of Eastern countries that comprise New Europe.

Richard Perle, a senior advisor to the Department of Defense, has also had choice words about our European allies. In October 2002, Mr. Perle recommended that German Chancellor Schroeder resign in order to improve relations between our two countries. On January 30, Mr. Perle followed up this charge by saying: ''Germany has become irrelevant. And it is not easy for a German chancellor to lead his country into irrelevance.'' Spreading his criticism around, Mr. Perle stated that ''France is no longer the ally that it once was.'' So far as I can tell from press reports, Mr. Perle, who is the Chairman of the Defense Policy Board, has not been admonished for his inflammatory statements.

Such vindictive criticism of our European allies has had repercussions. According to a new poll, published in the Financial Times Deutchland on February 10, 57 percent of Germans agree with the statement, ''The United States is a nation of warmongers.'' And now we find ourselves in a pointless stalemate with our NATO partners over military assistance to Turkey. If we had been more temperate in our rhetoric, perhaps we could have worked through the anti-American tone of the recent elections in Germany. Instead, we find ourselves escalating a war of words against two great European powers, who were powers—and who were great powers—before ours became a republic.

And so, Mr. President, how we communicate our foreign policy makes a difference. We expect North Korea or Iraq to use inflammatory propaganda to speak to the world, but we are a more dignified nation. There are ways for our country to indicate resolve without resorting to bellicosity. The subtext to nearly every new White House statement on Iraq is that the United States has run out of patience. The administration is signaling its willingness to use an extreme amount of military force against Iraq when many still question the need to do so, when many in our own country still question the need to do so, when some in this Senate still question the need to do so at this time. We need to change our tone.

Impetuous rhetoric has added fuel to the crisis with Iraq and strained our alliances. Before committing our Nation to war with Iraq and the years of occupation that will surely follow, we should repair the damage to our relations with our allies. I urge the President, and the administration, to change the tone of our foreign policy—to turn away from threatening Iraq with war, to turn away from insulting our friends and allies, to turn away from threatening the United Nations with irrelevance. Our rhetoric has gone awry, our rhetoric has gone over the top, from giving an indication of our strength to giving an indication of our recklessness.

I have learned from 50 years in Congress that it is unwise to insult one's adversaries, for tomorrow you may be in need of an ally. I have found in my 56 years in politics that today's opponent may be tomorrow's friend. There will come the day when we will seek the assistance of those same European allies with which we are now feuding. But serious rifts are threatening our close relationship with some of the great powers—the truly great powers of history—some of the great powers of Western Europe. The Secretary of State said yesterday that NATO is at risk of breaking up. Mr. President, it is time that we pause. It is time that we take a look at ourselves. It is time to put our bluster and swagger away for the time being. I urge the President to calm his rhetoric, repair our alliances, and slow down in the charge to war.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, last night I sat in my office listening to my colleagues, most on the other side of the aisle, debating the issue of Miguel Estrada's nomination to the second most powerful court in the country, the District of Columbia Circuit Court of Appeals. Even after all of the debate, some people may not realize that the D.C. Circuit Court is the overseer of all Federal agencies. It is the court that is most likely to make decisions about whether Federal regulations will be upheld or overturned, whether reproductive rights will be retained or lost, or whether intrusive Government actions will be allowed or curtailed.

I understand why some of my colleagues last night may have become heated with the determination of our side of the aisle to filibuster this nomination. Many of my colleagues wanted to know why we believed we had no other choice but to filibuster the nomination.

It is time we quit dancing around the issue. The question that has gotten so many of us concerned is whether this body is going to approve Bush administration nominees to the court of appeals who are out of step with the mainstream views of America.

Someone said last night: Maybe that side of the aisle doesn't want to appoint conservatives.

That is not the issue. What is at issue is we don't want to appoint someone who clearly refuses to answer questions on key issues of the constitutional right to privacy, only later to find out they will not uphold current law on protecting a woman's right to choose!

Upholding a woman's right to choose is an important issue of privacy and something about which we should all be concerned, It is an issue on which we have 30 years of settled law, and women across America count on that right.

But there are other stories and other issues of privacy we should also be concerned about. We are at a unique time in our country's history, a time when U.S. citizens have been treated as enemy combatants and imprisoned without access to counsel or trial by jury. We are at the tip of the iceberg of the information age where businesses may have access to personal information and exploit that information. Where health care industry people might have access to your most personal medical information. Where the Government has established a process of eavesdropping on and tracking U.S. citizens without probable cause. Where the Government has the ability to use and develop software that can track one's use of web sites and information on their personal computer without their consent or knowledge.

These are all important privacy questions that deserve to have the attention of any nominee to the Circuit Court of Appeals. When Miguel Estrada refused to answer the questions my colleagues on the Judiciary Committee posed to him about the issue of privacy, and if he in fact believed in a constitutional rights to privacy, it was troubling to me and to my colleagues who are opposing this nomination. We need to have answers to these questions before Miguel Estrada can be confirmed.

Make no mistake—the public is hearing a lot of bickering in the Chamber about numbers. How many nominees on this side have we pushed through, how many nominees have they pushed through, when a particular party was in charge. I am not sure the public wants to follow that debate.

But one debate I am sure they want to follow is the failure of Miguel Estrada to tell us what he believes. A 2001 poll shows that seventy four percent of the American public believes the question of judicial philosophy should be asked of nominees to the appellate court and that answers should be given. Over 50 percent of Americans, in a survey done in 2001, believe Members should not vote to confirm otherwise qualified nominees if they think their views on important issues are wrong.

Of course we cannot even make that judgement and we aren't left with a lot of options, when Miguel Estrada won't specifically answer the questions.

Some have said that the issue is simply that we don't like his answers to the questions. I do believe that it is important to view this debate in a larger context. This debate is about what this Administration means when it says we should appoint people to the court and who have a strict constructionist view of the Constitution. Like most Americans, I was not entirely sure what that phrase means. So I looked for further clarification. I found some that was very interesting. In January 2000, the President appeared on one of the Sunday talk shows. And he was asked about strict constructionism. He was asked the following:

With regard to strict construction, we will put up on our screens some words from Justice Scalia pertaining to abortion.

[Justice Scalia] said: ''There is no constitutional right to abortion. I reach that conclusion because of two simple facts: One, the Constitution says absolutely nothing about it and, two, the longstanding traditions of American society have permitted it to be legally proscribed.''

The host then asked the President, ''Would you ask a nominee that question? Do you agree with that?''

The President responded:

I guess you would have to say that is my idea of a strict constructionist.

So when people talk about a strict constructionist, very often they are talking about someone who doesn't believe in the constitutionality of a woman's right to choose.

An editorial in the Atlanta Journal Constitution makes the point as well when they wrote:

The same spirit of deception is apparent when the topic turns to abortion. Bush is committed to overturning the U.S. Supreme Court decision legalizing early term abortion; but in most settings, he dares not mention the truth because he understands how unpopular it would be. So instead of being frank about his stance, he talks in code of appointing judges who believe in strict construction of the U.S. Constitution.

Mr. President, I don't think that is what this body should support. And in this context I do not think we should approve nominees who will not answer questions about their view on whether the right to privacy is guaranteed in our Constitution.

Make no mistake about it. This is not about someone's political views, this is about each nominees' judicial philosophy. We had a very interesting debate before the Senate Judiciary Committee on a nominee to the Tenth Circuit, Michael McConnell. A man who in private practice and as a law professor had espoused many views in opposition to abortion rights and was very critical of the decision in Roe v. Wade. I do not agree with probably any of the political views of Michael McConnell. Yet he came before our committee and, for hours, outlined his judicial philosophy, his understanding of stare decisis, his view on where the right to privacy exists within the Constitution and how it evolved. He was very specific in saying he thought the issue had been settled. In just one of the many, many answers he gave on privacy he said:

I think most scholars would agree. In Roe, the Court canvassed several different possible textural bases and said it didn't matter which one of the bases. It was only in Planned Parenthood v. Casey that the Court finally came down to a single methodology and identified the privacy right as rooted in the substantive due process of the 14th amendment.

Mr. McConnell went on:

Not only was Roe v. Wade decided by the Supreme Court, but a lot has happened in the 26 to 27 years, or however many it has been, since Roe v. Wade. That decision has now been considered. It has been reconsidered and reaffirmed by justices appointed by Presidents Nixon, Ford, Reagan, Bush, and Clinton after serious re-argument. At the time when Roe v. Wade came down, it was striking down State statutes of 45 of the 50 States of the Union. Today it is much more reflective of the consensus of the American people on the subject.

I offer this as an example of a nominee who was confirmed! Approved with bipartisan support. Was it because we agreed with his political views on abortion? No. It was because he came before the Senate and answered the question about the constitutionality of people's right to choose.

Now, some may say, well, this particular nominee, Miguel Estrada doesn't want to be that specific. We have all heard about this particular court, the District of Columbia, and how important it is to our country—the second highest court in the land—and the particulars of why this particular nominee may be so important. But again we also have to look at this nominee in context. This is not the first troubling nominee this administration has supported. They have put before us other individuals who, I believe, have been judicial activists in their role on various courts. We have been successful in defeating their nomination. Although we may be going to see them sometime in the future.

Several months ago, the President nominated Priscilla Owen to the Fifth Circuit. In a series of cases interpreting a new Texas law on parental consent, Owen suggested that a minor, even in the case of rape and incest, should be required to demonstrate that she had received religious counseling before receiving medical care.

She insisted that her holding followed Supreme Court precedent, yet she was unable to demonstrate where in the Supreme Court precedent the requirement on religious counseling existed. That is because it doesn't. Our law does not require those seeking abortion to have religious counseling. Her dissent in a similar case was called an ''unconscionable act of judicial activism,'' by White House Counsel, Alberto Gonzales.

Another Bush nominee, Charles Pickering, received an unfavorable vote from the Senate Judiciary Committee last year after it became clear he had intervened on behalf of a convicted cross burner, calling prosecutors, including high-level officials in the Department of Justice, in an effort to lower the sentence of the convicted cross burner. The victim in this case said, after learning for the first time about the role that was played by Judge Pickering, that her ''faith in the judicial system had been destroyed.''

This is the context in which we view the nomination of Miguel Estrada. It is not clear where Miguel Estrada stands on the issues. He doesn't have a record like Priscilla Owen, or like Judge Pickering, about which we can ask questions. So the fact that he refuses to answer those questions, and the fact that the administration has proclaimed that they are very interested in nominating people with ''strict constructionist'' views about the Constitution, has left us very concerned about this particular nominee.

Let me be clear. The public doesn't care about our bickering on numbers, but they do care about us doing our job and asking questions about the nominee's views on important issues.

Another survey that was done last year asked whether individuals thought the views of nominees on specific issues should be taken into account, that Senators are expected to have a viewpoint by the people who elect them and not simply rubberstamp the nominees the President sends to the Senate. And 77 percent found that to be the persuasive argument to which they agreed.

The public was also asked whether the views of nominees on specific issues should be taken into account since Federal judges serve for life and are not elected by the people, and no one should be put on the bench if that person holds a position on an important issue that Senators think is simply wrong. Again, 77 percent of the public believed that was a persuasive argument and correct.

The issue is that the public does want us to do our job. They want us to find out the positions of these nominees.

It was not that long ago we had another issue before this body, a nomination to the Supreme Court of Justice Clarence Thomas. At that time, Judge Thomas refused to answer questions on the right to privacy, saying he thought there had been too much controversy on the issue and he did not have a personal view on whether Roe v. Wade had been rightly decided. But then, only one year later, he dissented in Planned Parenthood v. Casey stating that Roe v. Wade should be overturned!

This debate is very alarming to Americans. It is alarming because they want to know that their judiciary represents the views of the mainstream public; they want to know that the judiciary will uphold current law; that they will follow stare decisis. They want to know that the right of privacy, as it has been recognized in the Constitution, will be upheld.

We have to go back and do our homework on this particular nominee. I think most people in America understand if you go to take a pass-fail test and you do not answer the questions, it is very hard for you to pass. We have all heard of oral exams where you have to show and understand the material you have been studying for years. If you do not show the comprehension of that material, you do not pass. I think people here understand that if you come before the Senate Judiciary Committee and fail to answer the questions, you do not pass as well.

Maybe we will not agree on the types of positions this side of the aisle would support for a nominee. Maybe that side of the aisle does support people of strict constructionist views who do believe that Roe v. Wade should be overturned, but let's not put forth and continue to pursue a nominee who refuses to answer the questions. These are questions that deserve an answer. These are questions about which this body should hold its head up high and say, as we continue in an age where privacy is going to become more important, we will continue to fight for the rights of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I haven't had the opportunity in the last couple of days to have my say on Mr. Estrada. I thought I would take the time now to talk a little bit about the nomination of Miguel Estrada for the D.C. circuit court.

I have to say that there has been a lot of nonsense bandied about in the Chamber on the nomination and the idea of whether we are holding something up. Facts are bothersome things, as they say. What some people say in the past may come back to haunt them in the future.

It was Mo Udall, former Congressman, who coined the wonderful phrase. He always said: O Lord, let me always utter kind and humble words for tomorrow morning I may have to eat them.

I was looking back through the record. The current chairman of the Judiciary Committee in 1997 addressed the Utah chapter of the Federalist Society. This is what the current chairman of the Judiciary Committee said:

The Senate can and should do what it can to ascertain the jurisprudential views a nominee will bring to the bench in order to prevent the confirmation of those who are likely to be judicial activists. Determining who will become activist is not easy since many of President Clinton's nominees tend to have limited paper trails. Determining which of President Clinton's nominees would become activist is complicated and would require the Senate to be more diligent and extensive in its questioning of nominees' jurisprudential views.

That is interesting because when Mr. Estrada refused to answer even the most simple, straightforward questions, that sure doesn't help us in questioning his jurisprudential views. There is no doubt in anyone's mind that Mr. Estrada is a movement person. He will be a movement judge, one who will try to move the court in a certain ideological direction.

What also concerned me was something my colleague Senator HATCH from Utah said the other day. He said:

An up or down vote, that is all we ask. If the Democrats have enough votes to defeat Miguel Estrada, I will not complain about it. I might feel badly about it and I might say it was the wrong thing to do, but they have

a right to do it. If my colleagues who disagree do not like this, they can speak out. They can give their reason. They can vote no. Politics ought to be left out of it.

That is what the Senator from Utah said last night. Unfortunately, I am sorry that his sentiments didn't exist when President Clinton's nominees came up for confirmation. I recall saying just about the same thing over and over again on the nomination of Bonnie Campbell to serve on the Eighth Circuit. She received her hearing in May of 2000 and then her nomination was stopped cold. Despite the fact she had the ABA stamp of approval, a long and distinguished history in the field of law, including her work as Iowa's attorney general. Members on both sides of the aisle supported her nomination. On September 21 and October 3, I tried to bring it up. Then during the month of October I brought up Bonnie Campbell's nomination seven times and seven times the Republican majority objected.

The Senator from Utah kept talking last night about the Democrats' double standard. My first instinct is to call that claim laughable. But in reality, it is outrageous and duplicitous to us because so many extremely well-qualified nominees never got an up-or-down vote on the floor, never got a vote in committee, and many never even got a hearing.

Bonnie Campbell had a hearing, but then they stopped her cold. Senator HATCH suggested Bonnie Campbell's nomination came too late in the last year of the last administration. I know for a fact that two of Senator KYL's district court judges were nominated after Bonnie Campbell was, and they were confirmed on October 3, 2000.

And now back to Mr. Estrada. We're not holding Mr. Estrada up because we feel like spending all of our time through the wee hours of the night talking about him. We're holding up because he hasn't told us anything. He hasn't answered the soft ball questions that nearly all judicial nominees have more than willingly answered. What's he got to hide?

I don't know Mr. Estrada. To the best of my knowledge, I never met him. But I do know we have heard from people who do know him, who have associated with him, some of whom have termed him ''scary'' in his outlook, scary in what he might do as a judge. I don't know if he is or not, but I know the people who have associated with him have called him that. They think he is some kind of a rightwing kook. I don't know if he is or not. How do we know? Well, the stealth candidate hasn't helped when he won't even answer the most simple, straightforward questions. So we have no way of knowing one way or the other.

It is our job as Senators to examine nominees, their background, their way of thinking to determine what kind of judges they would be and whether or not they can fairly and impartially administer the law. And as far as this Senator is concerned, I keep coming back to the same conclusion: we don't know enough about him to make an informed decision on his nomination to a lifelong appointment to the second most important and influential court of the land.

Even after I find out more about him, I may vote against him, but I don't think we even have to bring him up for a vote until we know more about Mr. Estrada. Is he a rightwing kook? I don't know. Some people say he is. Some people say he is scary. We have no way of knowing at this point in time. That is why we should not bring his name up. We should not move forward on this until we find out more—unlike Bonnie Campbell, who answered all the questions and gave all the documents they ever asked of her. Yet, they would not even bring her name to the floor.

So to my friend from Utah who says there is a double standard, I say look in the mirror.

Mr. President, with that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if my friend will yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank the Chair. The two managers of the bill—which we hope will be on the Senate floor before long—will return before long, just so the distinguished Senator from Utah is aware of that.

Mr. HATCH. On the appropriations bill.

Mr. REID. Yes.

Mr. HATCH. I will be happy to yield at any time to them.

Mr. President, before I came to the floor, I understand the distinguished Senator from Iowa criticized me for having a double standard. If I recall correctly, he said, I believe, I should look in the mirror when I talk about double standards.

Also, during last night's debate, several of my Democratic colleagues attacked my record on moving Clinton nominees. I heard some of these attacks repeated this morning by the Senators from California. This surprised me and it very much disappointed me since I worked hard to get not only Judge Paez but also Marsha Berzon, now Judge Berzon, confirmed, despite the opposition to their nominations, and there was serious opposition. That is one reason it took so long for Judge Paez, and there were some very serious allegations. But I was able to fight through those, and I can guarantee this body that neither of those judges would have gone through had it not been for my work.

I might add, neither would have a whole bunch of the 377 Clinton judges who did get through—the second highest total of confirmed judges in the history of the country—had it not been for what I was trying to do to help my colleagues on the other side.

I understand my dear friend from Iowa is very bitter about what happened to one of his judicial nominees. I do not blame him for that. He has always been a friend. I am disappointed that he would attack me on the floor and accuse me of a double standard because he knows better, and if he does not know better, he ought to know better.

I was unable to get his nominee through for a variety of reasons. I do not want to go into them here. I feel badly because of that. I personally liked his nominee, but there were things I was able to do as chairman and there were things I was unable to do. The one point nobody can rebut is that President Clinton was treated very fairly in getting the second highest total of Federal judges through in the history of the country of any President. President Reagan got 382 judges through, 5 more than President Clinton. With regard to those 382 judges, President Reagan had 6 years of a Republican—his own party—Senate to help him.

President Clinton had 6 years of the Republican Party in charge of the Judiciary Committee, and I was chairman during those 6 years.

I think he would be the first to say that I helped him, or he would be a baldfaced liar. I know he is not that. So I would presume that he would be willing to admit, as a decent honorable person, that Senator HATCH worked closely with him in trying to get those 377 judges through.

Unfortunately, I was not able to get some through some nominees about which some of my colleagues on the other side of the aisle feel very bitter. I apologize to them. I feel badly about that because there are things I could do and things I just could not do. There were a lot of things people did not think I could do that I did do. I am not perfect any more than anybody else, but I can say this: I do not think any other Senator could have gotten done what I got done with regard to fairness for the Clinton nominees.

In contrast, I do not think what is happening to President Bush's nominees is fair at all. In fact, here we are in a filibuster for the first time in history against a Hispanic judge who has risen to the top of his profession, even though he has a disability. That bothers me a lot, to be honest with you.

I did work hard to get Judge Paez and Judge Berzon through and confirmed, despite the opposition to their nominations, which opposition was not without merit. There were some legitimate concerns on the part of some of the Senators on this side of the floor.

The fact remains that I lobbied for cloture on those two nominees, and

they were afforded an up-or-down vote, something Miguel Estrada is not being afforded. They were afforded an up-or-down vote as a result of my efforts. They were both confirmed and both sit today on the Ninth Circuit Court of Appeals, a very prestigious circuit court.

Let me say this. I will stay here all day and all night, if I have to, to defend my record on Clinton judges because it is very unfair for anybody who looks at the record to say I personally did not treat him well.

With regard to my friend from Iowa, I am disappointed he would attack me on the floor of the Senate, but I will say to him, I understand his feelings, his very deep feelings, and he felt very bitter that his nominee did not get through, a personal friend and somebody whom I personally liked.

With my Democratic friends complaining so vociferously about the Republican treatment of Clinton nominees, which is totally unjustified, in my opinion, it leads me to believe that this shabby treatment of Miguel Estrada is driven in large part by a Democratic goal of retribution. That is all we heard last night in the questions from the Democratic side: Why didn't you do this? Why didn't you do that?

If that is the way we play the game, my gosh, I can give 100 cases where this side ought to have some retribution against them. I, frankly, do not believe in that. Call it tit for tat if you want to, call it payback, call it what you will, but I, for one, am becoming more and more convinced with each Democrat who takes the floor to complain about the Republican treatment of Clinton nominees that their opposition to Miguel Estrada is more about revenge than it is about Mr. Estrada. That bothers me a lot, to be frank.

Mr. President, I also understand the distinguished Senator from Iowa said that people who know Mr. Estrada have called him a right-wing kook. I do not know anybody who has called him a right-wing kook, not anybody on the face of the Earth. The only persons who would do that are those who act irresponsibly, and I have not even heard any irresponsible people do that. So there is little or no reason for anybody on the floor of this Senate to demean Miguel Estrada, and that is what this debate has devolved to, and it bothers me.

I caution my colleague from Iowa to respect other people. We all make mistakes, and we all say things that perhaps we should not say, and I will treat it that way this one time. But I do not want ever again to hear anybody on this floor call Miguel Estrada a right-wing kook or any other nomination by President Bush, any more than we should have called some of the far-left judges who were nominated by President Clinton left-wing kooks.

We never did that, or at least I do not ever recall doing that. I certainly did not, and I do not recall anybody else doing it on our side.

I just wonder who those mystery people are who called Mr. Estrada a right-wing kook. The only person I know of who has gone on record saying anything negative about Mr. Estrada, out of all the persons who have worked with him, is Mr. Bender, who has been more than, I think, rebutted, both in committee and on this floor, by his own performance reviews of Miguel Estrada that could not have been more glowing. And then when he has a chance to say something nasty because Miguel Estrada is now nominated to the circuit court of appeals, he chooses to do so. It is beneath the dignity of a law professor to do that, especially after giving those glowing performance reviews, even though he says everybody got those. Everybody knows that is not true.

If it is true, then it is a sad commentary for our Government. But then again, even though he admits everybody got those glowing performance reviews, he claims the reason for that is because these are the best lawyers in the country. Reading between the lines of his letter, that is what he basically said. That is as much as saying Miguel Estrada is one of the best lawyers in the country.

How can he be so inconsistent? He is the only one I know, and even he, as low as his comments are, did not call Miguel Estrada a ''right-wing kook.''

He has no credibility. I am just sorry in some ways for the law students who have to take his classes. I would prefer law professors—I do not care if they are liberal or conservative. Most of them are liberal, but I would prefer them to be honest people. I prefer them to have some dignity about their comments. I prefer them to be decent people teaching our young adults.

It is a pathetic thing that almost every law school in this country has a whole raft of left-wing professors who, if they had to, probably could not make a living at the practice of law. Maybe they could make a living, but they could not stand the rigors and the difficulties of practicing law. It is a lot easier to teach two classes a week and pontificate from their high perches as liberal law professors to the detriment of some of these law students. It is a pathetic thing. Anybody who has gone to law school knows how far left an awful lot of those professors are.

Are they bad people because they are far left? No. Some of them are terrific teachers and terrific people. Most of them are honest, which is something I cannot say for Mr. Bender with the way he has approached this thing.

I remind my friend from Iowa that we have a standard in the Senate against relying on anonymous allegations, even though I have seen people on that side bring up anonymous allegations where Mr. Estrada could not even confront those making the allegations. That is just hitting below the belt. Senator BIDEN made it clear that should never happen, and yet it has happened in this Chamber and it has happened in committee. I, for one, am fed up with that kind of inappropriate behavior by Senators. It is beneath the dignity of these Senators to do something like that. Senator BIDEN's policy was: if they are not willing to face the person they are accusing, then they are not worthy of being listened to. I agree with him, and I intend to stick to that very same policy.

I am going to forget these derogatory comments by the distinguished Senator from Iowa. I have never held a grudge. It is one of my weaknesses as a Senator. I just plain cannot hold a grudge against my colleagues. I have had some of my colleagues come up to me and say, boy, you ought to have a grudge against that guy. I just cannot do it.

Personally, I love everybody in this body. And I think everybody knows that. It is against everything I believe to hold a grudge. So I am not going to do that and I am going to forget what was said today, but I do not want it ever said again. Nor do I want to have some stupid staffer putting words in the mouth of another Senator. That happens every once in a while. We should not allow staffers, no matter how bright they are or how stupid they are, to cause us to do things that are inappropriate on the floor of the Senate and to make accusations that are not justified against somebody who worked his guts out to try and help President Clinton get his judges through, because I believe the President of the United States has a right to have his judges voted on up or down.

I have made that clear throughout my tenure as chairman, and everybody knows it. I have had countless Democrat Senators say they know I am not responsible for some of the problems that happened. Then again how many are responsible over on my side, because 377 Clinton judges went through?

We were the opposition party putting them through. And they are complaining? We are in the second month of a brand new session of Congress and we cannot even get the first circuit court of appeals nominee, the first Hispanic nominated to the Circuit Court of Appeals for the District of Columbia, we cannot even get him a vote up or down because for the first time in history a true filibuster is being conducted against this Hispanic nominee. Now, that is a real double standard, not the one the distinguished Senator from Iowa is talking about.

People get emotional sometimes. I may be a little bit myself right now. I think I am somewhat justified under the circumstances, and I make allowances for that. I hope my colleagues will make allowances for me right now.

I keep hearing that Miguel Estrada has no record. That is a slander. And for those who have written it, it is a libel. The Judiciary Committee has confirmed numerous Clinton court nominees who, like Miguel Estrada, had no prior judicial experience. What a ridiculous argument, that a person

should not be on the bench because he has no prior judicial experience. Where would all those Clinton judges be? They would not be on the bench today if we had that as a rule, and neither would many of the top Supreme Court Justices in history, including Thurgood Marshall, whom nobody in this body would be against today—bless his departed soul. He, of course, had no prior judicial experience when he was nominated to the federal appellate bench.

A number of Clinton nominees worked in the Justice Department or other branches of the Federal Government, like Miguel Estrada, but Senate Democrats made no demands for their internal memoranda or privileged work product and, I might add, neither did we Republicans. We did not make those demands. We knew that would be a red herring to slow down the nominee.

We know this is a fishing expedition, and nobody in their right mind who understands government, who understands the separation of powers, who understands privilege, and who understands the right of the Solicitor General's Office to keep its own memoranda of recommendations on appeals, on certiorari, and on amicus briefs confidential would make this demand. It is one of the most ridiculous assertions I have seen, and yet that is the basis on which they are hanging this filibuster. There is nobody in any administration who would allow the Senate to muddle around and make public and politicize legal memoranda and recommendations, in those three areas at least—in other areas as well, but especially those three areas—appeal, certiorari, and amicus curiae recommendations.

Democrats are saying Miguel Estrada has no judicial experience, and therefore he should not be on the bench. What about Merrick Garland? I personally pushed Merrick Garland through. There were those who did not want to push him through, but before the end they all realized he was an exceptional man, a very good person, no more than Miguel Estrada is, but pretty darn exceptional, and he still is. He is a good judge. He was confirmed as a judge for the DC Circuit in 1997. He had never been a judge before. He had held several positions in the Department of Justice. Like Mr. Estrada, he was a partner in a prestigious DC law firm. But did anyone seek confidential memoranda from his time at the Justice Department? Absolutely not. We would not have stooped that low. To use it as a red herring so they could justify a filibuster, that is even stooping lower.

William Bryson is another one who was confirmed as a judge on the Federal Circuit in 1994. He had never been a judge. He held several positions at the Department of Justice and was an associate at a prestigious firm in town. Senate Democrats never asked for the confidential memoranda he wrote during his time at Justice. The list goes on.

Blane Michael was confirmed as a judge on the Fourth Circuit in 1993, his first judgeship, never having been a judge before. Why is it that he can be a judge and we should work to get him on the bench but Miguel Estrada should not be a judge because he had no prior judicial experience? Well, neither did Blane Michael, but he is sitting on the Fourth Circuit Court of Appeals, his first judgeship. He had been a Federal district court clerk and served as a Federal prosecutor in New York and West Virginia before becoming a partner in a law firm. He had virtually no published writings, just like Miguel Estrada. Again, however, no one tried to gain his confidential privileged memoranda from his time as a Federal prosecutor before confirming him, and we would not.

Arthur Gajarsa was confirmed to the Federal Circuit in 1997. He was a clerk to a Federal district judge, then worked as an in-house counsel at an insurance company and later as a special counsel at the Department of Interior before joining a law firm. Did Democrats demand his internal memoranda? After all, he, like everyone else mentioned, had never been a judge. But, no, he was confirmed like the rest without anyone reviewing his confidential work product.

Then there is Eric Clay, confirmed to the Sixth Circuit in 1997. He never had been a judge before. He was a law clerk to a Federal district court judge, and worked in a law firm. What did we know about him that we do not know about Mr. Estrada? Absolutely nothing. We did not seek his confidential memoranda. We confirmed him anyway. We did what was right.

Another was John Kelly, whom we confirmed for the Eighth Circuit in 1998, yet another Clinton nominee to the circuit court who had never been a judge. He had worked in the Office of General Counsel for the Secretary of the Air Force before going into private practice. But Republicans never sought his internal memoranda, and he had very few published writings.

What about Sid Thomas? He was confirmed to the Ninth Circuit Court of Appeals in 1996 and had never been a judge. In fact, he had not even had a clerkship. He also had very few published writings. Democrats, however, did not cry out about his lack of a record. The entire transcript of his hearings takes up less than 2 pages in the RECORD. Why is it that he was treated differently than Miguel Estrada? I suspect it is because we gave President Clinton's nominees the benefit of the doubt in almost all cases. But this crew on the other side is not giving this President the same fair treatment that we gave to President Clinton.

I could go on and on but I think I made the case. Democrats opposing Miguel Estrada consistently failed to seek internal memoranda for Clinton nominees who had no prior judicial experience and little in the way of publications. The Democrats' claim that they have to do so now for Miguel Estrada simply does not hold water.

Now, naturally, I guess they wouldn't want to get internal memoranda to use against their own president's nominees. They wouldn't want to go on a fishing expedition that might hurt their own nominees, but neither did we. Now why are we using this red herring to justify a filibuster against one of the finest nominees I have seen in 27 years on the Senate Judiciary Committee—Miguel Estrada?

Let me address, once again, the Democrat demand to hold Mr. Estrada's nomination hostage for confidential internal memoranda. The Department of Justice historically has not disclosed confidential, deliberative documents from career lawyers in the Solicitor General's Office in connection with a judicial nomination. The Senate historically has not even asked the Department to do so.

My Democratic colleagues are creating a new double standard that applies only to the nomination of Miguel Estrada. A double standard, why is that? I ask the people out there who are watching C-SPAN, why is it that all of a sudden they are asking for all these things from the only Hispanic nominee in the history of the Circuit Court of Appeals for the District of Columbia? I think everyone out there must know by now. I don't think I even have to spell it out, but maybe I should spell it out a little bit.

Every living former Solicitor General has denounced the Democrats' demands. Every one of them, four of whom are eminent Democrat former Solicitors General. I have said this before but I think it is worth repeating. That letter was signed by Democrats Seth Waxman, Clinton's Solicitor General; Walter Dellinger, one of Clinton's top people in the White House; Drew Days, and Archibald Cox; and by Republicans Ken Starr, Charles Fried, and Robert Bork.

All seven have said, in essence, that this is ridiculous, that the Justice Department should not turn over confidential recommendations on appeals, certiorari petitions, and amicus curiae petitions.

The Solicitors General explained that the frank exchange of ideas on which their office depends ''simply cannot take place if attorneys have reason to fear their private recommendations are not private at all but vulnerable to public disclosure.''

The letter concludes that:

> [A]ny attempt to intrude into the Office's highly privileged deliberations would come at a 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.

Now, longstanding historical practice confirms that deliberative memoranda are off limits during confirmation hearings. Since the Carter administration, the Senate has confirmed former Justice Department employees—even those with no prior judicial experience, as I have already explained—without demanding to see their confidential

memoranda. It should not adopt a new double standard for Mr. Estrada's nomination.

Since 1997, the Senate has approved 67 appellate nominees who previously worked at the Justice Department, including 38 with no prior judicial experience. The Department did not disclose deliberative memoranda for any of those nominations. In fact, the Senate did not even request such documents. Seven of the 67 were in the same position as Mr. Estrada. They had worked for the Solicitor General and had not been judges previously. These seven nominees were nominated by Presidents of both parties and were confirmed by Senates controlled by both parties. Again, the Justice Department did not disclose deliberative memoranda in any of these nominations. The Senate did not even request such a disclosure for good reason, because we knew it was improper.

None of the so-called disclosures cited by the Democrats are precedent for the sweeping demands they are making regarding Mr. Estrada. In fact, only two of their purported ''precedents'' have even involved lawyers who worked in the Solicitor General's Office. And the Democrats' examples did not involve turning over what the then-chairman of the committee, Senator LEAHY of Vermont, demanded—amicus, certiorari, and appeal recommendations.

Let me address some of the specific examples my Democratic colleagues have represented as pressing for their demand. One is Frank Easterbrook, who is a judge on the Seventh Circuit. The Democrats' mere possession of a single memoranda, a 2-page amicus recommendation that Mr. Easterbrook wrote as an Assistant to the Solicitor General, does not suggest that the Justice Department waived any privileges or authorized it to be disclosed. The official record of the Easterbrook confirmation hearing contains no references to this document.

After comprehensively reviewing its files, the Justice Department concluded that it never authorized the release of the documents. It was probably leaked by some Democrat in the Justice Department. That makes it wrong. Yet it is being used as an example on the floor.

Last fall I sent a letter to Senator SCHUMER, then to Senator LEAHY, specifically asking for information about how the Democrats obtained this memorandum. To this day I have received absolutely no response to my question. I think there is good reason for that—because the document should never have been leaked to begin with.

This single document provides no precedent for the Democrats' sweeping request for every document Mr. Estrada ever prepared, which is what they have asked.

Mr. President, I ask unanimous consent that the letters I wrote to Senator SCHUMER of New York and Senator LEAHY of Vermont, inquiring about the source of the Easterbrook memos, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 1, 2002.

Hon. CHARLES E. SCHUMER,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR SCHUMER: Thank you for chairing last Thursday's hearing on the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia Circuit. I write to seek your clarification on a matter which you raised at the hearing.

You reiterated your belief that the Department of Justice should turn over certain appeal, certiorari and amicus recommendations that Mr. Estrada authored when he served as an Assistant to the Solicitor General. As precedent for this request, you noted that during the nomination of Judge Frank Easterbrook to the Seventh Circuit Court of Appeals, similar memos were turned over to the Committee. You produced those documents and placed them into the hearing record. When Republican staff requested copies of the documents, only one of the three documents we received appeared to pertain to Judge Easterbrook. That document consists of a two-page memorandum referencing another memorandum prepared by someone else.

At the hearing, you did not explain whether the Committee had ever formally requested this document, or the other two documents, from the Department of Justice, or whether the Department of Justice consented to their disclosure. The written record of Judge Easterbrook's hearing contains no such documents, or even a mention of them. So that the record of Mr. Estrada's hearing is as complete as possible, please advise whether you have any information that the Committee requested these documents from the Department of Justice and whether the Department consented to their disclosure to the Committee. If the documents were neither requested of nor produced by the Department of Justice, please indicate the manner in which the Committee came to possess them.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

ORRIN G. HATCH,
Ranking Republican Member.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 10, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: On October 1, I sent a letter to Senator Schumer seeking clarification of questions about certain documents that he submitted for the record at Miguel Estrada's confirmation hearing. These documents consisted of memoranda that Senator Schumer stated were provided to the Committee by the Department of Justice during the nomination of Judge Frank Easterbrook to the Seventh Circuit. Senator Schumer cited these documents as precedent for your request that the Department release to the Committee appeal, certiorari and amicus recommendations that Mr. Estrada authored when he served as an Assistant to the Solicitor General.

When Republican staff requested copies of these documents, however, only one of the three documents provided appeared to pertain to Judge Easterbrook. That document consists of a two-page memorandum referencing another memorandum prepared by someone else. The written record of Judge Easterbrook's hearing contains none of the three documents, or even a reference to them.

Enclosed is a copy of my letter to Senator Schumer, which seeks clarification of whether the Committee requested these documents from the Department of Justice in connection with Judge Easterbrook's confirmation and whether the Department consented to their disclosure to the Committee. It also asks for an explanation of the manner in which the Committee came to possess the documents in the event that they were neither requested of nor produced by the Department of Justice.

Yesterday, Senator Schumer's office advised my staff that the full Committee provided him with the documents at issue and, for this reason, he is deferring to you for a response to my letter. I look forward to hearing from you, particularly in light of the October 8 letter of Assistant Attorney General Dan Bryant, which stated the Department's conclusion that it did not authorize the release of the Easterbrook memorandum.

Sincerely,

ORRIN G. HATCH,
Ranking Republican Member.

Mr. HATCH. Let's take a closer look at another one of the Democrats' alleged examples. William Rehnquist, the current Chief Justice, during his hearings to be Associate Justice, refused to reveal the private advice he had given to other Justice Department officials while he was Assistant Attorney General for Legal Counsel.

He stated:

> [I]nsofar as I may have been asked for advice in the process of making administration policy decisions upon which the administration has not taken a public position, there, I think, the lawyer-client privilege very definitely obtains.

By the way, he was confirmed as a Justice on the Supreme Court.

Furthermore, on November 5, 1971, the Attorney General specifically refused to waive the attorney-client privilege after a Senator asked him to do so, stating:

> I can well appreciate your personal, intense interest in probing into all aspects of Mr. Rehnquist's work while at the Department of Justice. I am sure you appreciate, however, that it is essential to the fulfillment of my duties and obligations that I have the candid advice and opinions of all members of the Department. Further, I am sure you realize that if I should consent to your request or other requests to inquire into the basis and background of advice and opinions that I receive from the members of my staff, it would be difficult to obtain the necessary free exchange of ideas and thoughts so essential to the proper and judicious discharge of my duties.

The Rehnquist example is irrelevant for the additional reason that none of the information sought related to amicus, certiorari, and appeal recommendations. Indeed, Chief Justice Rehnquist never served in the Solicitor General's Office.

Let's look at a third example that my Democratic friends claim justifies the release of confidential Solicitor General Office memos—Benjamin Civiletti. During his 1979 confirmation hearings to be Attorney General—and I

was there in the Senate Judiciary Committee at the time—the Senate did not request materials that he had prepared previously as a Department of Justice official. Rather, it simply sought assurances that Civiletti would cooperate with the Senate's oversight of the Justice Department in the future. Mr. Civiletti never specified which documents he would be willing to turn over or which documents would be privileged.

During his 1978 hearings to be Deputy Attorney General, the Senate obtained documents related to allegations that Mr. Civiletti had interfered with an investigation of an alleged kickback scheme involving Members of Congress. The documents related to specific charges of misconduct. Unlike during Mr. Civiletti's confirmation, there have been no allegations that Mr. Estrada engaged in any improper behavior or otherwise failed to discharge his duties.

As I recall it, Mr. Civiletti was not found to be wanting in that area either. None of the Civiletti materials were amicus, certiorari, or appeal recommendations. Indeed, Mr. Civiletti never served in the Solicitor General's Office.

Now let's turn to Brad Reynolds. The Senate sought and received materials in the course of pursuing specific allegations that Mr. Reynolds, while Assistant Attorney General for Civil Rights, failed to enforce the Voting Rights Act and the Civil Rights Act. As with Mr. Civiletti, the Department's disclosure was limited to specific cases of alleged misconduct. There have been no allegations that Mr. Estrada engaged in any improper behavior or failed to discharge his duties while working at the Solicitor General's Office. Significantly, although Mr. Reynolds had previously served as assistant to the Solicitor General, and it was a very-hard fought confirmation, the Senate never suggested that his appeal, certiorari, or amicus recommendations should be divulged—never. Nobody would have stooped to that level at the time.

Another alleged example that our friends have brought up is Jeffrey Holmstead. In 2001, the Senate requested 41 files that Mr. Holmstead created during his service as Associate Counsel to the first President Bush. The White House declined. After Mr. Holmstead's hearing, the Senate, based on its particularized concerns about one specific subject, requested documents related only to that matter. Because of the specificity of the Senate's concerns, the White House accommodated the committee by permitting review of documents related to that one subject matter while expressly preserving all privileges. Mr. Holmstead is no precedent for the current set of sweeping requests for every appeal, certiorari, or amicus recommendation that Estrada prepared during his years in the Solicitor General's Office.

The criticism that Miguel Estrada is refusing to provide the Senate with insight into his personal views does create a double standard. My Democratic colleagues did not require nominees of President Clinton to answer questions of this sort. In fact, many Clinton circuit court nominees refused to answer such questions. President Clinton's appeals court nominees routinely testified as to their judicial approach without discussing specific issues or cases that could come before them as a judge. A few examples illustrate the point.

Each of the nominees I am talking about was confirmed to one of the circuit courts of appeals.

First we have Merrick Garland. In the nomination of Merrick Garland to the DC Circuit, Senator SPECTER asked him:

> Do you favor, as a personal matter, capital punishment?

Judge Garland replied only that he would follow Supreme Court precedent:

> This is really a matter of settled law now. The Court has held that capital punishment is constitutional and lower courts are to follow that rule.

Senator SPECTER also asked him about his views of the independent counsel statute's constitutionality, and Judge Garland responded:

> Well, that, too, the Supreme Court in Morrison v. Olsen upheld as constitutional, and, of course, I would follow that ruling.

Another example is Judith Rogers. In the hearings on Judge Rogers' nomination to the DC Circuit, she was asked by Senator Cohen about the debate over the evolving Constitution. Judge Rogers responded:

> My obligation as an appellate judge is to apply precedent. Some of the debates which I have heard and to which I think you may be alluding are interesting, but as an appellate judge, my obligation is to apply precedent. And so the interpretations of the Constitution by the U.S. Supreme Court would be binding on me.

My gosh, where is that any different from Miguel Estrada's answers? They are the same. Why the double standard? Why are we now demanding of Miguel Estrada something we didn't demand of the Clinton nominees?

She then was asked how she would rule in the absence of precedent and responded this way:

> When I was getting my master's in judicial process at the University of Virginia Law School, one of the points emphasized was the growth of our common law system based on the English common law judge system. And my opinions, I think if you look at them, reflect that where I am presented with a question of first impression, that I look to the language of whatever provision we are addressing, that I look to the interpretations of other State courts, and it may be necessary, as well, to look to the interpretations suggested by commentators. And within that framework, which I consider to be a discipline, that I would reach a view in a case of first impression.

Where is that different from Miguel Estrada's answers? Miguel Estrada answered basically the same way.

Judge Rogers also was asked her view of mandatory minimums and stated:

> I am aware, Senator, of some of the debate on the pros and cons, and certainly before I was a judge I was engaged in comment on them. But as a judge, I have been dealing with them strictly from the point of view of legal challenges to them. I have sat on a case where a mandatory minimum sentence was challenged, and we upheld it.

Finally, she was asked her view of the three-strikes law and stated:

> As an appellate judge, my obligation is to enforce the laws that Congress passes or, where I am now, that the District of Columbia Council passes.

Why is there a different standard for Miguel Estrada? Those are the same answers, basically, that Miguel Estrada gave to these similar types of questions.

Let's take another example: Kim Wardlaw. In the hearing on Judge Wardlaw's nomination to the Ninth Circuit, she was asked about the constitutionality of affirmative action. She stated, in an answer similar to Miguel Estrada's answer to the same question:

> The Supreme Court has held that racial classifications are unconstitutional unless they are narrowly tailored to meet a compelling governmental interest.

Why is there a double standard with regard to this Hispanic nominee when it was not utilized against these other nominees? These answers were perfectly all right and acceptable for these other nominees.

Now let's turn to Marsha Berzon and Robert Katzmann. In a hearing on their nominations to the Ninth and Second Circuits, Senator SMITH asked each whether legislation to prohibit partial-birth abortion was unconstitutional. Judge Katzmann responded as follows:

> I would say that that is an issue that—Senator—that is a very important issue, and that as a judge, I would really have to evaluate that issue in the context of a law that is actually passed, and then in terms of a case or controversy. In terms of adjudication, there are restrictions on judges rendering advisory opinions on particular pieces of legislation in the advance of passage. And then even after passage, I think what a judge has to do is to evaluate the case in the context of a real case or controversy.

Judge Berzon responded with the following:

> And I essentially agree with that answer. . . . .It would obviously be inappropriate to say anything further on that precisely because the issue might come before a court on which Mr. Katzmann or I could be sitting.

Why the double standard? Why aren't the answers Mr. Miguel Estrada gave given the same credibility as the answers of these two Clinton judges? Why is there a double standard? Why is he being treated differently?

I have heard countless colleagues get up over here and complain and moan and groan and try to come up with excuses for their vote against Miguel Estrada and for their filibustering for the first time in history a Hispanic judge, the first ever nominated to the Circuit Court of Appeals for the District of Columbia.

I have heard a lot of complaining. But there has not been one statement

of substance. Why is he being treated differently? Why should a Hispanic judicial nominee be treated differently than all these other non-Hispanic judges? It seems to me that he ought to be treated similarly, afforded respect. This is a man who has fulfilled the American dream as an example to countless Hispanic young people that you can make it in this society. But can a Hispanic who is deemed to be not only a Republican but a conservative—can that type of Hispanic make it? Well, I sure hope so.

Now, back to this Berzon and Katzmann matter, I interrupted Senator SMITH's questioning on partial-birth abortion and noted to Senator SMITH:

> Well, Senator, if I could interrupt, you have asked some very appropriate and good questions. . . Both of them have said, in my opinion that they are not sure how they would decide the case, and that they wouldn't want to give the opinion that they have now without hearing all the facts and evidence. . . . But they both say that that could likely come before them and that they are going to have to decide it at that time.

Now, those two Clinton judicial nominees, Judge Berzon and Judge Katzmann. Some might say that they provided nonanswers to important questions they were asked. But I think they provided legitimate answers for the important reason that those questions might come before them someday in the event of their confirmation.

Why should Miguel Estrada be treated any differently by my colleagues on their side when I personally counseled one senator on my side that the answers of these Clinton judges were sufficient?

They were appropriate answers that they gave because they shouldn't have been talking about cases that could possibly come before them.

Let me go to Judge Maryanne Trump Barry.

I am now talking about circuit judges who made it through the system without any of this rig marole that has surrounded trying to defeat Miguel Estrada.

In the hearing on Judge Barry's nomination to the Third Circuit, Senator SMITH asked whether ''an unborn child at any stage of pregnancy is a human being.''

Senator SMITH is not an attorney. But anybody on the committee can ask any question they want to ask. He asked whether ''an unborn child at any stage of pregnancy is a human being.''

That was a loaded question—no question about it.

Judge Barry responded:

> Casey is the law that I would look at. If I had a personal opinion—and I am not suggesting that I do—it is irrelevant because I must look to the law which binds me.

My goodness. Why is Miguel Estrada being treated differently than Judge Barry, or any of these other circuit court of appeals judges who were not Hispanic? Why is he being treated differently? Why isn't he accorded the same respect? Why is he expected to do more? Why is it that it is tough for him? Why is it that my friends on the other side of the aisle who claim to be for civil rights and who claim to be for equal rights and who claim to be helpers to minorities are treating this man this way?

I hope everybody in America is asking that question—because I don't think they can answer it. I have to say that a lot of political things are done for political reasons. We are fighting for a Hispanic nominee to the circuit court of appeals. And you saw virtually every Republican in the Chamber last night fighting for Miguel Estrada.

Where were the Democrats? Backbiting, raising false issues, raising lousy issues, raising I think sometimes immature issues, raising irrelevant issues, raising red-herring issues, treating him totally different from the way they wanted their caucasian nominees to be treated.

Why is this different? Is it because Mr. Estrada is Hispanic? I don't believe that. I don't believe my colleagues are prejudiced against Hispanics. But I believe they don't want a Republican Hispanic to serve on the Circuit Court of Appeals for the District of Columbia no matter who is President, but especially when there is a Republican President. I don't think you can conclude anything else.

After watching these proceedings and after listening to these statements, where is one point of substance against that nominee? In all of this debate, where is it? It isn't there.

Why do they think his answers are insufficient when they are virtually identical to their non-Hispanic nominees' answers? Is it because they are trying to do a better job for the judiciary than the Republicans were trying to do? I don't think so—no better than this Republican was trying to do, I will tell you that. I was in a position to do a lot.

How about Raymond Fisher? In the hearing on Judge Raymond Fisher's nomination to the Ninth Circuit, Senator SESSIONS asked about Judge Fisher's own personal views on whether the death penalty was constitutional.

He had a right to do that. But Judge Fisher also had a right to respond. He responded:

> My view, Senator, is that, as you indicated, the Supreme Court has ruled that the death penalty is constitutional. As a lower appellate court judge, that is the law that I am governed by. I don't want in my judicial career, should I be fortunate enough to have one, to inject my personal opinions into whether or not to follow the law. I believe that the precedent of the Supreme Court is binding and that is what my function is.

That is exactly, in essence, the language that Miguel Estrada used. Yet he is being criticized. Why? Is it because, as some of the Hispanic Caucus in the House said, he is just not Hispanic enough; or that he hasn't done enough for the Hispanic community? What more can a young man do than to rise to the top of his profession as a Hispanic and as an example to every young Hispanic in this country—man and woman?

They are telling us what a Hispanic has to do to be accepted by the Democratic Hispanic Caucus in the House which is so partisan that they are undermining the first Hispanic ever nominated to the Circuit Court of Appeals for the District of Columbia. I think they should be ashamed.

As for Congressman MENENDEZ asking me for an apology—is he kidding? I think the apology is owed to the whole Hispanic community by the Democrat Hispanic Caucus over in the House which is undermining every Hispanic judicial nominee in the future, if they are saying—if they did, if I recall it correctly—because he has no judicial experience he should not have the privilege of sitting on the Circuit Court of Appeals for the District of Columbia.

I have previously gone through more than two dozen Clinton nominees who had no prior judicial experience and who are now sitting on the circuit court of appeals.

In the joint hearing on Judge Fisher and Judge Barry, Senator SMITH asked whether the nominees would have believed that there was a constitutional right to abortion without the Roe v. Wade precedent.

This is very similar to questions that Senator SCHUMER of New York asked certain nominees.

But I interrupted Senator SMITH to say—to my own colleague on my own side, one of my close friends in the Senate—as chairman, I said: ''That is not a fair question to these two nominees because regardless of what happened pre-1973, they have to abide by what has happened post-1973 and the current precedents that the Supreme Court has.''

Think about that. I basically told my own colleague that he was out of line in asking that question, even though he had a right to do it.

Everybody knows I am pro-life. Nobody doubts that. I have stood up for that, and I will always stand up for it because it is the right thing to do. It is the moral, upright thing to do as well. To have 39 million abortions in this society and millions more around the world primarily because of Roe v. Wade is something that every American ought to be analyzing and asking, What is going on here?

When we find that so many on the other side of the aisle support even partial-birth abortion where a full-of-life baby capable of being born outside of the mother's womb and living is basically killed by a doctor by ramming scissors into the back of its skull before that baby is pulled out so they can suck the brains out—and then say that is not a human being?

I don't see how anybody can stand up with that kind of barbaric practice, but it has been done.

Every time I think of one of these judges and how well we treated them

and how fairly we treated them, and then I see the contrast of how they are treating Miguel Estrada, I want the American people to know this. This is pure bunk on their side. Where is the substance? Why would they be filibustering for the first time in history and establishing this dangerous precedent where both sides can require 60 votes for anybody to become a judge in this country? And the Presidents will no longer control this process. Presidents will have to succumb to the almighty Senate if that becomes the rule.

That is what they are playing with over there. It is unbelievable. Presidents will no longer control the nomination process in any respect. They will have to do whatever the Senate says.

I cannot think of a worse thing that could happen to this country, because the judiciary is one-third of the separated federal powers in this country.

My gosh, let me go to Richard Tallman, since we are going through to show how they treated their nominees a lot differently than they are treating this Hispanic nominee.

I hope every Hispanic in this country is listening because it affects every Hispanic in the country, Democrat, Independent, and Republican.

Richard Tallman. In followup questions to his hearing on his nomination to the Ninth Circuit, Senator SMITH asked Judge Tallman whether ''there are any questions that you feel are off limits for a Senator to ask?''

Judge Tallman's response:

> A Senator may ask any question he or she wishes. Judicial nominees are limited by judicial ethical considerations from answering any question in a manner that would call for an ''advisory opinion'' as the courts have defined that or that in effect would ask a nominee to suggest how he or she would rule on an issue that could foreseeably require his or her attention in a future case or controversy after confirmation.

Senator SMITH also asked Judge Tallman several questions regarding how he would have decided certain Supreme Court cases, including Brown v. Board of Education and Roe v. Wade. Judge Tallman's answer to the Roe question was as follows. His answer to the other question was the same:

> It is entirely conjectural as to what I would have done without having the opportunity to thoroughly review the record presented on appeal, the briefs and arguments of counsel, and the supporting legal authorities that were applicable at that time. I would note that the Supreme Court has since modified Roe v. Wade, in Planned Parenthood v. Casey.

Look, that is an answer no different than the answers for which they are criticizing Miguel Estrada. Why is that? Why is it they are not being fair to this Hispanic nominee? Why is it they do not care about fairness? Why is it they are not being fair to the nominees of the President of the United States? Why is it they are not observing the Senate practice of not filibustering nominees to the Federal courts of this country? Why is it Miguel Estrada's answers, which were basically the same as these answers, are considered nonanswers when these were considered substantive answers? Why is there a double standard? I do not understand this. Why is there a double standard?

I got off on this because of the comments of the distinguished Senator from Iowa that I have set a double standard. I defy him to show where I have, because I have been fair. Again, I will repeat, the all-time confirmation champion was Ronald Reagan, with 382 confirmed Federal judges. That was amazing. Everybody thought that was amazing. Democrats have been mad ever since, that we could have confirmed 382 Reagan nominees to the Federal bench, almost all of whom have served with distinction in the best interest of this country, working with Democrat judges as well.

Reagan had 6 years of a Republican Senate to help him get those 382 through. President Clinton got virtually the same number, and he had 6 years of an opposition party in control of the Senate. He did not have 6 years of his own party helping him. He actually had 6 years of an opposition party. I was chairman, and he got virtually the same number—astounding. He was treated fairly.

And for anybody to walk on this floor and criticize me because we were unable to get through some of the judges at the end of the session is disingenuous. There were much fewer left over at the end of President Clinton's tenure than there were at the end of Bush 1. We did not complain that there were 54 judges left over at the end of Bush 1 and, in essence, only 42 left over at the end of Clinton.

But I do bitterly resent anybody coming in here and saying I had a double standard, when I worked so hard, and had to overrule a number of my colleagues—not a big number, but a small number of colleagues—who wanted, yes, some of them wanted to filibuster, and I helped to overrule that. And they all realize today why they should have never even contemplated that. And this has helped to bring it into even greater focus.

I am calling on my colleagues on the other side to bring it into focus and realize this is dangerous stuff they are playing with here. It is dangerous. It could cost this country and all future Presidents control of the nominations process.

Now, they do not control it completely. We have an obligation, too. Our obligation is to advise and consent. Now, advise and consent does not mean advise and filibuster. It does not mean advise and obstruct. It does not mean advise and help some people but treat others with a different standard, like Miguel Estrada is being treated here. It does not mean that. And advise and consent does not mean advise and filibuster, to go back to that point.

If they succeed in this, they will have established, I believe, an unconstitutional precedent I am not sure we can get rid of afterwards. And I believe you are talking about upwards of 60 votes needed for every future judge of any quality and, I have to say, taking away a great deal of the President's power to nominate these judges, to select these judges, because no President would be able to have the right to select judges, not without the absolute blessing of the Senators. It is almost that bad now anyway.

Well, Mr. President, I think I have more than made a case that there is a double standard here. I think I have more than made the case that a lot of these Democrat judges have been treated differently from the way Miguel Estrada is being treated, and that is even not considering the filibuster.

When you consider the filibuster, that is like throwing nuclear waste all over the judiciary process, because that really is going to cause problems around here like we have never even dreamed of before.

It is inadvisable, it is wrong, it is constitutionally unsound. And it is a travesty. And it is—to use a very important word—unfair, unfair to Miguel Estrada, unfair to the President, who has nominated him, unfair to this process, unfair to Republicans on this side who treated Clinton judges fairly and well. It is unfair to our procedures around here.

With that, I yield the floor.

Mr. LEAHY. Mr. President, last night, White House Counsel Alberto Gonzales responded to the letter that Senator DASCHLE and I sent to the President this week, renewing the request that the Judiciary Committee made for the Justice Department work records of Mr. Estrada. This is a request that the Judiciary Committee first made nearly a year ago, and it is a request that has been made repeatedly since then.

I regret that, at this point, the White House remains recalcitrant and continues to stand in the way of a solution to this impasse.

For an administration that engages in lawyer-bashing at every turn, there is some irony in the fact that the White House has put a bevy of lawyers to work to compose a lawyer's brief rather than a straightforward response to Senator DASCHLE's good-faith effort to resolve this standoff.

But the letter from Mr. Gonzales does provide some new information that is quite interesting in one respect, at least. Buried within the 15-page letter is a new admission that the Justice Department and Senate Republicans had previously refused to make. The administration has finally acknowledged that there is precedent for providing the very types of documents the Judiciary Committee requested almost a year ago in connection with Mr. Estrada's nomination.

Interestingly, the administration in this letter makes no claim of legal privilege or executive privilege to withhold these documents from the

Senate. Instead, the White House Counsel's Office insists on substituting its judgment for the Senate's and tells the Senate that we already have sufficient information about this nominee.

We on this side of the aisle are making the simple request that judicial nominees for these lifetime positions fully and forthrightly answer legitimate questions so the Senate can make informed decisions. Even more important than this or any other nomination itself is the straightforward principle that no nominee should be rewarded with a lifetime appointment to the second highest court in the land for stonewalling the Senate and the American people. Getting a lifetime post on the Federal courts is a privilege, not a right.

I have voted for many, many judges whose judicial philosophy I disagreed with, but at least I knew what their judicial philosophies were. In fact the Democratic Senate confirmed 100 of President Bush's judicial nominees by the end of last year, and I voted for nearly all of them. The same can be said for each and every Senator on this side of the aisle.

I hope that after getting this letter off its chest, the administration will now begin to work with us. If they did we could end the stalemate they have created.

Those of us who want to resolve this in a way that upholds the principle of the Senate being able to make an informed judgment on this and on any judicial nominees welcomed the constructive discussion on the floor yesterday that Senator BENNETT initiated, about the potential for reaching agreement on making the Justice Department documents available to the Senate. I hope this is a signal that there is at least a chance that the administration will yet comply with our request, so that this standoff can be resolved.

With the White House, the House and the Senate now all controlled by one party, we are already seeing an erosion of accountability. Democratic members of the Senate are standing up for the Senate's constitutional role in the installation of judges on the Federal courts.

Beyond the difficulties we have encountered in obtaining straightforward answers from Mr. Estrada and in obtaining his work documents, in recent weeks the overall process of evaluating judicial candidates has begun to resemble a conveyor belt for rubber stamping nominees. The conveyor belt has been going faster and faster—so fast that the nominations have begun piling up at the end of the belt. We should be trying to minimize and not maximize those kinds of ''I Love Lucy'' moments. We have had an unprecedented hearing in which not one but three controversial circuit court nominees were considered, en bloc.

In the 107th Congress, the Democratic Senate confirmed 100 of President Bush's nominees, and we did so in an orderly process and with a steady pace of hearings every single month that greatly improved on the slow and halting pace set by the previous Republican Senate in the handling of President Clinton's judicial nominees. The choice does not have to be between the slow pace of the earlier Republican Senate in the handling of President Clinton's nominees and the frenetic pace of the new Republican Senate in the handling of President Bush's nominees. We can and should find a responsible pace somewhere between those extremes.

The court to which Mr. Estrada has been nominated, the Circuit Court of Appeals for the District of Columbia, has been called the second most powerful court in the land, and for good reason. This court, in particular, affects every single American in many ways, in its decisions on everything from clean air and water issues to the voting rights of Latinos and other minorities to the health and employment rights of working men and women.

No circuit court in the Nation is more important to Hispanic Americans than the DC Circuit. I commend the Congressional Hispanic Caucus for the time, the effort its members have invested and the courage its members have shown in closely examining the record, in interviewing Mr. Estrada, and in offering its judgment about the importance of this nomination for the interests of Hispanic Americans everywhere.

What kind of cases does this court handle, and what is at stake in the decisions it renders? There is a big hint in a front page story that ran a few days ago in Roll Call, in which leaders on the other side of the aisle are reminding lobbyists for big business groups that they have a major stake in who gets on this crucial circuit court.

This process starts with the President. With a simple directive to the Justice Department, he can help the Senate resolve this. I was encouraged early in his term when the President said he wanted to be a uniter and not a divider. Yet he has sent several judicial nominations, selected foremost for their ideology, and not for their fairness, that have divided the American people and divided the Senate. And in terms of fairness, it also needs to be pointed out that the Republican Senate blocked President Clinton's nominees to this very same court.

What are we asking for? It is a simple request: We ask only for sufficient answers and information so that the Senate can make informed decisions about candidates for lifetime appointments to the Federal judiciary.

The PRESIDING OFFICER. The Senator from Alaska.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority whip.

Mr. REID. Mr. President, Senator STEVENS had asked some time ago if we could move things along. The Senator from Iowa has agreed to allow the Senator from Minnesota, who has been waiting here a long time, to give a speech on a subject, I believe it is Iraq. And he originally wanted to speak for 20 minutes. I asked him if he would speak for 10, and he has graciously consented to do that. It is my understanding the Senator from Arizona wishes to speak.

I ask unanimous consent that following the Senator from Minnesota speaking for 10 minutes, the Senator from Arizona be recognized for a period not to exceed—how much time?

Mr. MCCAIN. One hour.

Mr. REID. One hour. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Actually, I object. I will not take a time agreement at this time. I will agree. I withdraw my objection.

Mr. REID. I say, before the Chair enters that, if the Senator from Arizona needs more time, we will certainly arrange that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank my colleague from Nevada for this agreement. And I thank the distinguished senior Senator from Alaska, Mr. STEVENS, and Senator MCCAIN also for graciously granting me this opportunity.

IRAQ

Mr. DAYTON. Mr. President, the Senate has been dealing with some important matters these days, with a judicial nomination to the second highest court in the country, and shortly to bring up an appropriations bill that will determine spending across this country with hundreds of billions of dollars for the rest of this fiscal year.

But there is something else going on in this country which is of overwhelming importance which really should supersede all of this, and that is the imminent prospect of a war against Iraq.

At the same time we are talking about these other matters, this country is under a condition code orange, the second highest level of security we have. Our citizens have been told in the last few days to go out and get duct tape and sheets of plastic and water.

Today at the Senate Armed Services Committee hearing, of which I am a member, the Secretary of Defense called the time that we are in now ''the most dangerous security environment that the world has ever known.'' It is for those reasons I wrote the majority leader and urged we not take a recess as planned next week, that we stay in

Washington, stay in session, because I think this is a matter of such urgency and such paramount importance to our country and to the world that we should be continuing to focus on that matter.

The ominous forewarnings of this last couple of days affirm to me what Robert Kennedy said after the Cuban missile crisis. He said:

> No action is taken against an adversary in a vacuum. The escalation on one side brings a counterresponse. A government of people will fail to understand this only at their great peril.

For the last 55 years the leaders of this country have understood that principle. They, too, faced dangerous dictators who possessed weapons of mass destruction, who headed countries that were hostile to the United States, the former Soviet Union, China, North Korea. But they didn't attack another country to eliminate those threats, even though they persisted, even though we disagreed with those countries, what their leaders did to their own people, the threats they were around the world. The principal reason was we understood the doctrine of mutual assured destruction. We understood their destruction against the United States would be an intolerable cost for our destruction of them and for the objectives we might accomplish militarily.

I believe these forewarnings we have received the last few days should cause us to ask this administration why would they expect Iraq to be any different. If the United States intervenes and begins to destroy that country and its cities, cause civilian casualties, why would we not expect Iraq to retaliate with every destructive force it has available to it within our own borders, against our own cities and our own citizens?

Why wouldn't we expect Osama bin Laden to do his worst to exploit this situation, to twist facts to be seen by the rest of the world other than as they are, but in ways that would be destructive to United States standing around the world and to our own national security now and in the days and months ahead?

Why does this administration believe it should disregard the lessons that other Presidents, Republican and Democrat, have recognized and observed and proven to be as valid then as they are today? What is different about this situation?

At the Senate Armed Services Committee hearing this morning I asked the Secretary of Defense his assessment of our ability to protect our citizens from retaliatory attacks against them if we were to invade Iraq. I asked that question twice. How do you assess, Mr. Secretary, our ability to protect our citizens in their homes and their schools and our cities from an enemy attack? Neither time did I receive a direct answer to that question. Neither time. I have the highest regard for the Secretary of Defense. He has an enormous responsibility. He brings tremendous experience and ability and a heroic dedication to our country to this task. But if all this administration can offer the American people, when our national security alert is raised to the second highest level, is duct tape, sheets of plastic and water, there is something very seriously wrong, if this administration intends to start a war, not against the most urgent threat to this country, not the threat that endangered us before, attacked us before and endangers us now, according to many of their own officials, al-Qaida, Osama bin Laden, the tape that was released this week that issues that threat against us and our citizens once again, not an attack against al-Qaida but against Iraq, against a country that, no question, is ruled by an evil man, a dangerous dictator, a man who almost certainly, as the Secretary of State has demonstrated, the President in the State of the Union, possesses biological and chemical weapons and has for the last 12 years, ever since the first President Bush made a strategic decision at the conclusion of the gulf war to leave him in power, which may have been the right decision given the other options that were available.

Yes, an evil dictator, but one who has been constrained in key respects by active, ongoing efforts of diplomacy with our allies and containment by international forces by both former President Bush and by President Clinton. Contained, constrained, not perfectly, not easily, certainly not voluntarily on his part, but effectively, more effectively than has been acknowledged in recent months. He is weaker, according to reports I have seen, militarily in most respects than he was before the gulf war. He does, by all accounts that we can obtain, not possess nuclear warhead capabilities at this time, which I agree with the President would be intolerable for this country to permit. He has not attacked his neighbors—not because he wouldn't like to, probably, but because he has not had the capability to do so under these containment policies for the last 12 years. And as far as I have been informed in various briefings, he was not actively threatening our country or his neighbors or anyone else when he was dusted off the shelf by this administration right after Labor Day.

The President has properly refocused the world spotlight on this man and his intent. The President has drawn a line very clearly, which I support, that it would be intolerable for this Nation to permit that dictator to possess nuclear weapons or the missile capabilities to deliver those warheads or any warheads against this country or against neighbors in the region surrounding him.

Certainly after September 11 and Operation Enduring Freedom, no one in this world could question the steely resolve of our President and his willingness, if necessary, to use military force. After Operation Enduring Freedom, no one could raise a doubt about the might of the United States Armed Forces and the strength we can bring to bear anywhere in the world as a last resort, as truly a last resort.

But there is another lesson from September 11, which is that no matter how great our military might, we are not invulnerable. We are too big a country. We have too wide an expanse. We have too many possible targets for terrorists. And we saw on September 11 tragically, horribly, the damage and the destruction and the cost of human life and the untold human suffering and misery of families that a very small number of fanatical men could cause.

I don't think we should back down or be deterred by any threat. I think we should do what we must to defend this country, and the principles we have established in the last half century of dealing with these threats have been ones that have prevented war, preserved our peace, and strengthened this country economically and socially in its position of leadership in the world.

It would be a very dangerous precedent if we were to do, except as a very last resort, what no President in this country has done before, which is to start a war, which is to launch a preemptive attack against another country based on what it might in the future do to us. And I think we should consider what that precedent would mean if other nations were to follow that example. If we set a precedent in this ''new world order,'' as it has been called, that a preemptive attack against a possible future threat is the way to resolve crises or standoffs, what will happen when other countries adopt that path?

We have seen now—and we have been forewarned—that the nuclear proliferation that we are seeing other countries undertake is the worst nightmare that many predicted years ago, decades ago if we didn't—the superpowers—bring to a halt the nuclear arms race and remove them from the shelves of the nations of the world. Now we are told that half a dozen countries—and more to come soon—will have them. That should be and must be a warning to us. What happens if we lead down a path on which we don't want other nations to follow?

If we set a precedent of preemptive attack, that path is one that the world will follow at its peril. I urge the President to take that into the most careful consideration as he makes this fateful decision.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized for up to 60 minutes.

OMNIBUS APPROPRIATIONS

Mr. MCCAIN. Mr. President, usually I begin my diatribes on the appropriations bill by lifting up the appropriations bill for all to see; one, it hasn't been delivered and, two, I note by the

size of the existing copy down by the desk of the manager that it would be quite a task to pick up this year's appropriations bill. At my advanced age, I might be in danger of sustaining a hernia. But I still think that this probably is—if I may borrow a phrase from one of our longtime adversaries—the mother of all appropriations bills. It is some 5,000 pages.

I can safely say that I have not read it. My staff has been feverishly going through certain parts of it, each being parceled out. Clearly, we have a mammoth conference report on this omnibus appropriations legislation, which nobody has been able to review, examine, and debate. I say that not without sympathy for the Senator from Alaska, who is faced with a situation where negotiations—in fact, they are going on almost as we speak, or are being completed as we speak. Certainly, the reasons for the delay—some 4 months of delay—was not under his control. But I want to discuss this very briefly in context.

The context that we are looking at with this legislation is a huge looming deficit that is in front of us and growing in size almost as far as the eye can see. The eye used to be able to see for 10 years. Now we have changed the procedures where the eye can only see for 5 years. But only a short time ago, we were awash in huge surpluses. I will never forget when Alan Greenspan testified before Congress in favor of the 2001 tax cuts because we wanted to make sure we didn't spend down the debt too fast. We didn't want to spend down that debt too quickly because that would have some bad effects on our economy.

Well, we don't have to worry about spending the debt down too quickly now. In 2001, we had a $127 billion surplus. We are living in a different time now. The Congressional Budget Office recently forecast a larger than expected deficit of $199 billion for this year; and last week, with the result of the President's budget for 2004, the OMB projected record deficits of $304 billion this year and $307 billion next year.

I have, as chairman of the Commerce Committee, seen enough of our needs for security and safety at our airports, railway stations, ports, all over America, to tell you that we have very large expenditures ahead of us. Those expenditures are justified when we are talking about the security of this Nation. The funding for the Transportation Security Administration was justified. I am proud that we not only passed the legislation, but we funded that enormous effort to ensure the security of our airports, which is still not complete. But the fact is, we will soon run out of borrowing authority and might have to look to other sources of funding, such as the Social Security trust fund, in the absence of a legislated increase in the debt ceiling.

There are a lot of words that are not used anymore around here, but the one that has completely and totally disappeared is the good old ''lockbox.'' I wonder what happened to the good old lockbox. That was the one we were going to put Americans' payments into Social Security into and we were never going to touch it again.

Not only is our economy in distress, we are also one step closer to war. There are threats to national security that must be disposed of. Yet this appropriations bill, in my view, has not changed since last year. In fact, it is predictably about 11 times worse. The amounts associated with each earmark may not seem extravagant, but taken together they represent an incredible diversion away from Federal programs that have undergone the appropriate merit-based process.

I have two problems with this process. One, of course, is the appropriating of moneys that are really unnecessary and unauthorized and wasteful, very wasteful, but also in this legislation are many fundamental policy changes and, of course, I object, as chairman of the Commerce Committee, that it didn't go through my committee. But I object to it even more when we have not had the open debate and votes taken on matters that have national implications that are fundamental policy decisions.

Let's go back to some of the necessary earmarks: First, $280,000 for asparagus technology and production in Washington; $220,000 to research future foods in Illinois—only in Illinois, of course.

My colleagues may note, as usual, the need for these earmarks are nearly always geographically based.

Next is $700,000 for the Midwest poultry consortium in Iowa; $250,000 for research on the interaction of grapefruit juice and drugs. I always wondered what kind of experiments these are. One of our all-time favorites, made famous a number of years ago, is money that was spent to study the effect on the ozone layer of flatulence in cows. One always wondered about the testing procedures used to determine those effects on the ozone layer. This is another one that intrigues the observer. Regarding the interaction of grapefruit juice and drugs, of course, one's imagination can be stimulated by the prospect of the interaction of grapefruit juice and drugs.

Then we have $600,000 for tristate joint peanut research in Alabama; $500,000 for Missouri, Iowa, and Illinois Corn Growers Association for a pilot program to develop ''production protocols.''

Again, I have to sometimes display my ignorance. I didn't know that in order to grow corn, there was a particular requirement for a protocol regarding production.

I see that the Senator from Iowa just came on the floor. He may be able to illuminate me on the production protocols associated with corn growing. But whether he can or not, there will be $500,000 being split up between his State, Missouri, and Illinois to their corn growers associations. But this won't be an overall production protocol; this is only a pilot program. So I am sure there will be a great deal of additional money coming once we develop the pilot program for production protocols of growing corn.

Next is $50,000 to combat ''feral hogs'' in Missouri. You know, somewhere I had a little depiction of feral hogs. I did not know that they were a threat to civilization as we know it, or at least enough to require $50,000 to combat feral hogs. Sometimes one would get the impression that perhaps the people in Illinois could fund their own combat scenario with feral hogs. Nonetheless, we will be coming in with 50 grand to combat those feral hogs, which I am sure are a serious scourge.

There is $500,000 to continue hybrid poplar research in Wisconsin. I am sure next year we will have a continued program to develop production protocols for growing corn; $2 million for the biomass gasification research facility in Birmingham, AL. Again, I look forward to seeing what that is all about.

And then, staying right on this important mission of gasification, we have another $500,000 for the gasification of switchgrass in Iowa. Perhaps switchgrass can be part of the production protocol of corn. But one doesn't know; $1 million for the National Agricultural Based Industrial Lubricant Center; $10 million to develop a high-speed data transmission between the Library of Congress and education facilities, libraries, and networks serving western North Carolina. I did not know there was a special need in the western part of North Carolina, as there might have been for other parts of the country. But we will spend $10 million to do that; $500,000 to be split between the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the celebration of the Louisiana Purchase bicentennial celebration; $200,000 for the replacement of Minton tile in the Capitol complex; $1 million for a company called Culpepper Glass in Warrenton, VA, that produces glass display cases for the Library of Congress. I assume, of course, there is no other company that could produce glass display cases for the Library of Congress. That is why the Culpepper Glass Company in Warrenton, VA, had to be designated in this legislation; $3 million for an award to the National Technology Transfer Center for a coal slurry impoundment pilot project in southern West Virginia; $1 million for an automated nursery project in Mississippi; $500,000 for Vermillion Community College in Ely, MN, for the development of a professional forest harvester program.

Mr. President, if my colleagues will indulge me, I have to go back to my favorite from last time for just a moment. I know the hour is late, but this is too much. We were able to keep, through very serious contemplation and discussion among conferees, $1 million for a DNA bear sampling study in

Montana; $1 million will be spent to sample the DNA of bears in Montana.

Because these appropriations are never discussed with nonmembers of the Appropriations Committee, one can only imagine and conjure up an idea as to how this might be used. Approach a bear: That bear cub over there claims you are his father, and we need to take your DNA.

Approach another bear: Two hikers had their food stolen by a bear, and we think it is you. We have to get the DNA. The DNA doesn't fit, you got to acquit, if I might.

I think it is important to appreciate that this $1 million for a DNA bear sampling study could solve a lot of crime in Montana. It is a pretty high-crime area. It seems to me that is, indeed, a very worthwhile expenditure of the taxpayers' dollars.

While we are at it, I want to jump out of line here a second: $202,500 to the National Peanut Festival Fairgrounds for the construction of the National Peanut Festival Agriculture Arena in Dothan, AL. I was interested in the National Peanut Festival. I did not see it much on television or hear much about it. So I went to the Web site, and I think you will be comforted to know we are spending this $202,500 for the 9-day celebration of the peanut harvest, which includes a variety of competitions, including recipe contests, beauty pageants, and tennis tournaments. Included for your viewing pleasure on this Web site is a very interesting picture. I am sorry my colleagues cannot see it, but I would be willing to provide them with copies, but there are three individuals standing by a contraption that I have not seen before, and it says farmers demonstrate antique peanut harvesting equipment at Pioneer Peanut Days. Again, it seems to me that is a worthwhile investment of $202,500.

I have also one more that is kind of interesting: $900,000 for the Show-me Aquatic Center for Development; $900,000 for the Show-me Aquatic Center in Missouri. We found a picture of it. It says: ''Please Touch Me Museum, 210 North 21st Street, Philadelphia''—this is the 270,000 Please Touch Me Museum, I apologize. That is for kids and grownups. Of course, I had that confused with the very important facility that is in Missouri. I certainly would not want to confuse the different States.

One of the more remarkable aspects of this bill is in the HUD section, under EDI. There are 885 individual earmarks. Some of them are very interesting. Of course, there is $202,500 to continue the rehabilitation of the former Alaska Pulp Company mill site in Sitka, AK. I am reluctant to ask the Senator from Alaska how much that continuing rehabilitation is going to cost us overall.

We have a lot of important construction: $45,000 for the city of Tuscumbia, AL, for construction of facilities associated with the Helen Keller Festival; $90,000 for the city of Prattville, AL, for the Boys and Girls Club of Prattville.

I mentioned the peanut festival. Here are a couple new ones: $810,000 for the city of St. Louis, MO, for lighting sidewalks, curb, and street furniture along Kings Highway Boulevard and Chippewa Street. It must be a fairly serious situation there that we need to spend $810,000 down there on Kings Highway Boulevard and Chippewa Street in St. Louis.

I mentioned the Show-Me Aquatic Center in Missouri; $105,000 for the Food and Agriculture Policy Research Institute in Columbia, MO, to analyze commercial shipping alternatives; $90,000 to the city of Natchez, MS, for a feasibility study to develop a slack water port. That is just for a feasibility study; $135,000 to the Culinary and Hospitality Academy Center of Las Vegas, NV, for construction related to the expansion of an education training center. For those of you who have not visited Las Vegas lately, I can tell you it is a very depressed and deprived area, and I can certainly understand why the Culinary and Hospitality Academy Center would need $135,000. I thought they could use some of mine.

For the arts, we have $162,000 for facilities renovations and improvements for the Woolworth Theater in Glens Falls, NY; $162,000 for the Catskill Mountain Foundation in Hunter, NY, for reconstruction of the Tannersville Theater; $180,000 to the Bethel Performing Arts Center in Bethel, NY, for construction of a performing arts facility; $225,000 to the village of East Syracuse, NY for the renovation of the Hanlan pool; $270,000 to Garth Fagan Dance Studio in Rochester, NY, for construction of a new theater for the Garth Fagan Dance Studio; $121,500 to the Bedford County Agricultural Society in Pennsylvania for facilities improvements at the Bedford County Fairground; $202,000 to the New York Agricultural Society for facilities improvements to the New York Expo Center Arena and Livestock Expedition Hall, and I mentioned the Please Touch Museum in Philadelphia, PA.; $810,000 to the City of Fort Worth, TX—another impoverished area—for waterfront facilities construction for the Trinity River Basin Project; $180,000 to the Shenandoah Valley Discovery Museum for facilities expansion; $216,000 to the Virginia Living Museum in Newport News, and the list goes on.

There is a certain common thread one will find throughout these 885 projects. I am sorry I did not have time to total it up, but it would have to be in the tens of millions of dollars. There is one common thread. About 95 percent of these projects that are earmarked belong to the States that are represented by members of the Appropriations Committee.

I joke a lot about this, and I will continue to do so, but that is not right. That is not the right thing to do.

I regret the conferees choose to adopt a special interest provision for one foreign cruise ship company at the expense of all other companies. The last time Congress meddled in this area with hollow promises of spurring the American shipbuilding industry, it ended up costing the American taxpayers $185 million in loan guarantees. It was one of the most egregious I have seen of egregious things to take the money from a billionaire that—excuse me. We took no money from the billionaire who runs river boat casinos and who tried to build two ships in Pascagoula, MS, which every expert knows is not possible. The project failed and the American taxpayer was on the hook for $185 million.

Not satisfied with costing the American taxpayer $185 million, a Senator from Hawaii put into this bill a requirement that grants a subsidiary of the Malaysian-owned Norwegian Cruise Lines the exclusive right to operate three large foreign-built cruise vessels in the domestic cruise trade. This will be permitted notwithstanding the Passenger Vessel Services Act, which requires vessels transporting passengers between ports in the U.S. to be U.S.-owned, U.S.-built, U.S.-flagged and U.S.-crewed.

I am not a fan of those requirements. But why in the world do we make exception for a law in an appropriations bill when you know what the result is going to be? By granting exclusive rights to one cruise line, there will be no competition and the people who want to cruise Hawaii will pay much higher prices than for a commensurate cruise that people would take out of the East Coast.

I do not know if the Presiding Officer has ever been to Miami, but there are all kinds of ships cruising out of Miami, going all different places, for all different purposes, at very low cost. That is because they are all competing against each other.

The Senator from Hawaii puts in a violation of law, and an exclusivity which is going to cost people who want to cruise the Hawaiian Islands an enormously greater amount of money. Why? That is crazy. I would have thought the Senator from Hawaii, after costing the taxpayers $185 million because of a provision he put in an appropriations bill—it never went through my committee which has oversight of it. It was never mentioned in my committee—after costing the taxpayers $185 million, the Senator from Hawaii then pulls this one. I am angry about it, and I will continue to be angry about it because the citizens of my State of Arizona would like to cruise the Hawaiian Islands and they would like to do it at the cheapest possible cost. When there is no competition, there is not low cost.

There has been no analysis of granting this exclusive exemption from the Passenger Vessel Services Act to the ''Norwegian Cruise Lines'' owned by a Malaysian company. Nor have the committees of jurisdiction had an opportunity to consider the proposal.

I tell the Senator from Alaska and the Senator from Hawaii, we are going to have a hearing on this issue, we are going to have a GAO investigation, and we are going to find out why they lost $185 million because of a provision put into this bill. We are also going to get an estimate of how much this exclusivity is going to cost my citizens who want to go on a cruise at the least possible cost. I will not quit on this issue. It is wrong, and it is the wrong way to treat this process. We will have hearings in the Commerce Committee, and we will expose this for what it is—disgraceful.

There are numerous other provisions in this conference report that circumvent the clear jurisdiction of the Commerce Committee. It incorporates almost wholesale a bill passed last year by the House of Representatives regarding air traffic control towers. The provision expands on the class of air traffic control towers that is eligible for Federal money. I am all for aviation safety and it may be a good provision. I am troubled by several aspects of it.

First, the provision does not make new towers eligible for reimbursement. It makes eligible towers that were built beginning in 1996, over 7 years ago. At least the provision passed last year by the House provided that an airport tower would be eligible for a grant under this program only if the Secretary certified that the selection of the tower for eligibility was based on objective criteria giving no weight to any congressional committee report, joint explanatory statement of a conference report, or statutory designation.

I wish to congratulate my House colleagues because they were concerned about the pork barrel projects practice and tried to insulate this particular program from such behavior. Guess what. That provision that eliminated no objective criteria giving no weight to any congressional committee report, joint explanatory statement of a conference committee, or statutory designation was eliminated. Why would that be eliminated, I wonder?

The conference report also includes a provision and implements a whole new funding scheme for airport security projects. I am very concerned about funding for airport security. This is a reauthorization year for aviation programs and the Senate Commerce Committee, the committee of jurisdiction, has already begun hearings of FAA issues. Yet the appropriators have taken it upon themselves to establish a brand new funding scheme that has never been vetted, discussed, or voted on by the authorizing committee. Some might start to wonder just what the Commerce Committee's role is in policy decisions regarding the programs under its jurisdiction.

This provision authorizes a new $2.5 billion program over 5 years for airport security projects without any discussion that I am aware of. The TSA was not consulted about this provision. It seems the special interest groups who were shopping this provision were the only ones that mattered. If this had gone through the regular legislative process, at least all parties could have been heard.

There are many different ways to fund security projects. This provision may be a good one. It mirrors a similar program set up at the FAA. However, the Department of Transportation Inspector General proposed several other ideas to our committee.

Another provision would allow airports to give airport improvement program money back to the FAA so the agency can hire staff to speed up environmental reviews of airport projects. This is an area in which the Commerce Committee took action last year and will continue to pursue this year. It should not be addressed in an appropriations bill.

I commend the conferees for their attempts to help protect the investment the American taxpayers continue to provide to Amtrak. The conference report, which provides Amtrak $1.05 billion for fiscal year 2003, includes conditions that require the funding to be appropriated on a quarterly basis through formal grant agreements with DOT. The conferees worked to ensure that Amtrak reserved sufficient funds to meet its contractual obligations with State and local subdivisions for commuter and intercity corridor services. Amtrak should not be in a position to shut down commuter operations as it threatened last summer because it does not have sufficient funds to operate its entire network.

The conference committee has slightly reduced Amtrak's appropriation from that provided in the Senate-passed measure, but it has also postponed repayment of Amtrak's $100 million loan from DOT.

The conferees authorized the Secretary of Commerce to award grants and make direct lump sum payments of up to $50 million to support travel to the United States. To carry out this new authority, the appropriators established the United States Travel and Tourism Promotion Advisory Board and provided $50 million. This tourism board has never been considered by the authorizing committee of jurisdiction. Nor did the Department of Commerce have any input on the creation of this new board. Who came up with $50 million—and establish a new bureaucracy? The U.S. Travel and Tourism Promotion Advisory Board, and gives them $50 million.

I am pleased to see the conferees appropriated money for election reform. The conference report on NOAA provides more than $490 million in earmarks, and just for aquatic, not atmospheric programs of the National Oceanic and Atmospheric Administration, to go toward 150 earmarks. The administration did not request funding for these programs in the budget, and many programs they did request funding for are underfunded or zero funded.

The conference report appropriated an astounding $100 million for fisheries disasters assistance. Of this amount, $35 million is for direct assistance to the State of Alaska for any person, business, or town that has experienced an economic hardship even remotely related to fishing. This is in addition to the $20 million they are also getting for developing an Alaskan seafood marketing program. Of the remainder, $35 million is for the shrimp industries in the Gulf of Mexico and South Atlantic to provide far-reaching assistance for many aspects of these fisheries; $20 million is provided for voluntary capacity reduction programs in the Northeast and west coast fisheries; $5 million is for Hawaiian fishermen affected by fishing area closures and other management rules; and $5 million is for blue crab fisheries affected by low harvests.

The conference report requires the Department of Commerce and Coast Guard to provide coordinated, routine support for fisheries monitoring and enforcement through use of remote-sensing aircraft and communications assets, with particular emphasis on Federal waters seaward to South Carolina and Georgia. Without review by the authorizing committee, we have no basis for knowing why this is a good use of Federal dollars and resources.

The conference report earmarks $10 million to promote and develop fishery products and research pertaining to American fisheries funds to develop an Alaskan seafood marketing program. Ten million is a lot of money to be spending on a marketing program.

As far as the Coast Guard is concerned, managers earmark a total of $83 million of the Coast Guard budget. That earmark is an increase of $10 million over last year, and many of them have obviously never been proposed.

In HUD, as I mentioned, 885 targeted grants.

I also will talk for a minute about the lowly catfish, one of my favorite subjects. We know the lowly catfish has been the subject of a great deal of debate and discussion on the floor of the Senate due to the fact that in another appropriations bill, we changed the name of the catfish that comes from Vietnam to basa. But now the lowly catfish, those that are still named catfish because they are raised in the United States, we are now qualifying catfish for livestock compensation programs. Catfish are cows.

As my colleagues know, the livestock compensation program is a Federal farm program that compensates eligible livestock producers, such as owners of beef and dairy cattle, sheep, goats, or certain breeds of buffalo that have suffered losses or damages as a result of a severe drought. Now it is the catfish.

I often take issue with various farm policies that disproportionately benefit large agribusinesss or farms at the expense of farmers and taxpayers, and

those that compromise American agricultural trade commitments. This effort to compensate catfish farmers from a farm program that is intended for livestock stands out. I am certain that catfish proponents will offer a dozen different explanations to justify this provision. In fact, the last time we discussed this, one of my colleagues from Tennessee talked about in his State there are catfish that leave the water and travel in herds, so perhaps that is why we are now calling a catfish a cow. But not even hog, poultry, or horse producers are eligible under the livestock compensation program. Why should catfish then get livestock payments?

We know labeling continues to be a nationally significant agricultural issue. Again, the issue was addressed in the appropriations bill.

The Army Corps of Engineers is, of course, one of the favorite places. Not only are there a lot of earmarks, but there are significant changes in policy or law under the rubric of this appropriations bill. In this legislation, the administration is prevented from proposing or even studying changes to the Army Corps of Engineers civil works program, such as reorganizing aspects of the agency's management structure, without specific direction in an act of Congress. It seems to me that is remarkable micromanaging.

I guess I have taken enough of my colleagues' time at this late hour, and I know we should be voting on this bill and leaving. I point out again, this bill which the distinguished chairman of the Appropriations Committee described as the largest appropriations bill in the history—and I certainly take his word for it—in my now 17 years of monitoring these things, has the largest number of earmarks by far. I find that wrong for a variety of reasons, but one of them being that we are supposed to be in a war. We are about to ask young men and women to make sacrifices. In fact, some of them in the next few weeks may make the ultimate sacrifice. And here we are, business as usual, business as usual, larding on porkbarrel projects, running up the deficits to historic proportions in some respects. I imagine it is historic as far as the turnaround is concerned, from a $127 billion surplus to a $300 billion deficit. I mind that very much. I think it is wrong. I think it is the wrong signal to send to the American people about our seriousness of addressing the challenges of the war on terror.

But I am also disturbed about the policy changes that are made in appropriations bills which render authorizing committees nearly irrelevant. It is not the right thing to do. There are provisions in this bill—and I will be providing them for the record—of many policy changes that should have required hearings, debate, votes on specific issues. Instead, they are decided by a small group of Senators and House Members rather than all of us being able to exercise not only our privileges but our responsibilities as we determine the policies that affect the future of our citizens in our respective States.

I ask unanimous consent that a document entitled ''Commerce Committee Provisions'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMERCE COMMITTEE PROVISIONS

NCL PROVISION

Mr. President, I regret that the conferees chose to adopt a special interest provision for one foreign cruise ship company at the expense of all other competitors. The last time Congress meddled in this area with hollow promises of spurring the American ship building industry, it ended up costing the American taxpayers a whopping $185 million. I shudder to think that we are meddling again.

The conference report grants a subsidiary of the Malaysian-owned ''Norwegian Cruise Lines'' (NCL) the exclusive right to operate three large foreign-built cruise vessels in the domestic cruise trade. This will be permitted notwithstanding the Passenger Vessel Services Act, which requires vessels transporting passengers between ports in the U.S. to be U.S.-owned, U.S.-built, U.S.-flagged, and U.S.-crewed. While I am not a fan of those requirements, I cannot support granting a waiver for one company.

This provision provides an unfair competitive advantage to NCL at the expense of all other cruise ship operators. No other company will be allowed to operate foreign-built U.S.-flag cruise vessels in the domestic market other than NCL. It effectively creates a de facto monopoly for this one foreign company to operate in the Hawaiian Islands, and West and East Coast cruise trades.

Again, I remind my colleagues, the last time we provided special treatment for one shipping company, it came at a price tag of $185 million. American Classic Voyages' failed ''Project America'' venture was aided by special exemption language included in the 1998 Department of Defense Appropriation Bill. When American Classic Voyages filed for bankruptcy in October 2001, the American taxpayers paid the price. At what point are we going to say enough is enough, and put a halt to gambling away the hard-working Americans' tax dollars?

Mr. President, there has been no analysis of the value of granting this exclusive exemption from the Passenger Vessel Services Act to NCL, nor, more importantly, have the Committees of jurisdiction had an opportunity to consider the proposal and analyze its overall impact on the maritime industry.

The special interest provision represents yet another piecemeal approach to U.S. maritime policy. But instead of promoting a sound and reasoned U.S.-flag cruise vessel promotion proposal, the conference report rewrites maritime policy and grants one foreign-owned company a waiver from U.S. laws.

We should be working to promote competition in the domestic cruise market, and for that to take place, there needs to be a level playing field for all operators. But the special NCL provision may well severely hamper any effort to jump-start the U.S.-flag cruise market, leaving most coastal states with no regular U.S.-flag cruise ship service.

We learned the hard way from the failed ''Project America'' venture that domestic-built ships require far more capital investment than vessels built abroad. By giving NCL, and NCL alone, a free pass on U.S. laws, as provided under this conference report, will only keep all other competitors at bay because they have no incentive to even attempt to secure the significant financing required to comply with the U.S.-build requirement for U.S.-owned cruise vessels.

This special provision for NCL will very likely lead to further economic difficulties for the domestic cruise industry, and places its future growth at risk.

AVIATION

Mr. President, there are numerous other provisions in this conference report that circumvent the clear jurisdiction of the Commerce Committee. For example, it incorporates almost wholesale a bill passed last year by the House of Representatives regarding air traffic control towers. The provision expands on the class of air traffic control towers that is eligible for federal money. While I'm all for aviation safety and this may be a good provision, I'm troubled by several aspects of it.

First, the provision doesn't just make new towers eligible for reimbursement, it also makes eligible towers that were built beginning in 1996—over seven years ago.

Things were very different seven years ago. Bill Clinton was President and I had more hair. I know President Clinton's theme song was ''Don't Stop Thinking About Tomorrow,'' by Fleetwood Mac, but I find it very difficult to believe that airports that built towers in 1996 had any expectation they should get reimbursed by the federal government seven years later. It's awfully nice that we're willing to do that. I didn't know this omnibus bill was also the first economic stimulus package of the year. Had I known, I might have sought inclusion of a payroll tax holiday!

Secondly, at least the provision passed last year by the House provided that an airport tower would be eligible for a grant under this program only if the Secretary certified that the selection of the tower for eligibility was based on objective criteria, giving ''no weight to any congressional committee report, joint explanatory statement of a conference report, or statutory designation.'' I wish to congratulate my House colleagues. Clearly, they were concerned about the pork barrel politics practiced by the appropriators and tried to insulate this particular program from such antics. However, the appropriations committee decided that this took away too much of their power and deleted the provision. I don't mean they rewrote the provision. They literally crossed it out in the conference report.

Mr. President, the conference report also includes a provision that implements a whole new funding scheme for airport security projects. I am very concerned about finding for airport security. This is a reauthorization year for aviation programs, and the Senate Commerce Committee, the committee of jurisdiction, has already begun hearings on FAA issues.

Yet the appropriators have taken it upon themselves to establish a brand new funding scheme that has never been vetted, discussed, or voted on by the authorizers. Some might start to wonder just what the Commerce Committee's role is in policy decisions regarding the programs under its jurisdiction.

This provision authorizes a new $2.5 billion program over 5 years for airport security projects without any discussion that I am aware of. The TSA was not consulted about this provision. It seems that the special interest groups who were shopping this provision were the only ones that mattered. If this had gone through the regular legislative process, at least all parties could have been heard. There are many different ways to fund security projects. This provision may be a good one, it mirrors a similar program set up at the FAA. However, the DOT Inspector

General proposed several other ideas to our committee.

Another provision would allow airports to giver Airport Improvement Program (AIP) money back to the FAA so the agency can hire staff to speed up environmental reviews airports projects. This is an area in which the Commerce Committee took action on last year and will continue to pursue this year. It should not be addressed in an appropriations bill.

While the earmarking in this legislation is as egregious as ever, the raiding of existing accounts for unrelated purposes is equally appalling. The AIP program is supposed to be devoted to the infrastructure needs of our nation's airports. Yet the conference report takes tens of millions of dollars out of AIP to pay for the FAA's costs of administering the EAS program, and the Small Community Air Service Development Pilot Program. These are worthy activities and programs, but it violates the long-established purpose of AIP to use monies for these things. This continual raiding of AIP which is also being encroached upon by the appropriation of security costs from it will slow the necessary development of the nation's infrastructure. We may be in an aviation funding crisis this year if this wholesale taking of money from accounts that are for capacity, infrastructure and modernization does not stop.

AMTRAK

I want to commend the conferees for their attempts to help protect the investment that the American taxpayers continue to provide to Amtrak, which since 1971, has received federal subsidies totaling $26 billion—an enormous sum for a system that serves less than one percent of the traveling public.

The conference report, which provides Amtrak $1.05 billion for FY 2003, includes conditions that require the funding to be appropriated on a quarterly basis through formal grant agreements with the Department of Treasury (DOT). Amtrak also will be required to spend its appropriated funds only on items identified in its business plan and approved by DOT. And, such funds may only be spent on existing plant and services, not on grandiose or far-fetched expansion plans. These controls are a step in the right direction.

The conferees also worked to ensure that Amtrak reserves sufficient funds to meet its contractual obligations with state and local subdivisions for commuter and intercity corridor services. Amtrak should not be in a position to shut down commuter operations, as it threatened last summer, because it does not have sufficient funds to operate its entire network. Commuter operations, such as those on the Northeast Corridor, are funded by state and local governments and clearly should continue to operate even if other Amtrak operations should cease. Further, Corridor trains that the states are helping subsidize also should also receive priority. Continuing to operate Northeast Corridor services, off-Corridor commuter service, and those trains financed in part by the states would preserve service for 93 percent of Amtrak's combined intercity and commuter ridership.

While the conference committee has slightly reduced Amtrak's appropriation from that provided in the Senate-passed measure, from $1.2 billion to $1.05 billion, it also has postponed repayment of Amtrak's $100 million dollar loan from DOT, effectively providing Amtrak's $1.15 billion, or only $50 million less than the $1.2 billion Amtrak requested. Although Amtrak may end the year with less than its targeted $75 million in working capital, it should be able to continue operating while Congress considers the long-term future for intercity passenger rail service. I look forward to a full and open debate on this issue.

TOURISM BOARD

Mr. President, the conferees authorize the Secretary of Commerce to award grants and make direct lump sum payments of up to $50,000,000 to support ravel to the United States. To carry out this new authority, the appropriators establish the United States Travel and Tourism Promotion Advisory Board and provide $50,000,000. This Tourism Board has never been considered by the authorizing committee of jurisdiction, nor did the Department of Commerce have any input on the creation of this new Board. This is another example of authorizing language in an appropriations bill and $50,000,000 is an enormous amount of money for an initiative that has not yet been fully vetted.

NASA

Mr. President, I commend the conferees for their efforts to address the funding needs of the Space Shuttle Columbia accident investigation. Just yesterday, the Commerce Committee held a hearing on the investigation, and I agree that the Congress should be supportive of the *Columbia* Accident Investigation Board. We must find the cause of this horrible tragedy, and ensure that such an accident never happens again.

Unfortunately, other NASA provisions are included in the conference report that should be handled by the authorizing committee of jurisdiction. For example, the conference report establishes a NASA working capital fund for capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of NASA real property. As Chairman of the Senate Commerce Committee, which has jurisdiction over NASA, I am fully aware of NASA's declining infrastructure and the need to ensure safety of NASA missions. In light of the Space Shuttle *Columbia* accident, I think it would be a prudent course of action if we fully consider this provision in the context of an overall review of NASA, which is currently underway. No hearings have yet been held on this proposed working capital fund, nor has it been considered by the full Senate. I do not question the conferees' strong interest in addressing NASA funding needs, but I note this is yet another case of authorizing on an appropriations bill.

I am particularly concerned by provisions in the conference report that would establish a NASA demonstration project regarding an enhanced-use lease of real property. The Commerce Committee has not had a change to review this language, and no hearings have been held on this enhanced lease scheme. The leasing of public property deserves a public discussion.

ELECTION REFORM

I am pleased to see that the conferees appropriated almost $1.5 billion to implement the election reform bill. This funding is a good start for a process to improve our system of election administration and renew the public's confidence in our election system. I am especially pleased that this conference report includes payments to help states to promote disabled voter access.

NOAA

The conference report provides more than $490 million in earmarks and programs just for the aquatic—not atmospheric—programs of the National Oceanic and Atmosphere Administration. This funding will go toward more than 150 line items. The Administration did not request funding for these programs in their budget, in fact, many programs that they did request funding for are underfunded or zero-funded.

The conference report appropriates an astounding $100,000,000 for fisheries disaster assistance. Of this amount, $35,000,000 is for direct assistance to the state of Alaska, for any person, business, or town that has experienced an economic hardship even remotely related to fishing. This money is in addition to the $20,000,000 they are also getting for developing an Alaskan seafood marketing program.

Of the remainder:

$35,000,000 is for the shrimp industries of the Gulf of Mexico and South Atlantic, to provide far-reaching assistance for many aspects of these fisheries;

$20,000,000 is provided for voluntary capacity reduction programs in the Northeast and West Coast groundfish fisheries;

$5,000,000 is for Hawaiian fishermen affected by fishing area closures and other management rules; and

$5,000,000 is for blue crab fisheries affected by low harvests.

The report also provides these hand-outs without requiring any accountability for how the money is actually spent. These appropriations were made without offering any form of justification or rationale. How much federal money do these regions really need, if any? If these needs are legitimate, how do they compare to the needs of other regions? We'll never know, because these appropriations circumvented every stage of committee review, consultation, analysis, and authorization. We have no basis for determining how necessary this is or whether or not this is sound policy.

Furthermore, the conference report requires the Department of Commerce and Coast Guard to provide coordinated, routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft, and communications assets, with particular emphasis on federal waters seaward of the costs of South Carolina and Georgia. Again, without any review by the authorizing committee, we have no basis or knowing why this is regional program is a good use of federal dollars and resources is this really the best use of limited Coast Guard resources, at a time when our country is under a heightened terror alert?

The conference report also earmarks $10 million from the ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'' fund, to develop an Alaskan seafood marketing program. $10 million is whole lot of money to be spending on a marketing program, yet we are given no details on exactly what this federal funding will be used.

COAST GUARD

The conference report and statement of managers earmarks a total of $83.962 million of the Coast Guard budget. The level of Coast Guard earmarks increased over $10 million compared to the enacted FY02 Coast Guard budget.

In this critical time when the Coast Guard is so hard pressed to carry out it Homeland Security missions, in addition to its many traditional missions, it is indefensible to be earmarking the Coast Guard's budget for pet products. Adding insult to injury, the Committee report takes the Coast Guard to task for devoting its scarce resources to homeland security at the expense of its other traditional missions, yet in the same report, they earmark critically needed resources for other projects. This type of micro-management serves only to tie the Coast Guard's hands and deny it the flexibility it needs to respond to very real threats.

We all know the Coast Guard is underfunded and definitely in need of additional personnel and resources. Our first step should be to give it is full budget without these unrequested and restrictive earmarks.

Here are just a few examples.

The statement of managers earmarks $1,600,000 for enhanced oil spill prevention activities in the waters of Washington State. This earmark was not requested by the Administration and I think it should probably receive an award for the most creative language. It states, and I quote, ''the Committee expects the Captain of the Port to use his professional judgment in allocating these funds to measures that he believes will best protect these waters. Such measures could include a cost sharing arrangement with the State of Washington for the hiring of a rescue tug at Neah Bay. However, these funds could be allocated to alternative measures if, in the view of the Captain of the Port, such alternative measures will provide a superior level of protection.'' Does anyone wonder what decision the Appropriations Committee expects this Coast Guard captain to make?

$4 million is for LTS–101 helicopter engines.

The statement of managers earmarks $10,000,000 of the Coast Guard's Acquisition, Construction, and Improvements budget for a new line item entitled ''Security Surveillance and Protection.'' What does this mean? The Senate report vaguely stated that this provision is to develop and acquire equipment that will improve security surveillance and perimeter protection capabilities in the Nation's ports, waterways, and coastal zones. In other words, it could mean almost anything.

The statement of managers earmarks $16,000,000 for costs associated with repairing and rebuilding the Coast Guard's Integrated Support Center at Pier 36 in Seattle. These funds are in addition to the $10,000,000 earmarked for this project in the FY 2002 Transportation Appropriations bill. None of these are funds were requested by the Administration and this project is not one of the Coast Guard's highest priorities for shoreside construction. My question is, how much will be earmarked for this project in next year's budget?

Of particular note, the Conference report earmarks over 27 percent of the Coast Guard's research and development budget for specific projects. These earmarks will hinder the Coast Guard's efforts to better surveil our ports, create new technologies to detect explosives and weapons of mass destruction, and develop non-lethal technologies.

The statement of managers earmarks $1,000,000 to support the continued development, demonstration, and evaluation of engineered wood composites at Coast Guard facilities. The statement of managers also earmarks $1,000,000 for a pilot project to test automatic search and rescue spectral imaging technology for Coast Guard C–130 aircraft solely located at Kalaeloa, Hawaii.

Once again we are seeing an Appropriations Bill attempting to circumvent the authorization process. This bill would limit the funding for Coast Guard flag officers to 37. The Coast Guard is authorized under Title 14 to have 48 flag officers and currently has 37 flag officers on active duty. As the Coast Guard grows in size to meet its new homeland security missions it will not have any of its authorized flexibility to promote additional flag officers. If there is a concern that the Coast Guard has too many flag officers, then that concern should be raised through the Commerce Committee.

The bill authorizes the Coast Guard Yard at Curtis Bay, Maryland and other Coast Guard specialty facilities designated by the Commandant to enter into joint public-private partnerships and in doing so may enter into agreements, receive, and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities. This provision would enable the federally subsidized Yard to indirectly compete with private industry for shipbuilding contracts. This is authorization language pertaining to the Coast Guard Yard that is clearly within the jurisdiction of the Commerce, Science, and Transportation Committee. Nonetheless prior to the consideration of this legislation by the Appropriations Committee, it did not consult with or notify either the Commerce, Science, and Transportation Committee concerning the changes in law.

Mr. MCCAIN. I yield the floor.

Mr. STEVENS. Mr. President, the Senator from Nevada had an inquiry. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Just so the two leaders know, does the Senator from Illinois know for how long he wishes to speak?

Mr. DURBIN. I ask the Senator from Nevada what the plans are for this evening?

Mr. REID. What we are working toward is having final passage on the bill this evening, if all things work out right.

Mr. DURBIN. I certainly don't want to delay final passage.

Mr. REID. Why doesn't the Senator proceed.

The Senator from Georgia also wishes to speak for 3 minutes?

Mr. STEVENS. Yes.

Mr. REID. Why don't we have the Senator from Georgia speak first for 3 minutes, and then the Senator from Illinois speak. If the managers want to speak then, they can do so. I so ask unanimous consent.

Mr. STEVENS. It is 5 minutes and 3 minutes, is that correct?

Mr. REID. He's going to stop whenever you want him to.

Mr. STEVENS. All right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I don't think I will take my full 3 minutes. I just want to rise and say that while, Mr. Chairman, I am going to vote for the omnibus bill, I am really disappointed with the agriculture disaster portion in this omnibus bill. On the Senate side, we debated and discussed this issue at length. The chairman of the Senate Agriculture Committee, who is also chairman of the Senate Agriculture Appropriations subcommittee, I thought did an excellent job of putting together a package that accomplishes the goal of getting funds immediately in the hands of farmers all across America. My farmers have had 5 rough years back to back, and they need money now.

Under the provisions that came out of the conference committee, which was basically the House provision, farmers across America are not going to be getting funds until probably August, September, or October. Farmers are going to be out of business if they don't get relief now. To pass this provision in this bill I think is the wrong approach. I don't like that provision in the bill. I do support it. I know the chairman had a very difficult time with this particular issue as well as other issues, but I think that is wrong and I wanted to register my objection. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, as a member of the Senate Appropriations Committee, I know the amount of labor and work that goes into the preparation of a bill of this magnitude. I also know when you postpone the orderly process of passing spending bills and wait an extra 4 or 5 months, there is an opportunity for mischief. I think only in time will we be able to sift through 1,600, 1,800, 2,000 pages of this bill to find out in painful detail what is included.

There are several things that have come to my attention. I would like to draw them to the attention of my colleagues here in the Senate.

Let me start by saying there is one issue most people don't like to talk about and I am going to raise this evening because I think it is critically important. The District of Columbia is a city which is governed by a mayor, a city council, and 535 wannabe mayors in the Congress.

It seems that every Member of the House or Senate who wanted to be a mayor at some time in their lives decided at some point to make a decision for the District of Columbia. I think that is unfortunate. The people of this city, like every city, have a right to govern themselves. Occasionally that intrusion of congressional mischief can reach a perilous state. Let me give an example.

The AIDS rate for the AIDS disease in our Nation's Capital is the highest in the country. It is 10 times the national average. More and more women are being diagnosed with AIDS in Washington, DC. DC health officials reported last October 616 new AIDS cases in 2001 alone, 33 percent among women. In 1981 women only accounted for 7 percent of AIDS cases.

City health officials in Washington estimate 40 percent of AIDS cases are associated with injected drugs.

The question is, how can we stop this AIDS epidemic in the Nation's Capital, which is not only infecting more and more women and children, but appears to be out of control. Frankly, there are programs that work. One of the programs is not popular to talk about. Most of my colleagues run away from it, but you cannot run away from reality. It is a needle exchange program. It is a program that invites addicts in, in an effort to try to first give them a needle that is clean, and then bring them into rehabilitation so they can stop their addiction.

There are those who say don't give them clean needles because they will just keep using them. But you know what they will use, they will use dirty needles and pass the AIDS epidemic on and on and on.

I am not expert in this area. I get squeamish talking about needles and

injections. But the fact is, the people who are experts, the American Medical Association and medical officials, have said it works. Put these programs on the street corners and in the storefronts of Washington, DC, and we can start reducing the AIDS infection rate in our Nation's Capital.

There is no reason in my mind why the people of the District of Columbia should not be able to use their own money to try this approach to reduce drug addiction and reduce the AIDS epidemic in their hometown.

Across the United States, there are programs in many States. But sadly enough, the Members of the House of Representatives have put in a provision that prohibits the District of Columbia from even using its own tax dollars to in any way support this kind of project.

Some of the very congressmen who beat on the desk and beat on their chest and talk about how they are going to fight these needle exchange programs represent districts and States where these programs take place today. This is a sad outcome in this bill. I hope those who reflect on it will realize they are taking some high and mighty moral position and people will die because of it.

Stand by the doctors, stand by the professionals. Stop playing mayor and city council for the District of Columbia. Sadly, this appropriation continues to do so.

Exhaustive scientific review has found that needle exchange programs are an effective way to slow the spread of HIV and AIDS. In a speech last September. Dr. Joseph O'Neill, Director of the Office of National AIDS policy indicated that the administration did not oppose the use of state and local funds to support needle exchange programs.

The American Medical Association, the American Nurses Association, the American Association of Pediatrics, and the American Public Health Association endorse these programs. The Institute of Medicine identified access to sterile syringes as one of four ''unrealized opportunities'' in HIV prevention in a publication issued last year. The IOM committee recommends that the Administration ''rescind the existing prohibition against the use of Federal funds for needle exchange to allow communities that desire such programs to institute them using federal resources.''

Former Surgeon General David Satcher, MD stated that:

> There is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.

Former Surgeon General C. Everett Koop, MD concluded that needle exchange programs are an ''effective means of preventing the spread of the disease [HIV/AIDS] without increasing the used of illicit drugs.'' He called limiting the use of state and local funds for these programs ''counterproductive.''

The Centers for Disease Control and Prevention estimated that there were 156 needle exchange programs operating in the United States in 81 cities and 31 States last year, many of which receive state and local financial support for their activities. None of these programs receive Federal support at this time.

The CDC publication also indicated that 95 percent of needle exchange programs in operation referred clients to substance use treatment and counseling programs, and over half provide on site voluntary HIV testing and more than a quarter also screen for hepatitis B and C.

In 2000, four needle exchange programs were functioning in my home state of Illinois.

In spite of the overwhelming support from public health and medical professionals, we here in Congress have once again prevented the District of Columbia from using its own local funds to finance these lifesaving programs. I was pleased that the Omnibus Appropriations bill passed by the Senate allowed the District of Columbia to use LOCAL funds to finance a needle exchange program. Washington, DC has one needle exchange program, Prevention Works, that is supported with private funding. Both the Mayor and Police Chief support the program.

However, I am deeply disappointed to learn that the conference report we are considering today maintains the irresponsible status quo, which prevents the District from using its own locally generated revenue to finance needle exchange programs.

This conference report disregards the expert opinions of former Surgeon Generals David Satcher and C. Everett Koop, leading medical and public health organizations, the Director of the Office of National AIDS policy and the Institute of Medicine.

It is my sincere hope that next year we will stop politicizing this issue and recognize that the District of Columbia, just like all of our home states and districts, deserves to have all possible resources at its disposal to combat this devastating public health crisis.

The same is true when it comes to attorneys' fees for special education. Think about this. In every school district in America, if you have a disabled child and want that child to have an education, you have a right to say to the school district: Here is my child who needs the education. If the school district contests it and says this child doesn't have a disability and we are not going to pay for a special ed teacher, you have a right to appeal that decision. That's the case across America.

Sometimes, because it is complicated and expensive, attorneys are involved to represent the parents and the school district and to resolve their differences. It happens every day across America.

In the District of Columbia it has gotten out of hand. Some law firms—only a few—have exploited the parents of disabled children and turned in attorneys' fees requests to the District of Columbia public school system that are way out of line. Some of these firms have become shady operations that offer not only attorney counseling, but special education services, a package that raises many suspicions.

Senator KAY BAILEY HUTCHISON and I have debated this over and over again as to whether to cap the fees that can be paid to attorneys and what to do about it. In the Senate we raised the cap on attorneys' fees for DC special education to $4,000 maximum per case. I hope that is enough to take care of these cases. But I will tell you I do not believe we should be imposing a cap on attorneys' fees. The parents of these poor children who are disabled should not be denied legal representation.

I am happy Senator HUTCHISON and I could agree on limiting the attorneys' activities so those questionable activities, those criminal activities will stop. But I think we should put an end to this cap on attorneys' fees and say to the DC public school system once and for all, for goodness sakes, offer kids with disabilities the kind of special education opportunities that are available across America. This provision capping attorneys' fees in this appropriation bill I think is a mistake.

Not only are such caps an intrusion on home rule and local spending prerogatives, I do not believe that imposing a cap on payment of attorneys' fees is the way to address significant and long-standing problems with the delivery of special education services to children in the District of Columbia. These fees arise because parents are forced to bring due process actions against the city school system—and the parents win their cases.

It is unacceptable for Congress to impose a dollar cap on how much the City may pay attorneys who win these cases, particularly after a judge has awarded a fee based on a reasonableness standard. However, I do support language in this bill which addresses concerns about particular attorneys who have shamelessly taken advantage of the system.

I support a complete bar on paying attorneys' cases in which the District's Chief Financial Officer, CFO, determines that an attorney, officer, or employee of the firm has a pecuniary interest in any special education diagnostic services, schools, or other special education service providers.

Furthermore, I believe the provisions in the Senate bill which mandate stronger ethical standards are appropriate.

I support the provisions in the bill dictating that the District's CFO require disclosure by attorneys in IDEA cases of any financial, corporate, legal, board membership, or other relationships with special education diagnostic services, schools, or other special education service providers before paying any attorneys' fees; that the CFO may

require certification by counsel that all services billed in special education were rendered; that the CFO report to Congress quarterly on the certifications and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA; and that the District's Inspector General may audit the certifications to ensure attorney compliance.

It is my hope that these provisions will produce needed accountability. I am glad they were retained in the final product.

I am disappointed, but not surprised, that the cap remains in this final version of the bill. I share the sentiment that abuses of this program need to stop. I want to work to address that problem and to figure out why the District has had such perennial problems with its ability to meet the needs of its children in special education.

But it is wrong for this Republican Congress to deprive children of legal recourse when they are denied services to which they are entitled. It is wrong for the Republican Congress to preclude the District of Columbia from using its own funds to make all legitimate payments in this critical special education program.

There is another provision that was slipped in this bill as it relates to the Bureau of Alcohol, Tobacco and Firearms and the Freedom of Information Act. This provision is an enormous setback to the efforts of State and local governments to combat illegal firearms trafficking. It undermines the very purpose of the Freedom of Information Act.

This act entitles citizens to open access to Government records, prevents the Government from shielding its activities from public scrutiny. The City of Chicago, which I represent, filed a Freedom of Information Act request to obtain information about the ATF trace database. The purpose, of course, is to determine which gun sellers and manufacturers were responsible for selling guns to criminals.

In response to these rulings, the gun industry went to the House Appropriations Committee and asked for a rider in this bill to prevent the ATF from complying with the FOIA request and telling the City of Chicago and the public what they were doing.

This provision sets a dangerous precedent because it essentially directs a Federal agency not to comply with the Federal court ruling, thus undermining the very purpose of FOIA. If litigants can be denied information under FOIA through legislative action—even when a Federal court has upheld this request—FOIA itself is in jeopardy.

There is no cost justification for this. This doesn't have anything to do with appropriations. This is an effort by the gun industry to stop cities that are ravaged by gun crime from going after the irresponsible gun dealers who are selling guns to criminals. And the NRA and the gun industry are shielding them with this rider in the appropriations bill.

I was joined by Senators JACK REED and TED KENNEDY in urging that this provision not be included. Unfortunately, it was.

Let me acknowledge also, as has been said by some of my colleagues, that I am very concerned about the language of funding for homeland security in this bill. The Senate, in its version of this bill, added almost $4 billion in homeland security funds to be sent back to the State and local governments to protect America. As I stand and speak on the floor of the Senate, we are warning families across America that we are in orange alert and that they have to take special precautions to protect themselves and their children from the possibility of biological and chemical warfare and dirty radioactive bombs.

Sadly enough, we are not providing the resources for the State and local governments to meet this challenge. Make no mistake, America is prepared to attack in the Middle East, but America is not prepared to defend itself at home. That is a sad reality. This bill cuts out almost $4 billion that would have gone for some very important purposes: Additional money for the Transportation Security Administration for monitoring airports; additional money for the INS and border security to stop those from coming in this country who are bent on bad behavior; community policing grants to try to help communities have someone on the other end of the line when you dial 9–1–1, cut $130 million; FEMA disaster recovery assistance, cut by $1 billion; the Department of Justice Office of Domestic Preparedness, cut by $1 billion; firefighter grants, cut by $150 million; interoperable communications equipment grants, cut by $235 million—the No. 1 priority in my State so that the police and firefighters and medical first responders can communicate, cut in this appropriations bill from the Senate level.

These cuts, frankly, came at the request and with the approval of the White House and the Office of Management and Budget.

Emergency Operation Center, cut nationwide by $155 million; port container security, cut by $45 million; port technology demonstration projects so that we can see dangerous cargo coming in these ships, cut by $1 million; explosives training initiative, cut by $7 million; and $42 million from embassy security.

I pray to God that nothing happens to this country as a result of terrorism. But I think we have been derelict in our duty to provide the resources to State and local governments to protect families and to protect communities and businesses across America. This bill, with its $4 billion in cuts off the Senate level, leaves us in a precarious situation and one that I hope does not come back to haunt us in years to come.

Let me conclude on a positive note. I thank the Senator from Alaska. Despite these words of critique, I personally appreciate, as does Senator DEWINE, the personal interest and initiative he took in the global AIDS epidemic. His decision on the floor to approve an amendment which we offered is going to mean that thousands and maybe more will have their lives saved. I thank the Senator from Alaska. He has been a leader on this issue all the way. We have reached a 42-percent increase in funding to fight the global AIDS epidemic through his cooperation and leadership. I thank him very much.

I yield the floor.

I ask unanimous consent that a statement entitled ''Underfunding Homeland Security'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNDERFUNDING HOMELAND SECURITY

At a time when the Administration is ramping up for war overseas, one would think we would be doing everything possible to fortify our security at home as well.

That's certainly what the Administration has led us to believe, but oddly enough, we're poised to pass this 1100 plus page omnibus bill that slashes funding for the pillars of homeland security.

And after cutting funds for first responders, for airport security improvements, for community police officers and more, what do they propose? That Americans fortify their own homes with duct tape and plastic sheets. This Administration can and must do better to protect the safety of the American people.

This bill leaves significant gaps in funding for homeland security priorities.

The Republican-controlled conference committee rejected increases in homeland security funding that were approved unanimously last year by a Democratic-led Appropriations Committee. Instead, the Republican-controlled conference imposed an additional 0.65 percent across-the-board cut to all federal programs, leaving already cash-strapped initiatives in even greater need. The results of the cumulative cuts, which total more than $4.4 billion, include:

First Responders: This bill cuts $2.98 billion from activities designed to aid first responders. Cuts include a $1.59 billion reduction for the Federal Emergency Management Agency (FEMA)—including a $150 million cut to firefighter grants—as well as a $235 million cut to funds for police and firefighters to purchase communications equipment and a $155 million cut to fund emergency operations centers.

Police/Law Enforcement: The bill reduces funding for Community Oriented Policing (COPS) public safety and community policing grants by more than 40 percent—from $330 million to $200 million. This cut would completely eliminate funding needed to hire 1,360 community-based police officers.

Aviation/Port Security: The bill cuts $170 million from Transportation Security Administration (TSA), impeding efforts to improve airport security, and cuts $46 million from port security funds. The bill also makes cuts to the U.S. Customs Service, resulting in the loss of more than 200 employees and compromising the implementation of the Container Security Initiative and other homeland security efforts. The INS/border security budget is also reduced by approximately $182 million.

Other Cuts: The bill also cuts programs to train state and federal law enforcement and security personnel by nearly $50 million, including a $7 million cut to the Explosives Training Initiative and $42 million to embassy security.

A supplemental appropriations bill would be necessary to provide funding adequate to meet the homeland security needs of localities across the country in advance of any military action in Iraq.

ILLINOIS

States and localities are still waiting for the funds promised to them. The States have legitimate concerns. There's a lot of brave talk about fighting terrorism, but when it comes to paying for it, this administration has not delivered.

In my home State of Illinois, we have an Illinois Terrorism Task Force (TTF). This is a collective body representing 50 agencies addressing emergency needs throughout the state of Illinois. They have told me that a minimum of $100 million is required to cover security expenses in Illinois for FY03.

The Terrorism Task Force originally asked for $320 million in federal funding and then scaled back its request to the current level ($100 million) in anticipation of federal budget cuts.

According to the TTF director Mike Chamness, these funds are crucial to Illinois' ability to properly address the threat of terror.

Without these dollars, programs designed to secure Illinois will cease to exist.

First responders will be ill-equipped and prepared to address emergency situations.

Major items in the TFF's $100 million request include:

$25 million for first responders' respiration equipment upgrade (nuclear, biological, and chemical).

$14.4 million for communication systems (interoperable communications equipment for police, firefighters, and state/local emergency operations centers).

Elite Terror Response Team: under current funding Federal monies have not been available to send teams for the ''Elite Response'' training.

It is imperative that my home state of Illinois—like every other State in this nation—provides their front-line first responders the best equipment, the essential tools, and the finest training available. We rely on their readiness and should expect nothing less. These funds are needed sooner, not later.

CITY OF CHICAGO

Now let me tell you about the funding needs for Homeland Security in the City of Chicago.

The City of Chicago had made an assessment of total budget needs for homeland security at around $175 million

The top ticket item in Chicago is the Chicago public safety radio migration plan which is estimated to cost $80 million.

The migration allows for all agencies to communicate in an interoperable manner on a daily basis without major equipment modification or complicated system changes.

Among other important needs are:

Emergency Responder Training and Equipment—$7.9 million. CPD is requesting first responder training, first responder equipment and secondary responders unit training.

Emergency Operations Center Expansion—$10 million. This expansion will provide incident manager with real-time live video, satellite imagery, building X, Y, and Z coordinates and other state of the art technologies.

Hazardous Materials Equipment—$7 million. The Chicago Department of Environment is requesting hazardous materials response equipment for any large, widespread or egregious hazardous incident.

NEED TO DO MUCH MORE THAN DUCT TAPE & PLASTIC

We can't stand up and say we're truly doing everything we can to ensure that our cities and counties, bridges and roads, airplanes and trains are as secure as possible and that our fellow Americans are safe on our soil if this bill is what represents the level of our commitment to fund programs to ensure homeland security.

I fully expect the President to come back to Congress and ask for additional funds to support our military needs overseas. Without question, we must address these needs. But it would be unconscionable to increase funding for military activities in Iraq and neglect our security needs at home. If war comes with Iraq, the battle lines will be expanded to include our country. We simply cannot afford to leave American citizens unprotected.

ATF/FREEDOM OF INFORMATION ACT PROVISION (RE: CITY OF CHICAGO LAWSUIT VS. GUN INDUSTRY)

Another provision slipped in to the appropriations bill at the last minute involves the Bureau of Alcohol, Tobacco and Firearms and the Freedom of Information Act.

This provision would be an enormous setback to the efforts of state and local governments to combat illegal firearms trafficking and would undermine the very purpose of the Freedom of Information Act.

The Freedom of Information Act entitles citizens to open access to government records and prevents the government from shielding its activities from public scrutiny.

The City of Chicago filed a FOIA request to obtain information from an ATF trace database. A U.S. District Court and the U.S. Court of Appeals for the Seventh Circuit ordered the ATF to release these records.

In response to these rulings, the gun industry went to the House Appropriations Committee and asked for a rider to prevent the ATF from complying with this FOIA request.

This provision sets a dangerous precedent because it essentially directs a federal agency not to comply with a federal court ruling, thus undermining the very purpose of FOIA. If litigants can be denied information under FOIA through legislative action—even when a federal court has upheld the request—FOIA itself is in jeopardy.

There is no cost justification for this provision. The City of Chicago demonstrated in its litigation that it would take the ATF less than 10 minutes to assemble and release the data is has requested.

I was joined by Senators Reed and Kennedy in urging that this provision not be included, and I am disappointed that it was.

In the past, I have challenged the Senate and the President to back up the high priority we have placed on the global AIDS pandemic with adequate resources.

[Senator DeWine has even called me a ''bull dog'' on this issue. I took that as a great compliment.]

This 2003 appropriations process demonstrated that the Senate does indeed recognize the need for increased resources to fight global AIDS.

In December, I, and 15 other Senators, sent a letter to appropriators asking them to increase overall AIDS spending by 50 percent over 2002 levels. At the time we were looking for an increase of $236 million.

While facing $9–$10 billion in cuts throughout the FY 2003 appropriations bill, the Foreign Operations Subcommittee responded to this request, and managed to find an additional $41 million for global AIDS.

The Senate Labor, Health and Human Services Subcommittee agreed to match House approved levels, increasing the funds going to the CDC's Global AIDS Program by about $15 million.

While this increase of $56 million was welcome, unfortunately, it was not enough.

Senator Mike DeWine and I set out to achieve that 50 percent increase, and through a floor amendment to the omnibus bill, sought another $180 million to bring overall spending on Global AIDS to $1.525 billion.

This amendment was accepted—its success demonstrates the Senate's sincere commitment to fighting global AIDS.

$100 million of these funds were slated for the U.S. contribution to the Global Fund—the world's primary organization to monitor and support worldwide AIDS prevention, treatment and care programming.

And the remaining $80 million would go to USAID global AIDS programs.

Well, during conference, we lost $80 million of the $180 million total. But, nevertheless, I count this as a victory for the global AIDS pandemic.

In the end, an additional $50 million was secured for the Global Fund, bringing the U.S. contribution up to $350 million for 2003, and an additional $50 million went to bilateral programs.

This omnibus bill designates $1.2 billion for global AIDS. That is a 46 percent increase over what Congress appropriated in 2002.

The President's 2003 budget request suggested an increase in funding of global AIDS funding of 29 percent. I would say we have come a long way.

We will need this type of increase—at least a 50 percent increase—each year until we can close the gap between expenditures and resources necessary to fight this pandemic.

The President's FY04 budget request amounts to an increase of only 32 percent over the $1.4 billion the U.S. will spend overall on global AIDS in 2003.

[This bull dog] I will be back, asking that at a minimum we achieve a 50 percent increase in global AIDS funding each year for the next few years.

We must continue to do more for the 42 million people worldwide who are living with HIV/AIDS and prevent a good portion of those that will become newly infected in 2003.

During the last ten minutes I have been speaking, approximately 58 people have died from AIDS, 11 of those were children.

A 15-year-old boy in Botswana faces an 80 percent chance of dying of AIDS.

By 2010, it is estimated that sub-Saharan Africa alone will be home to 20 million AIDS orphans; that's 20 million children who have lost one or both parents due to AIDS.

We must act now to help those who today suffer from the impact of HIV/AIDS as well as to change the future of today's children.

We know the situation is dire. We have data to support what program work. Now its time to fund the programs that work.

The 2003 appropriations bill helps us to take yet another tiny step forward in fighting global AIDS.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent, under the previous

consent request, that the Senate proceed to the consideration of the conference report on H.J. Res. 2 and that it be considered under the following limitation: 20 minutes of debate equally between myself and the distinguished Senator from West Virginia, the ranking member of the Appropriations Committee; 10 minutes under the control of Senator DODD; 15 under the control of Senator BOXER; further, that following the use or yielding back of the time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. CONRAD. Mr. President, reserving right to object, I would like 3 minutes before final passage of this bill.

Mr. STEVENS. I am pleased to add that addition to my request. I am pleased to modify the request so the Senator's request is complied with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I was talking to someone here. The Senator wants 3 minutes.

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes. Is there objection?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. STEVENS. Mr. President, I withdraw my unanimous consent request for the time being, and I ask unanimous consent that my right to be recognized to call up the report remain the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

OMNIBUS APPROPRIATIONS

Mr. CONRAD. Mr. President, it has been very interesting to me to review the budget document that is now before us that has the omnibus appropriations for 2003, which provides funding for all the discretionary programs and activities outside the Department of Defense.

For months last year, our Republican colleagues prevented completion of the remaining 2003 appropriations bills, arguing that that level for appropriations was too high and the President would not accept appropriations bills that exceeded $750.5 billion in total.

The President's veto threat persisted even with the Senate Appropriations Committee having voted out all 13 appropriations bills on unanimous 29-to-0 votes.

After delaying the 2003 appropriations process for 5 months, and forcing most of the Federal Government to operate under a series of continuing resolutions, our Republican colleagues have produced a bill that, when combined with the already enacted defense and military construction bills, exceeds the President's level by more than $12 billion.

Republicans provide total discretionary budget authority for 2003 of $762.7 billion, and highway obligational authority of $31.8 billion, for a total of $794.5 billion.

Last year, they railed against the Senate Budget Committee reported spending level of $797 billion.

My friends, that is a difference of three-tenths of 1 percent, a $2.5 billion difference. Five months of delay over a difference of three-tenths of 1 percent. Levels they said were fiscally irresponsible they have now adopted.

Most interesting—most interesting—when the bill was here on the floor, some of our colleagues on the other side ran up a debt meter on amendments offered by some Democrats that had a total cost over 10 years of $37 billion.

We are poised to vote now on their proposal which is $62 billion above what was offered on the floor at the time. So if they still have their debt meter chart, they had better get it out. And they ought to put another $25 billion on their tote board because they are running up the debt—and it is their spending. They are in charge, and all their talk about Democratic spending, and that that is the problem with fiscal responsibility, is shown for what it was. It was all talk.

The reason we are in the deficit ditch is the tax cuts that were unaffordable that they have put in place and the additional tax cuts this President is seeking that are going to drive us deep into deficit and debt.

Mr. President, the numbers do not lie. I have been waiting for this moment for 5 months, to see if the rhetoric matched the reality. And now we see. In just a few moments we are going to have a chance to vote, and then we are going to see who stands with their words, and who stands with their rhetoric, and who votes to spend the money.

This has been a very interesting year, but this is just the beginning. Because we are going to see, in the coming months, who is serious about fiscal responsibility, who is serious about having budgets that add up, who is serious about paying down debt, who is serious about exploding deficits and debt—right on the eve of the retirement of the baby boom generation. I hope very much that the rhetoric matches the reality because we have not seen that in the last 5 months.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I rise to address the issue of our fiscal year 2003 omnibus appropriations conference report.

Let me begin by, first of all, commending Senator STEVENS and Senator BYRD. Conferencing these bills is no easy task. Each of us has pieces of these bills that we care about deeply. And the Chair and Ranking Member have the awesome responsibility of trying to pull all of this together.

Although I am disappointed by many parts of the conference report, I also want to begin by paying tribute to the chairman and the ranking member and their staffs for the tremendous effort they put into this bill and to try to accommodate the many requests they received and the tremendous demands made of them.

Certainly, in many respects this bill is an improvement over the budget that was submitted to us by the President. Unfortunately, that is not a very high standard, by this Senator's calculation.

The standard that we must meet in each year's appropriations is to address the needs of the American people. Unfortunately, this bill neither reflects the priorities of the American people, nor does it do nearly enough to address our national needs.

I will begin by discussing education. There are many other parts to this bill, but education is a particular priority and source of debate and contention for the American public. Regardless of where you live, any constituency will tell you that one of their major concerns is the quality of our public education at the elementary, secondary, and higher education levels. It is critically important when you consider how significant this is to the American public that this bill should reflect to the greatest extent possible the interests of the American people in improving the quality of education.

I thank the committee for something they did in the bill on education, instead of just sounding like a critic on everything. We exempted under this bill, thanks to the leadership of Senator STEVENS and others, Head Start from the across-the-board cuts. I am grateful to them for that. That is going to make a difference to a lot of kids in the country who count on Head Start. I thank him and his staff for doing that for these young people. That would have lost somewhere around 12- to 22,000 kids, had we applied the across-the-board cut to the existing funds on Head Start. We serve thousands more than that, about 800,000, but 22,000 kids being dropped off the rolls of Head Start would have been a great tragedy. I thank them for that.

Again, I thank my colleague from Alaska on special education. He managed to work out a way with me, at least coming out of this Chamber, to put an additional $1.5 billion into special education, which would have been a major step forward. It would not have gotten us to the 40 percent that ultimately we will have to reach, but it would have taken us a substantial part of the way down that road.

The Senator from Alaska can't win every battle, but I would be remiss if I

did not report to my colleagues that in this conference report, instead of coming back with that $1.5 billion, we are coming back with $400 million. We lost $1.1 billion when the House and the conferees from this body met to work out the differences.

This is such a priority. I don't care where you go in the country. For every county, every community, this is a major issue. It is a major fiscal responsibility. Local governments don't get to do the things we do at the national level or the State level. They have to meet these responsibilities. We have mandated it; we have required it. So whether you live in the great State of Colorado, as the Presiding Officer does, or the State of Connecticut, I will guarantee you, if you were to ask local people what are some of the priorities you have, this is one that would always come up.

I am very disappointed, despite the efforts of Senator STEVENS and others, that apparently the House leadership did not see the wisdom of maintaining the $1.5 billion. They cut it by $1.1 billion so we get a $400 million increase over the President's budget. You could argue that is certainly an improvement but still far short of what I had hoped we would be able to do.

I wish to address the issue of title I. That was a source of lengthy debate in this Chamber during consideration of the legislation. Senator KENNEDY of Massachusetts offered an amendment to try to make up the shortfall between what the President's budget submitted on title I funding and what would have been needed in order to meet the promise the President and the Congress made last year when the President signed the No Child Left Behind Act. How many times have you heard people talk about this bill, the importance of title I, getting resources to these children and their families, those who are in the poorest conditions in both rural and urban communities?

We all signed on to the bill, which, by the way, if you are troubled by special education because of a mandate from the Federal Government, brace yourselves because the No Child Left Behind Act has significant mandates in it. We require localities to do many things under title I. It is going to be costly to do them, including mandatory testing. But instead of providing the resources in the first year of this new Elementary and Secondary Education Act, the President actually came back and sought to reduce the funding dedicated to meet those commitments.

The difference in the conference report between the promise and the reality is $4.25 billion rather than $4.65 billion. So coming back from conference the disparity is not quite as bad as it was, but the fact is, $4.3 billion was still missing for title I. I am terribly saddened by that.

I know how hard the conferees have to work, but you can't mandate things on local governments and not be willing to come up with the resources. If you are going to vote as we did overwhelmingly for the No Child Left Behind Act and then within the same calendar year refuse to provide funding for it, well, you get some sense of why there is so much outrage at the local level. You are seeing it in special education. Now you will see it in title I. That is regrettable. But, again, I thank the Members for their efforts and what they have done in this area.

Lastly, on higher education, when the bill left the Senate, it had increased Pell grants by $100 a student. Since the purchasing power of Pell grants has been cut in half since 1975 and in most cases the average student loan indebtedness has tripled since 1987, I didn't think that was nearly enough. Our Republican colleagues defeated an amendment to increase the grant by $400, but we sent over at least $100. Now it is coming back with an increase of $50. I don't need to tell you wherever you go, whether it is special education, title I, or college education, the idea that a $50 increase in a Pell grant is going to make much of a difference for these low-to-moderate income families who are trying to meet the cost of higher education, just doesn't make sense.

Again, I understand that conferees must establish priorities. But I am deeply saddened that we couldn't do better and hold at least to the $100 that we had in the Senate bill and try to at least relieve a small amount of that additional burden that these families are going to face.

Just to put this all in perspective, I know there is divided opinion on these issues, but these are about priorities. The President has placed a very high priority obviously on the $674 billion tax cut; $320 billion of which will go to the wealthiest 5 percent of Americans. Think of that. Here you have a tax cut for the top 5 percent that is going to be some 75 times larger than the cost of meeting the promise to low-income schools, and apparently the President values that tax cut about 230 times more than increasing Pell grants for low-income students by $400.

Those are choices. I understand people make them. But the American public has a right to know that when the choice came to doing something about Pell grants for struggling families, working families, doing something about special education needs for our local communities, or doing something about title I funds which are critically important to improve the quality of education at the elementary school level, we made the choice to provide tax cuts for the wealthiest Americans.

I represent the most affluent State in te country. I probably have a larger percentage of constituents who would benefit from this tax cut proposal than most other States. Yet I can tell you, there are very few who believe these kinds of priorities are their priorities. Most of them, in fact, based on what I have heard from them, believe we should be making these critical investments in the quality of education in our country—special education, title I funding, and Pell grants.

I am glad the conference report retained the language from my amendment approved on the Senate floor to exempt Head Start from any across the board cut contained in the bill. Head Start reaches only 60 percent of eligible 3- and 4-year-olds and only 3 percent of eligible infants and toddlers. The conference report provides a modest increase for Head Start that will barely cover inflation. While it is good that Head Start was not subject to an across the board cut and was allowed a modest increase, we should be fully funding the program. If we truly want to leave no child behind, then we need to ensure that every child starts school ready to learn. This would have been a good opportunity to expand Head Start, but instead, we are just holding it harmless. That's not good enough.

And, while the omnibus legislation continues to provide funding for a range of programs critical to the public health of our Nation, it falls far short of meeting the true healthcare needs of American citizens. When this bill was before the Senate, I was pleased to support amendments offered by Senator MURRAY and MIKULSKI that were adopted and will support care for the uninsured and nurse training. I am pleased that the conference agreement supports lifesaving research conducted by the National Institutes of Health and removes a scheduled reimbursement reduction for physicians that treat elderly Medicare beneficiaries. However, I am disappointed that this agreement fails to sufficiently broaden further many of the health provisions contained within the original bill. Amendments regrettably rejected by the Senate during consideration of this measure include an amendment offered by Senator KENNEDY that would have provided more than $500 million to public health programs that serve minority communities and an amendment offered by Senator CLINTON that would have bolstered funding to Medicare providers service elderly Americans by more than $4 billion.

Because more than 130 million Americans continue to breathe unhealthy air, I believe the President's proposal to eliminate protections that control pollution from powerplants and other industries is unwise. I supported Senator EDWARDS' amendment during Senate debate called for an independent, scientific analysis of the regulations before they go into effect. Unfortunately, this amendment was defeated. Language was added in conference to allow more logging for commercial purposes and prevent legal challenges to the 1997 Tongass forest management plan.

Further, at a time when energy markets are so volatile, when heating oil inventories in the Northeast are 35 percent below the 10-year average, when crude oil is at $35 per barrel, and when

the Northeast is experiencing an unusually cold winter, this bill cuts funding for the Northeast Heating Oil Reserve from $8 million to $6 million.

Under the cuts imposed by the administration and the majority here in Congress, the Department of Housing and Urban Development will provide housing services to fewer families and communities will suffer. These cuts come on top of HUD's recently announced plans to cut its operating support for public housing authorities by as much as 30 percent. In letters to the Secretary of Housing and Urban Development, I have urged the administration to work with Congress to meet the Nation's housing priorities. Unfortunately, this appropriations bill is simply not adequate.

I am also disappointed that this legislation cuts funding for the Federal FIRE grant initiative from $900 million in the previously approved Senate bill to $750 million in this final bill. FIRE grants provide local firefighters with absolutely essential equipment and training. I firmly believe the FIRE grant program should have been fully funded. Now more than ever, the Federal Government should be striving to be an effective partner with cities and towns across the country.

Unfortunately, this final bill reduced funding not only for the FIRE grants, but for a myriad of other homeland security activities. In total, this final omnibus bill cuts nearly $4.5 billion in homeland security spending from the fiscal year 2003 bills written by the Senate Appropriations Committee last year. Homeland security spending was cut in order to stay within the President's spending limits—limits that were imposed not because domestic spending is out of control, but because we have cut tax revenue irresponsibly. At a time when the Federal Government is running record deficits, we are being asked to economize on the safety of local law enforcement, firefighters, emergency medical technicians, and the public.

This bill also fails to provide adequate funding to help state and local governments improve their election and balloting systems. The conference report provides $1.5 billion for election and balloting modernization. This is a significant first step, but it is substantially below the amount authorized in the Help America Vote Act. I am concerned that state and local governments will not have the resources they need to prepare for the upcoming election and ensure that we do not have a repeat of the 2000 Presidential election fiasco. I am hopeful that we will find the additional resources necessary to make sure that every vote is accurately counted. I hope we will find the additional resources at the earliest opportunity.

In the end, I believe this bill reflects a very troubling attitude that seems to be taking hold here in Washington, which is to talk about helping working families, improving healthcare and education, keeping our homeland safe, and other priorities, but not to do enough follow-through. The American people deserve better than that.

Again, I thank my colleague from Alaska. He fought hard on some of these issues. Unfortunately, we were not able to prevail as successfully as I hoped we could. But, I thank him publicly for his efforts, and I regret deeply we could not have held onto the Senate provisions during the conference negotiations.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator from Connecticut for his nice comments. I can only say I regret deeply that I will not have the privilege he will have tonight, to go home to that beautiful young child. We know he protects children because of his great interest in children at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent to proceed, according to the previous order, to the consideration of conference report to accompany H.J. Res. 2, that it be considered under the following limitation: 15 minutes under the control of Senator BOXER, 20 minutes between the chairman and ranking member of the Appropriations Committee; further, I ask that following the yielding back or use of the time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I withdraw the request.

Mr. REID. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. Yes.

Mr. REID. Would the Senator allow the Senator from California to proceed with her part of the evening's debate?

Mr. STEVENS. Certainly.

Mrs. BOXER. I will be ready in a moment.

Mr. STEVENS. Is there some limitation?

Mr. REID. She is going to speak as I have indicated to the Senator.

Mr. STEVENS. 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. 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, I ask unanimous consent to reiterate the request of the Senator from Alaska, absent the last paragraph, and Senator BOXER be recognized for up to 15 minutes.

Mr. STEVENS. That is all?

Mr. REID. Yes.

Mr. STEVENS. Mr. President, I am not ready to lay down the bill. I have no objection to the Senator having 15 minutes, as the rest of us have, in terms of morning business.

The PRESIDING OFFICER. The Chair understands the Senator from California is to be recognized for 15 minutes and that is the only request.

Mr. STEVENS. That's correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

NATIONAL FORESTS

Mrs. BOXER. I thank the Senator from Alaska. I also thank my friend from Nevada for the time.

Mr. President, normally I have fancy charts. I have not had time to develop those because we just saw some of the riders of the bill.

I take the floor to make the point that I have many problems with this bill in the area of homeland security—as we are told to take duct tape and plastic and get ready for a chemical or biological attack. God forbid. We have shorted homeland security in this bill. We have shorted port security as it relates to inspecting containers at the ports. We have shorted border security, firefighter grants, community policing grants; and in education, we are leaving many children behind. That breaks a promise to them.

To me, this bill is wanting in many ways. In the area of the environment, which I will talk about, brownfield cleanups have been reduced, and the meaning of organic meat has been turned on its head.

It breaks my heart to tell the Senate tonight that I think America's forests are under major attack. It is unbelievable to me that without any debate or discussion, a pilot program has been expanded massively and, in my opinion, it is going to lead to the ruination of our national forests—our forests that belong to the American people. The program I am talking about is called the Forest Stewardship Program, which started 3 years ago. The idea was to allow limited logging on national forest land for the purpose of maintaining healthy forests in accordance with the forest management plan. Now, as I said, this program has been massively extended.

Let me tell you why I think this stewardship project that is in the bill is an attack on American values. I know the hour is late and I do not intend to take a lot of time tonight. But when riders are placed into a bill as massive as this, I can tell you, when the American people wake up in the morning and learn they are going to lose a lot of the old growth trees in this beautiful land of ours, they are not going to be happy.

I think America's forests belong to the people and I don't like to see a giveaway of taxpayer property. I don't like to see an open invitation to destroy our forests. I don't like to see no limits at all on old growth trees. Timber companies will now pick the trees they want, with no veto from the Forest Service on these projects. This also applies to BLM lands. We could see 70 million acres of national forest land open to logging here. That would also include 10 million acres in my home State of California and millions and millions of acres of BLM land.

In my opinion, the very purpose of this rider is it tries to overrule forest land management plans. I argue that the forest land management plans take precedence. But I can assure you, they are going to start these projects. I only hope, since the only way this could be stopped is in court, that it will be stopped in court. There are limits on public participation in these projects.

Let me show you what they did in the dead of night, if I might say, without anyone watching, without any debate, without any discussion, without any public participation. I don't know that anybody can read this chart, but I am going to go through it.

Under current law, we see that 70 million of 191 million acres of national forests and grasslands are affected.

Under this omnibus bill, we would see the same number of acres affected, plus 200 million acres of 260 million acres of BLM land. We are talking about massive amounts of land.

The number of projects now under the Stewardship Program number 28 projects a year. Now there is no limit, no limit at all.

Who is in charge of the projects? Now under the Stewardship Program, it is the Forest Service. They come in and they will tell a private sector commercial logger: This is what you can cut, but do not cut this tree down and do not cut that tree down because they may be old growth, or whatever, for whatever reason. Now we give it away to the timber companies.

We are seeing in the red the differences between the current projects where they were limited to 28 projects a year to no limit.

Let me say to my friends in California who may be watching this debate tonight, 10 million of our 20 million acres of national forests that we love in our State could be under the ax here. I hope you wake up to this because this was done in the dead of night.

There are, under current law, many reasons we allow logging on these 28 projects a year: soil productivity, watershed restoration. There are many reasons why today in these pilot projects you can log. It is very carefully controlled. Mostly it is to reduce fire hazards, promote healthy forest standards, road and trail maintenance, grading a road to maintain a camp site. These are all allowable in this small number of pilot projects. This is what has been added.

Now after the Forest Service turns over this particular part of the forest to a commercial logger, they can actually log for commercial purposes, such as providing wood to lumber mills.

Let me explain this. Where we had a project before that was aimed at keeping the forest healthy, it has been turned on its head, and now it says we are going to turn it over to the commercial loggers. The Forest Service cannot even have any say in it. It is completely up to the commercial loggers what trees they will cut down. Building a new road is allowed, not just maintaining a road.

I am stunned, frankly, that this could happen in a conference without one word of debate. This is a shock to anyone in this country who believes the national forests belong to the people of our country because this is—and I will put this back again to say in summary how I feel about it—this is an attack on American values. We all know that our precious environment is just that. We see a giveaway of taxpayer property. Not one slim dime will come into the Treasury; not one slim dime.

We have an open invitation to destroy our forests without getting anything back for it. There are no limits on old-growth forest logging. Timber companies will pick the trees they want with no veto from the Forest Service, a complete change from what we have had before. We could impact 70 million acres of national forest lands, including 10 million acres in my home State of California and millions of acres of BLM land.

This is clearly an attempt—I underscore—an attempt to overrule forest land management plans, an attempt I hope will not succeed.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. I would like to ask the Senator a question. I have only been in the Senate 6 years. She has been here slightly longer. Isn't it curious some of the worst environmental provisions are included in the appropriations bill at the last minute without any hearing, without any review? One would think that the people who were supporting this—the timber industry and those who support these provisions—would not be so afraid of their positions that they have to put them in a stealthy situation where, frankly, it is a ''take it or leave it'' bill, a ''take it or leave it'' 2,000-page bill that includes this rider.

If I understand what the Senator has said, this provision, so-called stewardship contract, could open more than 70 million acres of national forest currently owned by the taxpayers of America to logging by private companies, and that until this time, we only allowed them to test this in 28 different projects, and only 10 of those projects have actually been activated and tested. So it is an untested theory which the logging industry, the timber industry has now tried to capitalize on with this anti-environment rider to open up more than 70 million acres to logging; is that the situation?

Mrs. BOXER. I say to my friend, he is right, but there is more. For the first time they have now opened up BLM land as well; that is, 200 million acres of the Nation's 260 million acres of BLM land is also opened, and we are talking about no limit on the number of projects.

Under the current law, it is 28 projects a year. It is extraordinary. Who is in charge? As my friend points out, the timber companies.

Mr. DURBIN. If I may ask my friend from California, I am sure she has read this, but the Los Angeles Times editorial said it best today:

> Since the days of Teddy Roosevelt, Forest Service responsibility has been to manage the forests on behalf of all Americans, not to make sure the lumber mills grind out as many board feet as the world wants to buy.

That is from the L.A. Times editorial today.

It seems from what I can gather that many who support this provision believe these national treasures, these national forests are there for the exploitation of private companies rather than the legacy which we owe to our children and future generations.

To allow these companies to come in and run roughshod over millions of acres of America's national forest land for their own profit and to do this at the last minute in an anti-environment rider strikes me as a harsh commentary on the values that this Senate is putting in this bill for the appropriations process.

I salute the Senator from California. Thank you for having the political courage to stand up and make a point about an issue that really is going to have an impact on America for generations to come.

Mrs. BOXER. I thank my friend very much. I know my time is running short. There is nothing I can do here except take a few minutes to call this to the attention of my colleagues and the American people because, as my colleague knows, we cannot amend this report. It is up or down. This is what makes it so egregious to me.

I am ready to go to battle toe to toe any day on this issue, and I am sure my colleagues would give me a fight on it. We would have a vote and take our lumps if we lost and be very happy if we won.

We have a situation where taxpayer property is being given away without 1

cent back to the Treasury. Here we have a situation where, instead of the Forest Service saying, OK, you can cut down a few of these trees, we need it for certain public purposes, they are out of the game. They give it to the logger, and the logger decides what tree to cut down.

I think this is a stunning reversal of a program that started out to be one that was in the public interest.

In closing, I will give you one last example.

Under this new rule—and, again, I apologize for the crudeness of these charts, but we did not know about this until a few hours ago. It is now a stewardship goal, if the Forest Service so states, to provide wood to lumber mills. That becomes a forest stewardship goal. It is unreal.

Our people think we are protecting our forests, but our new goal is to invite the loggers in, with no limits on these projects. I am distraught and disturbed about this. I only hope that the courts will do what they have done in the past and say this is in violation of the forest plans. Maybe they will save us from ourselves. This is miserable.

I wish I could offer an amendment to strip this out. I am prohibited from doing it, but I will bring this back to my colleagues at a time when we have more opportunity to discuss it in detail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—CONFERENCE REPORT

Mr. STEVENS. I ask unanimous consent that the Senate proceed to consider the conference report to accompany H.J. Res. 2 under the previous agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, having met have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of February 13, 2003.)

Mr. STEVENS. Mr. President, this is probably a historic occasion because we are presenting to the Senate—as my colleague, Chairman BILL YOUNG, presented to the House—11 appropriations bills in one omnibus bill, a bill that covers the balance of this fiscal year, fiscal year 2003.

We are in this position because of considerations of the last Congress. I will not take the time of the Senate to try to discuss why we did not pass those bills last year, but when we commenced this year and I became chairman of the Appropriations Committee once again, it was my determination that we should proceed with those bills and make sure we had them completed and to the President for his signature before we were forced to enter into the budget process for fiscal year 2004.

It was a very difficult process. I want to thank my good friend and Chairman BILL YOUNG in the House, who did as we requested to get the Senate to adopt two continuing resolutions. One we passed and it has extended the time for consideration of these bills. That time will expire on February 20. We will soon get another continuing resolution to take us over to, I believe, February 24, so the President will have a chance to review these bills before he must sign them. I do believe the President will sign this bill when it is received by him.

It was early this morning that the conference report on H.J. Res. 2 was filed in the House. I was discussing with other Members of Congress as early as 2 a.m. this morning some of the provisions of this bill. It is a very controversial bill, I know. There are many portions of this bill that if I were alone and had the sole right to write the bill, I would not incorporate in this bill. This bill includes 11 separate appropriations bills. The conference report includes 16 divisions. It is a long bill.

I see my friend from Arizona in the Chamber. I acknowledge it is a very difficult bill to go through in a very short period of time. I appreciate the consideration he and his staff are giving to the bill, as he usually gives to our appropriations bills.

I see my colleague from West Virginia is in the Chamber, and when he is ready we will ask that the Senate turn to the consideration of the bill. I want to talk about some of the background of the bill before we begin making statements on the bill and what is in it.

This has been a very difficult process for all of us. I want to say to the Senate that following the election, I outlined to our staff, and our staff director Steve Cortese, a process I hoped we would follow to get these bills passed. The Senate Appropriations Committee staff has been working on these 11 separate bills since the end of the year. We have had bipartisan cooperation. The process we followed in the Senate was that we had 11 teams. They were made up of the 11 subcommittees that would have handled the bills had they been handled individually. These bills were primarily the result of the interaction of the staff director of each of those subcommittees with the staff and the membership of the subcommittee.

We took the product of those 11 teams and put them together into the omnibus amendment I offered to H.J. Res. 2, the one that was brought before the Senate. I might add that in addition, the conference report contains $10 billion in addition to the funds for the Department of Defense and intelligence community for the global war on terrorism. These were added to the bill. This was a reserve that was set aside by my great friend from West Virginia when he was chairman, a reserve for Defense pursuant to the request of the President as he presented the budget for the fiscal year 2003.

It would be my intention to ask the Senate to proceed with statements pertaining to H.J. Res. 2 before it is actually received, before we go on the bill. I hope that meets with everyone's approval. Right now it is a matter of discussing the various provisions of the bill.

There are several other legislative initiatives in the bill. They include $3.1 billion for drought and other agricultural disasters. These funds are offset by reductions in mandatory programs. Medicare and the TANF short-term extensions would give the Finance Committee time to address their matters in a reconciliation bill later this year. There is a .65 percent across-the-board cut to all discretionary accounts in this bill to assure that the total remains within the top line that was agreed to by myself, House Chairman BILL YOUNG, and the President. That is a an arbitrary line, I will admit, but in order to get the bill signed, if we joined them together, it was my judgment we could not risk a final veto from the President of the United States after working so hard to put them all through in one package. So we have worked as closely as possible with all concerned to try and make certain that the bills will be in a form the President could sign it.

I have to admit I am sure he will be as disturbed about some of the provisions as I am myself, but I do believe all in all the bill is one the President should be able to sign because we have kept the agreement. We have stayed within the line of the requests made by the President of the United States for funds for fiscal year 2003.

I will take a moment to address the total spending levels in the bill. Last November, Chairman BILL YOUNG and I met with the President to discuss how we might complete the work on these fiscal year 2003 bills. At that time, the President asked that we would hold to the total provided in his budget request, as amended by him. We asked that funds needed for the western firefighting be added to that total to address that emergency. We also agreed at that time there would be no emergency money per se—no amounts added to the bill above the President's request. The President agreed to our request that he would send in a supplemental request for the monies needed for the western fires.

In addition, we discussed the need to fund the election reform bill enacted

by the last Congress and respond to the severe drought facing Midwestern and Western States.

To accommodate all these competing pressures, the bill I presented to the Senate in the form of an amendment to the second continuing resolution sent to the House included a 1.6 percent across-the-board cut to ensure the total spending did not exceed the new total we then faced, which was $751.325 billion.

During consideration by the Senate, amendments were adopted that necessitated increasing that across-the-board cut to 2.85 percent of the total of the bill. That level could not be sustained, and it became a driving factor in our conference with the House and with the administration. We understood that as we went to conference. We took those across-the-board cuts so in conference we could discuss all the programs with the House and with the administration and work out an acceptable compromise.

The challenge facing the conferees was to integrate all the priorities of both the Houses and the administration within the top line of the total requested by the President of the United States. Each of the subcommittee chairmen and ranking members managed to negotiate to resolve their portion of the bill. In other words, as they got to conference, the 11 teams were still involved with working primarily with their portion of this bill. Both the House and the Senate worked to accommodate a set of allocations that would ensure we stay within our fiscal goals.

By allocations, I mean the amount of money available to each subcommittee for the portion of this bill and the portion of the budget that pertained to matters under their jurisdiction.

During the course of these negotiations, we turned on several occasions to the Vice President for his counsel, consideration, and leadership in bridging the gaps between the Congress and the administration. This has been one of the most interesting periods of my life as a Senator, being able to work this closely with the Vice President, who undertook, despite the problems facing the Nation, to give us his attention whenever I called and whatever time I called. In every case, the Vice President worked hard with us to find solutions to the problems that beset this conference.

The conference report, based on the give and take between the House and the Senate, between the Congress and the White House, meets the fiscal targets agreed to by both the House and the Senate. Discretionary spending for fiscal year 2003 will be a total now of $762.713 billion. That total reflects our original base of $751.325 billion, in addition to $1.5 billion for election reform, which the President endorsed over the base request, and the $10 billion for the defense reserve.

The White House also accepted $2.241 billion in advance appropriations for the 2004 education programs, which was an initiative we began on the floor as we tried to increase the moneys allocated to education under the President's No Child Left Behind education program.

In short, we set a target which was the total amount requested by the administration. We met the target and we bring this bill to the Senate, reflecting the priorities of the administration, the House, and the Senate. A great deal of hard work went into this final agreement, with all parties making compromises—and, I must say, sacrifices—to get the job done.

On my own account, as I mentioned earlier today, I was disappointed that a more complete resolution of the Alaska timber problem could not be included in this bill. There have been comments made about my trying to add something behind the scenes and some sort of dark way of moving an amendment that should not have been considered by the conference. There was a provision in this bill as it went to conference dealing with the Tongass Forest in Alaska. We tried to resolve the total dispute over that forest. That has not been possible. As I said this afternoon, I will address the Senate again and again and again until it is resolved.

At the conference meeting, I was compelled to ask Senator BOND to withhold a more comprehensive proposal on the Missouri River, a goal he has sought, and sought very hard, and on which he has worked very hard. I know it was a very difficult thing for my great friend from Missouri.

The House advocated language on coal company compensation that the Senate could not agree to. The House also accepted compromises on Amtrak from the positions advocated by the subcommittee chairman.

The toughest portion to resolve was the drought relief package. I am deeply grateful to the efforts and leadership of Senator COCHRAN in resolving this matter and meeting the needs of those farmers devastated by recent droughts. His joint role as chairman of the agriculture subcommittee and the authorizing committee made him a pivotal figure in this process and brought before the Senate a proposal which I hope will be acceptable to all involved in farm matters.

I know many others wish to speak at this conference report, and I will reserve any time that might be allocated to me. I thank the distinguished ranking member and our former chairman of the Appropriations Committee, Senator BYRD, for his partnership and assistance in preparing this bill for the Senate. I know he did not agree with the process. I know he wished we had more time to deal with these individuals bills. But without the work undertaken by Senator BYRD in the committee, reporting all the 13 bills last year, we could not have completed our work under the timetable we faced. It was because of the work he led last year that gave us the ability to deal with 11 different bills that had a prior approval by the Senate and past Congress and gave a jumping off point to play catchup with this process.

I have the deepest respect for the House chairman, Congressman YOUNG, and the ranking member, Congressman OBEY. Their constructive approach and determination to finish the work, these 2003 bills, were vital to the conclusion of this conference.

It is with a great deal of humbleness that I come before the Senate and ask the Senate to approve this conference report because I know it is a difficult process. We will approve the largest appropriations bill in the history of the United States because there are 11 together in one package. It is very difficult. There will be portions of this bill with which some people disagree; they could disagree with 1 and love the other 10.

But the process here is such that if we are to do our work for the remainder of this year, if we are going to be able to address the year 2004 appropriations bills, if we are going to be prepared to deal with the possibility of a supplemental for our men and women in uniform who are being deployed throughout the world, if we are going to be able to be partners with the administration in dealing with the crises that face this country in Iraq and Korea, we have to clear this deck.

We have to make up our mind to vote for this bill. I urge every Member to search his or her soul about this process. It is not a perfect process. It is absolutely not perfect. This bill is certainly far from perfect, but it is the best we can do under the circumstances that face us. There are many people here disappointed, as I am, about provisions that affect their own personal State. All I can say is, there will be another day and perhaps we can address some of those provisions on an individual basis as the year goes by.

I deeply thank the staff of the Appropriations Committee on a bipartisan basis. I will later ask to put all their names in the RECORD because every one of them has been involved. My staff director sent me an e-mail last night at 2:45. I am surprised he thought I was still awake to get it—but I was. But the real problem is this has been a product of hard labor. I hope the Senate realizes that as we proceed tonight.

It is my deep hope that we will vote on this bill tonight because it will add 1 more day to the time that the President has to review the bill. It will take at least 2 days, maybe 3 days, for the enrolling process of this bill to take place. In all probability the President cannot receive this bill, if we pass it tonight, until Monday night or Tuesday of next week. He is entitled the time to review this; all of the staff have to review this before he will sign it.

Having been part of the administration one time, I know what they call the ''enrolled bill process'' in the administration. Each department gets its

time to review a bill passed by the Congress and present their recommendations to the Office of Management and Budget to be put together and given to the President for his consideration before he will sign a bill. That process must have time. We should accord the President of the United States the respect due his office, to give him time to review this bill. I regret deeply I did not get more time for my friend from Arizona to review the bill.

As the years have gone by, we have come to appreciate each other more in terms of the roles we play in this process. The Senator from Arizona is the watchdog of the Treasury as far as this process is concerned. I admire and respect that as far as the Senator is concerned, and I look forward to comments he will make tonight.

Mr. MCCAIN. I see the Senator from West Virginia. I appreciate the indulgence of the Senator from West Virginia. I will take just a minute.

I thank the Senator from Alaska for the hard work he and his staff have done. I also hope Members understand that we did not receive this bill until sometime late morning and it is, as the Senator from Alaska pointed out, the largest bill in the history of Congress. I see it sitting to his right. I think it is several thousand pages. I believe, in all candor, in order to review it, my staff would have to stay up all night.

I understand the urgency of voting tonight, but I hope the Senator will indulge me and my staff another hour and a half for us to get through at least a majority of the bill, and then I would be asking for an hour, but I will not use a complete hour to comment on the bill. That way, I hope it can accommodate Members so we could have a vote relatively early this evening.

We are not finished by a long shot reviewing the bill. It is the largest appropriation in the history of this country. At least in my mind, it deserves scrutiny and comment.

I thank the Senator from Alaska. I thank the Senator from West Virginia.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as the ranking member on the Committee on Appropriations, I thank my friend, the chairman of the Senate Appropriations Committee, TED STEVENS, and I also thank House Appropriations Committee Chairman BILL YOUNG as well as the ranking member of the House Appropriations Committee, Representative DAVID OBEY, for their hard work in bringing H.J. Res. 2, a joint resolution making consolidated appropriations for fiscal year 2003, to the floor. I thank all of the conferees on both sides of the aisle and in both Houses for their hard work on this legislation.

I join with my chairman in paying our respects to and thanking our staff people, on both sides of the aisle, who have worked long hours for long weeks and for long months on this bill. We are now over 4 months into the fiscal year and the domestic agencies of our Government have had to operate under eight continuing resolutions. Unfortunately, the House of Representatives has not passed a regular appropriations bill since July—since July of last year. That is over 29 weeks without sending a regular appropriations bill to the Senate for consideration.

I have been in these premises for more than 50 years. I have never seen such a performance in this half century in which I served in this body and the other body. I have never seen such a dismal performance.

When Democrats were in the majority in the Senate, we produced 13 responsible bipartisan bills. I owed, always owed and sought to give due credit to my distinguished colleague, the Senator from Alaska, because he was always so helpful, so cooperative, always so courteous in his treatment toward me and I have always recognized that and always sought to assign due credit, proper credit to him and to his colleagues on that side of the aisle.

The President's budget for fiscal year 2003 was seriously deficient in a number of critical domestic programs such as homeland security, education, veterans medical care, highway construction, and Amtrak. In the bills that were approved in the Senate Appropriations Committee by unanimous votes last summer—the votes of every Republican and Democrat, all 29, 15 Democrats at that time and 14 Republicans, all 29 votes voted unanimously—we added about $11 billion or about 3 percent to the President's request to respond to these shortfalls.

Regrettably, the conference agreement that the House and Senate Republican leadership bring before us this evening cuts back domestic spending by nearly $8 billion, with cuts in homeland security, land conservation programs, Head Start, State and local law enforcement, water infrastructure grants, mass transit, the National Park Service, embassy security, and many other programs.

I am particularly troubled about the cuts in homeland security programs, given the increased threat level under which we are all now living. My colleagues, the security of this Nation is on thin ice. This administration has held back support for critical investments in homeland security, in police officers, in firefighters, in border, airport, and seaport security. As a result of this White House's intransigence, America is woefully unprepared to prevent or respond to another terrorist attack.

In this conference report, spending for our Nation's first responders has been cut by $1.6 billion from the levels approved by the Senate Appropriations Committee last summer. Funding has also been cut for border security by $182 million, embassy security by $42 million, and for hiring COPS on the beat by $130 million, enough to hire 1,360 police officers and other personnel.

The American people should know that if there is a chemical or biological attack in their neighborhood, the odds are that the police, the firemen, the medical personnel who will respond may not have either the equipment or the training necessary to help when that help is needed most.

For example, the National Fire Protection Association and FEMA estimate that only 13 percent of the fire departments around the country have fire personnel with the specialized training and equipment to handle chemical or biological attacks.

Why is America so vulnerable? Because this White House is hoping to protect the American people on a shoestring homeland security budget, held together with duct tape.

Since September 11, 2001, the President, with great fanfare, has signed legislation to authorize improvements in security at our airports, security at our ports, and on our borders. The President also announced a plan for State and local governments to vaccinate 10 million first responders for a potential smallpox attack. But the President has not funded that effort, nor has he requested money for it in his budget.

Time after time after time, the administration has talked about homeland security, but time after time after time the administration has failed to invest in homeland security.

Add it up. Add it up. The President turned his back to $2.5 billion in emergency homeland security funds last August. This past fall the President forced $1.5 billion in cuts to homeland security initiatives in the appropriations bills that unanimously passed the Senate Appropriations Committee last July. Just last month the administration opposed two homeland security funding amendments which I offered on this floor, one for $5 billion, another for $3 billion, and the administration labeled these funds as ''extraneous.''

Those are billions of dollars in homeland security protections that could be at work right now. Those are billions of dollars that could be in place today for new police and firefighter training, for expanded border security, for vaccines against smallpox. Those are billions of dollars that could be helping to protect American lives today. But time after time after time after time, this administration said no, calling those homeland security funds ''extraneous'' and ''wasteful.''

Now, when the President signs the omnibus bill, the administration will proclaim with great fanfare that it held a hard line on Federal spending. I hope that the White House hard line will not result in Americans becoming hard targets for terrorists.

No longer can we nickel-and-dime our first responders. These firemen and police officers and emergency medical teams simply cannot do the job we expect them to do, and that the American people expect them to do, without enough financial support from the Federal Government.

We should not accept the alarming deficiencies in our seaport security—an area that many experts have identified as perhaps the Nation's single greatest vulnerability. We should not accept the fact that first responders and local doctors and nurses do not have sufficient training and equipment to handle wide-ranging threats involving madmen who may have gotten their hands on weapons of mass destruction. With these looming gaps, what is the administration's great homeland security plan?

What will protect the American people? Will it be duct tape, plastic sheeting, and a new federal bureaucracy? We did not create a new Department of Homeland Security just to be told to buy duct tape and plastic.

When it comes to fighting overseas, this Administration's attitude is to spare no expense. In fact, the Vice President interceded personally over the weekend to include billions of new dollars for Defense Department efforts in this omnibus bill. That is all well and good. But when it comes to fighting the war here at home, this administration relies on duct tape and plastic.

We are in new and dangerous times. No threat can be ignored. The men and women who send us here demand that we protect them. The fathers and mothers who send their children to school each morning expect us to invest their hard-earned dollars to keep their little ones safe. That is a solemn duty. It is a basic and sacred duty. When the people ask for our best efforts to protect them from madmen, we must not respond with duct tape.

Chairman Stevens and House Appropriations Committee Chairman Young did all they could to produce an omnibus bill that meets the needs of the American people within the low spending level imposed by the administration.

I believe that the most damaging result of the 2003 appropriations process for the Nation and for our States would be for our domestic agencies to be forced to operate under a continuing resolution for the entire fiscal year. Such a full year continuing resolution would reduce domestic spending by up to another $14 billion below the levels in the omnibus.

Chairman STEVENS of the Senate Appropriations Committee, Chairman BILL YOUNG of the House Appropriations Committee, and Mr. OBEY, my counterpart on the House side, did everything they could to avoid operating their Government on a continuing resolution that would go to the end of the fiscal year.

Therefore, I am going to support passage of this legislation. However, I must raise a concern about how this legislation was produced. Over the past several weeks, the Appropriations Committee has worked to craft a conference report to include the eleven spending bills for fiscal year 2003 that were not concluded during the 107th Congress. The Appropriations Committee takes great pride in the bipartisan approach we have maintained over the years to produce bills to fund this nation's necessary programs. The bipartisan spirit of this Committee enables us to carefully balance the needs of all Americans and to successfully craft bills that, with few exceptions, are signed into law.

We all recognize the unusual circumstances surrounding passage of most of the fiscal year 2003 appropriations bills. Still, I am pleased to report that the general rule of bipartisan cooperation among the members and staff of this Committee has continued to prevail and, thereby, we have before us now a conference report that strives to provide fair treatment for all Senators, at least in terms of the regular 2003 appropriations provisions.

However, notwithstanding the bipartisanship exhibited at the subcommittee level, there have been some serious problems encountered in the formulation of the conference agreement on the omnibus appropriations legislation.

Today's headline in The Washington Post reads, ''GOP Wraps Up Spending Package.'' There is some truth to that statement. Behind closed doors, the Senate Majority Leader, the Speaker of the House of Representatives, and the Chairmen of the House and Senate Appropriations Committees met and settled on a number of the big issues. Vice President Cheney provided the administration's views.

At these partisan meetings, decisions were made on such issues as the overall top line total of the omnibus appropriations legislation, the size of the across-the-board cut, the matter of environmental riders and the substance of the $3.1 billion drought package, along with the offsets from the previously enacted farm bill that were included at the insistence of the White House. These farm bill offsets because necessary when the White House refused to raise the top line by $3.1 billion to accommodate the mandatory spending in the drought package.

More specifically, Division N of omnibus legislation includes a title to provide disaster assistance for farmers and ranchers due to drought and related conditions. This item was included in the bill passed by the Senate in January. However, when this bill went to conference, this item was not made part of the normal bipartisan conference process. In fact, no appropriations subcommittee was even involved in the conference negotiation on disaster assistance. Rather, it seems, the entire negotiation was conducted by the majority authorization committees, and no discussions with minority appropriations or authorization committee staff ever occurred until the final product was presented to the Appropriations Committee just as the finishing touches to the overall omnibus appropriations legislation were being made.

In summary, with no Democrats in the room, the House and Senate Republican leadership designed a program that assessed the $3.1 billion offset against a farm program which one of our colleagues had labored for 5 years to get enacted. The House and Senate Republican leadership chose to cut domestic programs by nearly $8 billion from the bi-partisan bills approved by the Appropriations Committee last summer. There also was no discussion of the decision to include an arbitrary across-the-board cut on domestic programs.

The package was approved by the House and Senate Republican leadership and given to the Appropriations Committees to be laid into the omnibus legislation. The conferees never met to approve the final conference report.

This is no way to develop legislation. When minority Senators are excluded from discussions, it has the effect of disenfranchising the millions of American citizens who are represented by those Senators like myself.

There is not much we can do about this problem now. We are faced with the alternative of operating on a continuing resolution for the rest of the year—which I don't want to do, which Chairman STEVENS, Chairman YOUNG, and Mr. OBEY have labored valiantly to avoid—which would have the effect of reducing domestic spending by up to another $14 billion below the levels in the omnibus legislation.

It is my hope that in the future there will be a resumption of full bipartisan cooperation for all items that are included in any appropriations bill. If members want to add items to an appropriations bill that are the product of an authorization committee, that committee must adhere to the bipartisan standards of the Appropriations Committee. If they choose not to do so, I strongly suggest that they find a legislative vehicle other than an appropriations bill on which to attach their measure.

Again, I thank the truly distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS, for his cooperation, for his many courtesies towards me and towards my colleagues on this side of the aisle, and for his friendship and the friendship of all members of the Appropriations Committee on both sides of the aisle.

I also thank the staff of the committee. I cannot find the words to adequately express my deep appreciation to the staff people on this committee. They work hard. They work long hours. They work long weeks. They work weekends and are away from their families. And they labor under very difficult conditions in order to help to bring to the chairman and the ranking member of the full committee a measure which can then be brought to the floor and voted on. These staff people performed admirably under tight deadlines, especially during the last 6 weeks.

I look forward to working with my colleague, Mr. STEVENS, on the fiscal

year 2004 appropriations process which will begin very soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I commend the distinguished Senator from West Virginia for an excellent statement and associate myself with his remarks. They were extremely well put.

Mr. BYRD. Mr. President, I thank my distinguished friend for his comments. And I thank him always for his statecraft, for his handiwork in the development of legislation on the floor, and for his courage and ability to stand up for what he believes.

Mr. WYDEN. Mr. President, I thank the distinguished Senator from West Virginia, who really is a role model for so many of us. I thank him.

Mr. President, I come to the floor today to discuss the provisions in the omnibus spending bill, adopted unanimously by the Senate earlier, that will protect the privacy and civil liberties of each and every law-abiding American citizen.

I am going to discuss this over the next few minutes. I see the distinguished chairman of the full committee, Senator STEVENS, in the Chamber. Before I begin my remarks, I wish to express my appreciation to the chairman of the Appropriations Committee. He and his staff have been so gracious and so kind with respect to this issue.

The program I am going to discuss, the Total Information Awareness Program, is the most far-reaching and most expansive program of surveillance ever proposed. Senator STEVENS and Senator INOUYE, in particular, with the help of Senator BYRD and Senator FEINSTEIN, and Senator GRASSLEY, colleagues on both sides of the aisle, worked very closely with me.

But we simply would not have this amendment in the legislation, it would not be bipartisan, if Senator STEVENS had not been working with us. Because he is in the Chamber, I particularly thank my colleague for all his help.

Mr. President, and colleagues, the amendment I am going to discuss tonight would prohibit spending for technology research and development in the Total Information Awareness Program, or TIA, unless the Department of Defense reports to the Congress on its plans for the technology.

The provision also establishes proper congressional oversight of this surveillance program by requiring explicit congressional approval for deployment of any Total Information Awareness technology that would be used to spy on U.S. citizens on U.S. soil.

The Defense Department itself has had a virtual database—and I will quote—that was described as ''a new kind of extremely large, omnimedia, virtually centralized and semantically rich information repository.'' In my mind, such a novel and broadly proposed program—a program that has fingers snaking into so many areas of Americans' lives—is a textbook case of a program that needs vigorous congressional oversight.

In recent days, the Department of Defense and the Defense Advanced Research Project Agency, or DARPA, have announced the formation of two oversight boards for the TIA Program—one within the Total Information Awareness Program and another Federal advisory board. In my view, this is a positive development. It indicates that they understand the growing concern of the American people about the Total Information Awareness Program.

But I am very pleased that Chairman STEVENS and the conferees shared my view, and that is that the establishment of these panels in no way reduces the need for congressional oversight of the Total Information Awareness Program. The conferees understood that these oversight boards, while useful, are not an argument for abdicating the responsibility of the Congress on this issue.

As I mentioned, this has been a bipartisan effort with Senators FEINSTEIN and REID—the distinguished Senator from Nevada is in the Chamber, Mr. REID—who have been very helpful. Suffice it to say, not one Member of Congress—no one in the Senate, no one in the other body, Democrat or Republican—has disagreed with the proposition of our amendment, and that is that it is the responsibility—indeed, the duty—of this Congress to insist on oversight of the Total Information Awareness Program. Not one Senator said: Look, Congress does not need to put brakes on the most far-reaching Government surveillance effort ever proposed.

On the contrary, what Congress said was: We are going to insist that this program is not going to be allowed to grow unchecked and unaccountable. In fact, it is the duty of the Congress to protect the civil liberties and privacy of the people we represent. The call for strong safeguards has come through loud and clear, and that call has been recognized in the conference.

One publication in my home State, the Newport News-Times, put it very well. I will quote it. That publication said:

> Just visiting the web site of what is affectionately billed as [the Total Information Awareness Program] is a trip into a future we hope not to meet. If our government still believes in the sanctity of the constitution this week, let's hope for the President's signature.

All across the Nation, Americans have said that while a vigorous response to terror is necessary, a system designed to spy on Americans in America is not. It is not only unnecessary, it is contrary to the freedoms that the war on terror aims to protect.

The total information awareness concept requires keeping track of individuals and understanding how they fit into models. For instance, does a seemingly innocent individual conduct himself or herself according to a pattern that terrorists have exhibited in the past?

To find out whether any current U.S. citizens fit the model of a terrorist living among us, the Total Information Awareness Program would develop a way to integrate the databases that already track our daily lives—bank records, online purchases, and travel plans, for instance. Once integrated, these disparate databases would serve as one giant repository of information on most or all of the computer-linked transactions an individual makes. Then you run the models, then you make a judgment of who looks like a terrorist. TIA's technology would give any Federal agency the capability to develop risk profiles for millions of Americans as they look for questionable conduct.

When I first heard about this program—I am sure there are many others who came to think this as well—when you hear this initially, you say, this sounds like a good idea. If you snoop on everybody all the time, you are more likely to spot a few criminal someones at the moment they are up to no good. But the fact is, the police can't just stop someone on the street and frisk them for no reason. Current privacy law is supposed to prohibit private companies and the Government from rummaging through your online records.

Unfortunately—and this is what you learn when you look at the total information proposal in depth—as it stands, the Total Information Awareness Program would use technology to pick regular Americans up by the ankles and shake them to see if anything funny falls out.

Now, I understand that terrorists are not going to hang a shingle outside their hideaways announcing they have set up shop. They are not technological simpletons. And I know, as a member of the Intelligence Committee, that extraordinary times such as this call for extraordinary measures to track down these terrorists. I do not take a back seat to anyone with respect to tracking down terrorists.

I believe one of the most important things I have been able to do as a Member of this body is to write the Terrorist Identification Classification System, a bipartisan effort, that became law in the last session, that allows us, on an ongoing basis, to watchdog terrorists, the Mohammed Attas of the world. But there is a clear line between something that allows for tracking individuals where there is a known track record of terrorist activity—suspicious activity linked to terrorism—and, in effect, standing by while the Government shines an indiscriminate spotlight into the private lives and dealings of law-abiding Americans in this country on their own soil.

It is a question of striking a balance. The Terrorist Identification Classification System is an appropriate approach

for the Government to take in seeking to weed out terrorism.

The Total Information Awareness Program is over the line. It is invading the civil liberties of law-abiding Americans on U.S. soil. That is why the conferees have wisely chosen to impose checks on it. The intention of the Total Information Awareness Program and those who support it is undoubtedly to protect the America that we love. But the reality is that the program as proposed encroaches on the freedoms that make us love America in the first place.

Millions of Americans understand that. They have made it clear that they don't want this program to move forward unchecked and unaccountable, and that is why there has been such an outcry about it.

A few weeks ago I stood with a coalition in a room not far from this sacred Chamber that does not flock together all that often: Americans for Tax Reform, the Eagle Forum two groups that are certainly conservative by anybody's calculus stood with the American Civil Liberties Union and a variety of groups that would be considered liberal, as they supported efforts to put vigorous oversight in place over this program. Suffice it to say, in my time in the Congress, I have never seen a program that has generated more ideological concern across the political spectrum. We have seen Democrats, Republicans, liberals, and conservatives all saying this is a program that warrants vigorous oversight and scrutiny by elected officials.

Just because the administration has promised in recent days to institute oversight panels and to not use their awesome power for nefarious purposes, does not mean that future leaders would not abuse this program. So what we have said is that we are not going to let this program move forward without first ensuring permanent safeguards and protections that without them would threaten Americans not just today but many years in the future.

Some who advocate this program will say that the concerns of Members of Congress and others are overblown. Some say the program will not do what I described and it doesn't threaten the privacy of American citizens in the way that first appears. I hope that is the case. If that is the case, if in fact the Total Information Awareness Program does not threaten the civil liberties and privacy rights of the American people, then the folks over at the Defense Department need to come to the Congress and make that clear.

They need to do what they have not done to date, and that is to explain more about what this program will do and how it will do it.

The fact is, this body is in the dark about the Total Information Awareness Program, the most expansive and far-reaching surveillance program ever proposed. Congress has not been informed as to what safeguards and constitutional protections would be in place when this program goes forward. Therefore, my view is this Congress has no choice but to pursue answers and explanations before allowing the program to proceed. That is what our amendment to the omnibus spending bill does, and that is what the conferees have wisely chosen to do.

My view is that these are reasonable provisions. The amendment calls on the Department of Defense to explain in a report to be delivered to the Congress within 90 days what technology they intend to develop and what they intend to do with it. Then the amendment further states that when any technology is developed for this program, it may not be developed without the express approval of the Congress. If the Total Information Awareness Program is something that is less invasive or smaller in scope or different than I have described, then the administration will have an opportunity to tell us.

This amendment does not prevent those who support the program as initially outlined to have the chance to come back and show why additional threats warrant additional action. What this amendment does is ensure that if this program moves forward, it does so in a fashion that is sensitive to American freedoms, sensitive to constitutional protections and safeguards, while still ensuring that our country can fight terrorism.

Finally, it all comes down to how we come forward and address a special task. What we must do now is to be vigilant, to make sure we are doing what is necessary to fight terrorism, but not approve actions or condone actions that could compromise the bedrock of this Nation—our Constitution.

I thank my colleagues, particularly Senators STEVENS, INOUYE, FEINSTEIN, GRASSLEY, REID, and others, who said repeatedly that Congress should not shirk its obligation. The conferees who were appointed to reconcile this spending bill had a unique opportunity to defend the Constitution and the United States. That is what we are elected to do. That is what we get election certificates for. They answered that call. For that, I offer the thanks of Oregonians and all Americans for whom civil liberties remain so special and precious tonight.

I yield the floor.

TELECOMMUNICATIONS TRAINING INSTITUTE

Mr. LEAHY. Madam President, I want to speak about the United States Telecommunications Training Institute (USTTI).

The statement of the managers accompanying the fiscal year 2003 Omnibus Appropriations Act, H.J. Res. 2, recommends $500,000 for USTTI compared to $1,000,000 that was included in the Senate bill. However, this funding level is the result of a misunderstanding between my office, Senator MCCONNELL's office, and Senator INOUYE's office. The Foreign Operations Subcommittee was under the impression that Senator INOUYE wanted $500,000 for USTTI, as had been the case in prior years. However, Senator INOUYE is sure that he had informed the Subcommittee that he wanted $1,000,000 for this organization. Does the senior Senator from Hawaii agree with my recollection?

Mr. INOUYE. I do. I would add that I have strongly supported USTTI for a number of years, and have worked successfully with this subcommittee to get funding for it. I would ask the Senator from Vermont if the amount that is provided for USTTI in H.J. Res. 2 is a ceiling, or is it his understanding that USAID may provide additional funding for this organization if it is justified?

Mr. LEAHY. USAID could provide additional funding to USTTI, if it is justified. Moreover, members of the House and Senate subcommittee give great weight to the views of the senior Senator from Hawaii, and I have little doubt that additional accommodation could have been made at the conference if this misunderstanding had not occurred.

Mr. INOUYE. I am informed that USTTI is in need of additional funds to accommodate a range of important training programs that it implements. Would Chairman MCCONNELL and Senator LEAHY support the provision of additional funds to USTTI?

Mr. LEAHY. I would support additional funding, and would encourage USTTI to discuss their specific needs with USAID. I have a short note from Chairman MCCONNELL, also indicating his support for this project, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 13, 2003.

Hon. PATRICK LEAHY,
U.S. Senator,
Washington, DC.

DEAR PAT: Please know that I support additional funding to the United States Telecommunications Training Institute (USTTI)—at the Senate reported level of $1,000,000.

I would appreciate your conveying my support for this funding level to our friend and colleague from Hawaii.

Thank you for your kind consideration.

Sincerely,

MITCH MCCONNELL,
United States Senator.

TECHNICAL CLARIFICATION

Ms. MIKULSKI: Madam President, I would like to bring to his attention an inaccuracy in the manager's statement, and ask for a technical clarification. As the Senator is aware, the manager's statement includes language on a project within the Department of Commerce/National Oceanic and Atmospheric Administration/National Marine Fisheries Service/Habitat Conservation Research and Management Services account: ''Chesapeake Bay Oyster Research'' for $2 million.

Will the chair recognize that $2 million included in the Department of

Commerce/National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service/Habitat Conservation Research and Management Services account for ''Chesapeake Bay Oyster Research'' is actually for ''oyster restoration'' activities in the Chesapeake Bay?

Mr. GREGG. The Senator from Maryland is correct. The committee included these funds in the National Marine Fisheries Service account to, in part, further oyster restoration and replenishment efforts in the Chesapeake Bay. It is the committee's expectation that NOAA will use the sums indicated for oyster restoration efforts in the Chesapeake Bay.

INTENT OF SECTION 211

Mr. INOUYE. Madam President, I want to take a moment to clarify an issue that may lead to some confusion with respect to the intent of section 211 of the Commerce, Justice, State title of this bill. The Statement of Managers incorrectly states that two foreign cruise ships will be allowed to reflag under U.S. registry for operations in the U.S. coastwise trade. This was a drafting error and should have stated, to reflect the bill language, that three ships will be allowed to reflag to U.S. registry. I simply want to confirm with my friend from Alaska that the bill language is controlling.

Mr. STEVENS. My friend from Hawaii is correct. The bill language is the law and controls the operation of the provision. I regret that the Statement of Managers was incorrectly drafted. It should have reflected that three cruise ships will be allowed to reflag under U.S. registry.

Mr. INOUYE. I thank my friend for that clarification and for all of his hard work on this bill.

Mr. HARKIN. One of the key provisions of the bipartisan Farm Security and Rural Investment Act of 2002 signed into law by President Bush last year was a significant new conservation initiative called the Conservation Security Program (CSP) which will, if properly implemented, significantly improve conservation practices and result in cleaner air and water.

I want to clarify the intent of provisions related to this program included in this conference report and actions that will be taken to preserve current law provisions. First, it is my understanding that it was the intention of the conferees that the CSP be implemented and operated according to the terms of the 2002 farm bill. Second, it is my understanding that the provisions in this conference report were only intended to apply to years following expiration of this measure and were not intended in any way to modify operation of the program prior to the beginning of fiscal year 2008. Third, it is my understanding that as soon as possible this year a conference report that is expected to become law will be brought before the Senate that contains provisions that assure that the CSP will operate as established and intended in the 2002 farm bill for the duration of that bill.

Mr. COCHRAN. I understand the Senator from Iowa's concerns. I intend that the provisions of the conference report relative to this program would not have any effect on the operation of the program during the life of this farm bill. I would be pleased to work with him to insure that the program funding is restored.

Mr. STEVENS. I also concur with the statements of the chair and ranking member of the Agriculture Committee about the intent of provisions included in this conference report related to the CSP. It was not our intention, in any way, to modify the operation of this program prior to the beginning of fiscal year 2008. I join Senator COCHRAN in my determination to resolve this matter in an appropriate conference report this year. He has my commitment to work with my colleagues to assure that the Senate acts at the earliest possible date this year on a conference report that is expected to become law that will assure that the CSP operates as established and intended in the 2002 farm bill for the duration of that bill.

Mr. DASCHLE. The Conservation Security Program was an important part of the 2002 farm bill. It holds tremendous potential to help our farmers and ranchers clean up the environment. I, too, concur that the Senator from Iowa's statements about the intent of this conference report. I truly appreciate the bipartisan commitments of my colleagues to ensure that the CSP is implemented and operated as we intended.

Mr. FRIST. I look forward to working with my colleagues in this regard.

FUNDING FOR THE OGLALA SIOUX TRIBE

Mr. DASCHLE. Madam President, it is my understanding that the omnibus appropriations bill includes $300,000 for the Oglala Sioux Tribe to automate the functions of the tribe's court system. I would like to enter into a colloquy with my colleague from South Carolina regarding this funding, which is included in the Omnibus Appropriations bill.

It is my understanding that the funding in question is intended to be used by Cangleska, Inc., a non-profit organization located on the Pine Ridge Indian Reservation in South Dakota that is dedicated to the prevention of domestic violence and sexual assault, to help enhance the capacity of the Oglala Sioux Tribe to arrest, prosecute, and rehabilitate offenders.

Mr. HOLLINGS. Yes, that is correct.

Mr. DASCHLE. I thank the Senior Senator from South Carolina for his clarification regarding this matter.

Mr. JOHNSON. Madam President, I rise today to express my deep disappointment with the so-called drought aid provisions included by the White House and Republican leadership in the fiscal year 2003 omnibus appropriations bill.

Coincidentally, 1 year ago the Senate first adopted drought aid—as part of the Senate farm bill—to cover losses experienced by farmers and ranchers in 2001. At that time, 68 Senators joined me and voted in bipartisan cooperation to support the victims of drought. However, one year ago was also the first time the administration voiced in the strongest possible terms their opposition to emergency aid for farmers and ranchers. The White House declared that assistance to farmers and ranchers had to be cannibalized from the farm bill—a position never before taken by any administration with respect to a natural disaster. As Mother Nature turned the hands of time in 2002, the drought conditions became even more persistent. By autumn, more than half the counties in the U.S. were affected by drought conditions and ''ground zero'' unfortunately was the Northern Plains of South Dakota and our neighboring states. In fact, the drought dealt so much damage to the South Dakota economy that South Dakota State University estimated the total economic loss to reach nearly $2 billion. Senator DASCHLE and I led an effort in the Senate to enact emergency legislation providing at least $6 billion for farmers and livestock producers who experienced crop and forage losses in 2001 and 2002. Our drought relief plan was consistent with the approach Congress would always take with respect to the aftermath of a natural disaster—our relief was emergency in nature because droughts, floods, fires, and hurricanes are historically addressed by emergency assistance. Despite the clear need for emergency aid, the White House hard-line prevailed last year and multiple efforts to enact drought relief were defeated by White House foot soldiers in Congress.

I firmly believe that in order to help agricultural producers coping with the drought, the relief must be comprehensive. But the plan advanced in the omnibus today shortchanges producers in a number of ways. First, the relief plan written by Vice President CHENEY and House and Senate Republicans provides inadequate aid for losses occurring in either 2001 or 2002, but not both. Second, the $3.1 billion offered in the omnibus does not adequately cover the severe crop and forage losses producers suffered as a result of the drought. Third, cutting the new Conservation Security Program (CSP) in the farm bill to pay for the disaster aid is a terrible precedent to set. When a hurricane damages the Gulf Coast or an earthquake occurs in California, the Federal Emergency Management Agency (FEMA) budget is not raided, rather emergency aid is provided to natural disaster victims. A drought is no different, and it's a crippling mistake to cut the farm bill in order to pay for a drought emergency. Fourth, the special-interest provisions slipped into the omnibus drought plan by Republican authors leaves much to be desired. While the proposal that Senator DASCHLE and I advanced would cover

all crop losses, the omnibus makes special grants to cotton and tobacco farmers. Moreover, the omnibus contains a special section to address hurricane losses and $10 million to the State of Texas. This simply is not fair.

How did White House and Republican negotiators find the farm bill funds to pay for this woefully inadequate disaster aid? I am told they asked the Congressional Budget Office (CBO) to revise the estimated cost of the CSP. CBO's re-estimate reportedly grew the cost of the new conservation program to around $6.8 billion over ten years. This level is substantially above CBO's initial estimate of the cost of the CSP—$2 billion over 10 years. I am very disappointed that Republicans employed a budget gimmick to inflate the cost of the CSP in order to launder funds through the program and pay for disaster aid. This entire process is a dis-service to farmers, ranchers, and conservationists and is sure to create hard feelings among these groups. According to the Congressional Research Service (CRS), not in three decades has a program in the farm bill been cut in order to pay for a natural disaster. This historically outrageous move to eliminate money from a conservation program in the farm bill to address a drought emergency may prove a precedent that hurts farmers, ranchers, and the environment for years to come. It is terribly short-sighted and I cannot support such a step.

Less than 6 months ago, 77 Senators joined Senator DASCHLE and I in support of $6 billion in drought aid for farmers and ranchers suffering losses in 2001 and 2002. Today, it appears producers will get less than half of what they need and pay the price in the long run with a cut to the farm bill. I am disappointed that nearly thirty of my colleagues in the Senate dropped their support for comprehensive and emergency drought aid totaling $6 billion in order to satisfy the White House for half that much.

My record on drought relief for farmers and ranchers is clear. On three occasions in the last Congress, the Senate passed relief that would have compensated all drought victims for their loss. Unfortunately, each time objections from the White House and the House Republican leadership stopped this aid from making it to producers. South Dakota's farmers and ranchers deserve better and for this reason I will not support the so-called drought aid in the omnibus.

Mrs. MURRAY. Madam President, the Senate is now considering and will soon adopt the omnibus conference report on H.J. Res. 2. I will vote for the conference report. I know from my work on the Appropriations Committee that this bill represents a genuine effort by many in both bodies to finally finish the fiscal year 2003 appropriations bill.

I want to begin my remarks by thanking our leader on this side, Senator ROBERT BYRD. Senator BYRD was the chairman of the Appropriations Committee when the fiscal year 2003 appropriations process began. He steered all 13 appropriations bills through the committee with bipartisan support from every member of the committee. Senator BYRD was instrumental in putting this conference report together. I know the Senator has many concerns about this bill. I share many of his concerns and particularly those regarding the many cuts to homeland security in this bill. The Senator has been a leading voice for homeland security funding and I look forward to working closely with him in the days ahead as this body works on this important issue.

I also want to acknowledge and thank the chairman of the Appropriations Committee. We are here tonight because of the determined leadership of Senator TED STEVENS. I know many of my colleagues did not want to see the Congress agree to fund the government with a continuing resolution for the rest of the fiscal year. This would have represented a huge failure on the part of the Congress, setting a dangerous precedent for the legislative branch's working relationship with the Executive Branch. Chairman STEVENS is a tough but fair chairman. I appreciate the work he has put in to manage and successfully complete this very unusual process.

I appreciate the inclusion of funding for many projects and programs that directly benefit the environment and natural resources in my beautiful home State. The bill includes funding for salmon recovery work from the Elwha River in northwest Washington to the Snake River in southeast Washington and nearly every community between. Funding is also provided to fight the Spartina infestation in Willapa Bay and to acquire important ecological lands around the State. However, while I am very grateful for my colleagues willingness to support my work to secure this funding, I must express my dismay over anti-environmental provisions included in the bill and its failure to adequately fund the conservation trust fund created 3 years ago.

The conference considered many different provisions related to the Tongass National Forest which sought to strip away environmental considerations in the management of the forest. I appreciate the conference removing these provisions, but wish the one remaining provision could have also been deleted.

Also of concern to me is a provision retained in the omnibus that significantly expands the Forest Service's stewardship contracting program. This had been a pilot project intended to see if the stewardship contracts were a constructive tool in addressing forest health issues. The problem with the provision in the bill is that it creates a permanent program before we have received any data from the pilot projects already authorized. There is simply no data yet in upon which to make the decision to provide unlimited expansion of the program. I want to make clear that I support the pilot program and believe stewardship contracting could be a valuable tool in addressing forest health issues, but in order for this to be a valuable tool, it must be one that has the trust of Congress and citizens. There is simply not enough data to have created that trust yet.

There are many great accomplishments in this bill. I am particularly proud of the work we did in the transportation title. The Senate worked very hard to keep my amendment to fund the Community Action Program or CAP at $120 million for the fiscal year. I appreciate the Senate's hard work to stand for this small program that is making a difference all across the country. This bill provides increased funding for a number of education programs. Importantly, education programs like Head Start are exempted from any across the board cuts associated with this bill.

As we conclude the fiscal year 2003 appropriations process, I hope we can move forward on the coming fiscal year with a renewed commitment to finish all 13 appropriations bills on time. We will need the help of our House colleagues and of course, the administration is an important contributor to the appropriations process too. We must avoid a repeat performance of fiscal year 2003.

Mr. NELSON of Florida. Madam President, I rise today to thank the conferees for helping the City of Boca Raton, FL, and the County of Palm Beach, FL, begin to deal with the bio-terrorist attack on the American Media Building in October of 2001, and the death of Robert Stevens, who worked in the building, due to anthrax.

That building remains closed off with 24-hour security, still infested with anthrax, within a short distance of homes, schools, and other office buildings. But, now the U.S. Congress has authorized the General Service Administration to receive title to the building within 12 months of enactment of the omnibus bill.

The residents of Boca Raton and the surrounding communities will be relieved to know that, with this language in the omnibus bill help is on the way. I am confident that the General Service Administration, the Florida Congressional Delegation and the owners of the American Media Building will be able to carry out the language in the omnibus bill and transfer the building to GSA or another appropriate agency to rid south Florida of this public health hazard.

The omnibus language provides for a report by GSA to Congress within 270 days of enactment of the bill describing the expected agreement between GSA and the owners of the American Media Building regarding the transfer of the property to the Federal Government.

The language further requests that a public health risk be shown. The local

public health officials and the Governor of Florida both have acknowledged that the AMI Building poses a public health threat. And since it is the first attack of its kind in the United States, the amount of danger posed is still unknown.

Another provision talks about the liability of the owner of the property. It is logical that the owner of the building would remain liable until title is transferred to the Federal Government.

All of these provisions can be easily worked out to reach an agreement on the transfer of this building to the Federal Government.

And, as this process moves forward, I know that each party will carry out their responsibilities under this language with the utmost integrity and with the concerns of the residents of Palm Beach County in mind. I look forward to monitoring the parties' progress toward an agreement.

In fact, I encourage the parties to meet on a regular basis with members of the Florida delegation so that this issue is resolved in the most efficient manner.

As we all live with the increased threat of a chemical or biological attack, we need to keep in mind that a biological attack is not a mere threat to south Florida and it is not something that occurred in the past and was taken care of—the anthrax attack remains.

Let us employ the powers of the Federal Government as the Founding fathers intended.

In Federalist Paper No. 23, Alexander Hamilton outlined the four principal reasons why the Federal Government was formed.

And the very first reason was for the common defense—national security. An attack from an unknown source was perpetrated on this community and the Federal Government has the power and the expertise to protect and safeguard these citizens.

I look forward to the day when I can walk on the Senate floor and declare that this community is finally free of anthrax.

Mr. LEAHY. Madam President, I want to alert you and my fellow Senators to a particularly egregious rider that was included in the omnibus appropriations conference report. After the conference committee met and behind closed doors, this special interest rider will gut the organic standards just recently enacted by U.S. Department of Agriculture.

I understand this special interest provision was inserted into the bill on behalf of a single producer who essentially wants to hijack the ''organic'' certification label for his own purposes. He wants to get a market premium for his products, without actually being an organic product.

This provision will allow producers to label their meat and dairy products ''organic'' even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards. If beef, poultry, pork and dairy producers are able to label their products as ''organic'' without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

This provision is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part. I have already heard from some large producers General Mills, Tyson Foods—around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

I am also very disappointed that just because one company could not create this loophole to the organic rule in public during the USDA process, the Republican leadership decided to bury it within the 2-foot tall spending bill. It was done behind closed doors after the conference committee met in public.

I will be introducing legislation today to strike this rider from the Omnibus Appropriations Act and I hope to move it through Congress quickly before it does gut the organic meat and dairy industry. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them. When I included the ''The Organic Foods Production Act'' in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not. The act directed USDA to set minimum national standards for products labeled ''organic'' so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each state, and that their products could be labeled ''organic'' overseas.

The new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. This proposal to weaken the organic standards would undermine public confidence in organic labeling, which is less than a year old.

Getting the organic standards that are behind the ''USDA Organic'' label right was a long and difficult process, but critically important to the future of the industry. Along the way, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled ''organic.'' The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants ''organic'' to really mean something. Those efforts to hijack the term were defeated and this one should be too.

Consumers and producers rely on the standard. I hope members will cosponsor my bill and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill. This provision is an insult to organic producers and to consumers around the country.

Mr. HOLLINGS. Madam President, I would like to express my concerns about a provision that has been buried in the fiscal year 2003 spending package. The language would make contract air traffic control (ATC) tower construction costs eligible for Airport Improvement Program (AIP) funding.

On the face of it, this provision looks acceptable. The concept of making contract ATC towers eligible for Federal assistance under AIP has wide support in Congress. Many small and rural airports lack an ATC tower and do not share the safety benefits of having an air traffic controller to assist aircraft on takeoff and landing. Pilots at these airports are on their own, responsible for seeing and avoiding traffic. A number of smaller airports would like to use AIP funding to build a tower but are barred under current law. If these airports can make critical safety upgrades with this funding, they should have that option.

The problem with the provision included in the fiscal year 2003 omnibus bill is that while it would properly allow small airports to use AIP money to build new or replacement FAA contract towers, it would also allow airports that built contract ATC towers after October 1, 1996, to be eligible for reimbursement of their construction costs. The Federal Government already pays to operate these towers, and as a condition of this assistance, these airports agreed that the government would not pay the cost of constructing them.

This reimbursement would affect at least 21 contract towers that were previously built and provide up to $25 million in total for these airports from current AIP funding. In this era of having our Federal resources limited by reduced revenues and the expense of ensuring the security of our homeland, it is irresponsible for this Congress to provide funds from the AIP program to reimburse these airports for costs that have already been accounted for.

The AIP program is vital to the safety, security and capacity needs of our Nation's airways. I am hopeful that we will carefully consider the potential ramifications of this issue as we proceed later this year with the reauthorization of the Federal Aviation Administration.

Mr. REID. Madam President, I want to recognize the hard work of my Senate colleagues, especially Senator STEVENS, for putting together a conference report for our consideration tonight.

Last year the Senate Appropriations Committee under the leadership of my distinguished colleague from West Virginia, Senator BYRD, reported all 13 appropriations bills. Those bills formed the basis of the omnibus bill we are considering tonight. Unfortunately, this bill makes unwise reductions in many of the most important areas of our Federal Government, including education and homeland security. This bill also includes a provision that would make reckless changes to our Nation's forest management policy. This rider—which would provide the long-term authorization to contract the management and unfettered harvesting of national forests to timber companies—was so controversial when it was proposed in the farm bill that Democrats removed the entire forestry title rather than take it.

Rather than write individual timber contracts, the Forest Service has engaged in pilots of this stewardship idea for the last few years. It is a process by which the normal limits on contracting are avoided and timber companies are given broad leeway to harvest;

Some 84 stewardship contract pilots have so far been approved; none are complete; none have been evaluated to see if they meet the claim that the timber industry ''stewards'' are managing the pilots well;

Despite the fact that pilots haven't been evaluated, this rider contains a broad authorization for stewardship contracting;

It allows the Forest Service to pay contractors with trees rather than appropriated money, hence increasing incentive for harvest of large trees and making the Forest Service more directly dependent on timber sales.

Currently the Forest Service supervises sales, marking trees for cut; under this proposal, oversight is gone. It would be up to the timber company to decide what to cut. The rider enables the Forest Service to allow timber companies to take over large swaths of public forests by affording giving them long term management authority as part of these contracts. This is an important issue that deserves the full debate and consideration of the Senate. I am disappointed that it was included in this must-pass spending measure.

I also want to discuss in detail some of the funding priorities in this bill. This funding bill provides $4.5 billion less in funding for homeland security and emergency responders than the appropriations bills passed by the Senate last year. Just last year, we passed a bill to create a new Department of Homeland Security. Republicans and Democrats came together to approve the largest reorganization of the Federal Government in decades. Without sufficient funding that new agency won't translate into improved safety on the ground, in our neighborhoods, cities and rural areas. This is an issue that is particularly important for my State of Nevada. We have one of the most important facilities and some of the most talented personnel for training emergency responders.

Just today, one of the managers of this program spoke to me about how many trainers they would be able to train this year with the $35,000,000 approved by the Senate. He told me that he could train 8,000 emergency responders this year. This facility at the Nevada Test Site is one of five counterterrorism training facilities that formed a consortium several years ago. Together these five facilities could train nearly 35,000 first responders with the amount of money the Senate provided. Every $4,000 less we spend is one less first responder we train. These are the police and firefighters in communities throughout the country. These are the emergency responders who are already overworked by the increased threat level we are experiencing. These are the first responders who still are not sure how to change their patrols and activities in response to the elevated orange threat level. They need to know. They need to be trained.

Instead of the $35 million approved by the Senate, the final conference report agreed to provide $20 million for the training. While this is a large amount of funding, it will only meet a small portion of the need for training. I hope as the year continues that the administration will request additional funds to ensure that at least one member of every police, fire and emergency response unit in the country receives homeland security training.

I also want to comment on the funding this bill provides for education. Every person who wants to get an education in Nevada, and throughout the country, deserves to have the opportunity to get one. Whether we are talking about the 230,000 students in the Clark County Public Schools or the 11,000 students who attend Truckee Meadows Community College, every person who wants an education in Nevada, and throughout the country, deserves one.

During the last Congress, we worked together in a bipartisan fashion to pass a sweeping education reform bill. This bill showed the best of what the Congress can do when Republicans and Democrats work together. This omnibus bill does not live up to the promise of that crucial bill. Instead of ensuring that we leave no child behind, this bill leaves much to fund.

In summary, I again want to thank my colleagues for their tireless effort to complete this conference report for our consideration this evening. This bill does not do enough to ensure every American can live up to his or her potential. We have an obligation to provide our states with a clean, safe environment, a secure homeland, and the ability to educate every person. This bill could do more to accomplish these goals, and next year, I hope we will do that.

Mr. KENNEDY. Madam President, America is on high alert. This is no time to shortchange our security at home. Yet, that is precisely what this bill does.

Simply creating a new bureaucracy for homeland security is not enough. We must increase protection at our borders, provide the Coast Guard with additional resources, and provide more security at our ports. We must also assist local authorities to prepare for the worst. Our homes will not stay safe with duct tape alone. Our communities need help to fund law enforcement personnel, firefighters, rescue workers, and medical personnel.

Today, I asked mayors in Massachusetts whether the Federal Government is doing its share to help local communities with homeland security. Not one—not one—has received sufficient help from the Bush administration to meet local homeland security needs. Mayor Fred Kalisz of New Bedford tells me that since the Bush administration declared a Code Orange emergency last week, he has posted a 24-hour police presence at his small local airport. And he ordered round-the-clock security for a tanker that is docked in New Bedford's harbor. The budget crisis in Springfield, MA, forced Mayor Michael Albano to cut 76 police officers and 57 firefighters from the city payroll. Police, fire, and rescue officers in Springfield are stretched to the limit to cover continuing duties with fewer officers. Springfield simply cannot afford the additional duties of homeland security without federal help. The same is true in Worcester, where Mayor Timothy Murray is facing cuts to his police and firefighting force by more than ten percent. And his officers not only fight crime in Worcester, but they have protection duties with a strategic reservoir near Worcester as well as major rail hub. And the city of Boston has already spent $2.6 million in scarce city funds for homeland security.

These local officials care about their communities. They are doing all they can amid an avalanche of budget cuts just to meet the ongoing needs of their citizens. It is unfair of the Bush administration and the federal government to leave them high and dry in the face of terrorist threats at home. Despite promises of funding from Washington to help with these urgent needs, he has received nothing—and this bill provides no new money beyond what administration promised long ago, and has yet to deliver. Washington must do more—much more—to be a real partner with our local cities and communities to protect our citizens.

I am also deeply concerned that this bill is yet another leap in the Republican campaign to undermine years of progress in protecting our environment. This bill contains provisions that allow the indiscriminate logging of irreplaceable forests, and lays the seeds for the destruction of one of our country's greatest natural treasures, the Arctic National Wildlife Reserve.

In addition, while I commend the fact that this bill represents a step forward

on education, and rejects the administration's anti-education budget, I believe that parents and teachers and students across the country will agree that more should have been done. Education is about fulfilling the hopes and dreams of the next generation. And it is about the security and economic future of America.

For these reasons I oppose this bill.

I ask that unanimous consent that a recent Boston Globe article that describes what our mayors are doing with little or no Federal help to meet homeland security needs in their communities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Boston Globe, Feb. 9, 2003]

SECURITY COSTS RISE FOR LOCAL OFFICIALS, TERRORISM ALERT PUTS A STRAIN ON BUDGETS

(By Megan Tench and Jenna Russell)

With the nation on heightened alert for terrorist attacks, Massachusetts officials said yesterday that the added responsibility will tax local budgets already facing a fiscal crisis.

The Bush administration hiked the terror alert to the second-highest level on Friday as Attorney General John Ashcroft cited an ''increased likelihood'' that the Qaeda terror network would attack Americans, noting that hotels and apartment buildings were possible targets.

However, Congress's failure in the last session to provide additional funding for security for cities and towns prompted criticism from several Massachusetts mayors as they attempted to cope with increased security mandates at a time of state aid reductions.

''Obviously there are targets that need to get additional attention, but the fact of the matter is that this is a major concern,'' Worcester's Mayor, Timothy P. Murray, said yesterday.

''We have thousands of police and firefighters out there, yet the president and the Congress failed to supply, equip, and fund these departments,'' Murray said.

Like other municipal leaders around the state, Salem Mayor Stanley Usovicz Jr. said cities and towns are on the front line in the war on terrorism, but have not received the money they need to keep up the fight.

''I think everybody is willing and quite able to do their jobs, but no one at the federal and the state level understands that there is a bill to be paid,'' he said. ''We are at war, and . . . I don't know how anyone can fight a war without giving money to the front lines. They cannot continue to ask for more without paying for it.''

Still, few residents voiced concern yesterday over the possibility of attacks, which officials said could target Jewish communities or institutions.

''We heard about that on the news, but we are not afraid. We feel safe,'' said George Ullevinov, a Reading resident who was touring the Holocaust Memorial in Boston yesterday with his family.

Authorities believe that terrorists connected to Al Qaeda could be planning to time an attack or attacks with the end of the five-day Muslim holy period of the Hajj, the pilgrimage to Mecca, which began yesterday.

Officials have been particularly concerned about the use of a ''dirty bomb,'' which would use conventional explosives to disperse radioactive material, but they also cited the possibility of suicide bombings and assassinations.

''Well, we can't run and hide under the bed,'' said Boston resident Philip West, as he checked his luggage with American Airlines at Terminal B at Logan Airport yesterday. West, a helicopter pilot, was headed to Dallas for a pilot's convention.

''We have to go out,'' he said. ''I believe if it's our time to go, it's our time to go.''

At Logan, tighter security was visible, with more State Police and trained dogs on patrol and more car inspections on entry to airport garages, during curbside stops, and an additional roadblocks on airport roads.

The increased presence seemed to comfort Dorchester resident Marlene Francis, who, along with her 4- and 10-year old children, was preparing for a flight to Jamaica.

''I believe in the security people here, and I try not to think about these things because I am traveling with my children,'' Francis said, as she waited in line at a security checkpoint. ''What's meant to be will be.''

At malls and hotels in and around Boston, security directors were reluctant to discuss what precautions they were taking. Law enforcement and transportation officials also were reticent about the heightened alert.

FleetCenter managers urged ticket holders to arrive an hour early for a Bruins game yesterday to comply with added security procedures, including the use of metal detectors at entrances. And the Massachusetts Bay Transportation Authority also increased security to reflect the orange alert, according to spokesman Joseph Pesaturo.

The Coast Guard also stepped up patrols around Boston, a spokeswoman said, and the Massachusetts Water Resources Authority increased security and patrols at key spots around the state's water supplies.

Bridges also became a focus of attention. ''We've instructed our maintenance people who patrol the roads on a daily basis to be extra vigilant and keep an eye out for any stalled vehicles, particularly near bridges,'' said Jon Carlisle, a spokesman for the Executive Office of Transportation and Construction.

Boston's mayor, Thomas M. Menino, could not be reached for comment on the terrorism response yesterday. However, Menino, who also serves as president of the US Conference of Mayors, expressed concerns about the cost of the fight against terrorism during his address to the Greater Boston Chamber of Commerce two months ago.

There, Menino announced that he is assembling a national coalition of state and local officials to urge Congress to pass the security funding measure as part of Bush's federal budget proposal when lawmakers return next month.

Boston has spent $2.6 million in extra security since Sept. 11 terror attacks, Menino said. It's unclear how much the city would reap if the federal package were approved.

''This is money we were promised for police and fire and terrorism protection,'' he said in his address. ''We cannot allow Congress to keep fiddling while the states and cities burn their reserves and exhaust their funds.''

Other local officials echoed that sentiment.

''It's a very difficult situation. There are no additional dollars,'' said New Bedford's mayor, Frederick M. Kalisz, whose city is bracing for substantial cuts.

''The alert requires a certain level of patrol visibility at our airport and waterfronts, and the federal dollars just haven't come down to local governments yet,'' he said. ''In a time of taxed dollars, we have to increase the patrols with local patrol officers that we use in our neighborhoods.''

In Springfield, Mayor Michael Albano said 57 firefighters will receive layoff notices by Monday, in addition to the 76 police officers he just laid off. Albano said the state budget cuts hurt more than the failure of the federal government to fund local security.

Downsizing police and fire departments ''is inconsistent with national policy, and it should be inconsistent with state policy,'' he said. ''The governor has weakened our front lines during a national alert.''

Eric Fehrnstrom, a spokesman for Governor Mitt Romney, said federal, state, and local governments ''should spend whatever is necessary'' to protect local cities and towns. ''There has to be more federal involvement,'' he said. ''Governor Romney will stand shoulder to shoulder with the state's mayors in making sure they receive adequate federal dollars to respond to the needs of our local communities.''

After the boost in the national alert, Romney flew back to Boston two days early from an Olympics anniversary celebration in Utah, to make sure he would be here in the event of an emergency, Fehrnstrom said.

Mr. DASCHLE. Madam President, I rise in opposition to the fiscal year 2003 omnibus appropriations bill. I oppose this bill because it is a significant step backward from the bills that the Appropriations Committee reported last year unanimously.

The most troubling departure from these committee-passed bills is in the critical area of homeland security. Compared to the levels unanimously approved last year by the Senate Appropriations Committee, this bill makes deep cuts in the Transportation Security Administration, the Immigration and Naturalization Service, community policing, FEMA disaster assistance, the DOT Office of Domestic Preparedness, firefighter grants, port security, American embassy security, and many other homeland security needs.

The agricultural disaster assistance provisions in bill are also of great concern to my State of South Dakota and many other States. The provisions provide limited assistance to producers by cutting important conservation assistance in the Farm Bill. The provisions provide only half the assistance needed to address the scope of natural disaster across the country. Finally, the provision provides assistance to select producers who did not suffer from natural disasters. The Senate voted three times last year for a measure that would have compensated all drought victims for their loss. Unfortunately, objections by the White House and the House Republican leadership stopped this aid from making it to producers.

I am also very concerned about the anti-environmental provisions in the bill. One provision would dramatically expand the forest stewardship contracting program until 2013. This provision would eliminate the current cap on pilot projects and require the Forest Service and the Bureau of Land Management to open up more than 70 million acres to potential logging. The timber companies, not the Forest Service, would pick the trees to be harvested. In addition, the bill would eliminate judicial review for the Tongass National Forest land management plan; remove language protecting the Arctic National Wildlife Refuge;

exempt the Trans-Alaska Pipeline System from environmental review; and cut funding for important conservation programs.

For these reasons, I oppose this conference report and urge my colleagues to oppose it as well.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that following the remarks of the distinguished majority leader, the Senate proceed to vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. FRIST. Madam President, before we vote I will take a minute to outline the schedule. This will be the last vote prior to the Presidents Day recess. The Senate will be in session tomorrow. However, no rollcall votes will occur during Friday's session.

At the conclusion of Friday's business, we will adjourn until Monday, February 24, under the order. At noon on Monday, February 24, Senator CHAMBLISS will deliver George Washington's Farewell Address. Following the address, the Senate will resume consideration of the Estrada nomination. In addition, on February 24, we will consider S. 151, the Protect Act. Members should expect to vote on passage of that bill at approximately 5:30. I will notify all Members when the exact time is locked in.

I thank all Members for their cooperation during this busy period. Again, this will be the last vote before the recess. The vote will be conducted in a few minutes, and the Senate will be in session tomorrow.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. REID. Madam President, will the majority leader yield for a question?

Mr. FRIST. Yes.

Mr. REID. Can Members be assured that there will be no vote prior to 5:30 on the Monday we come back?

Mr. FRIST. That assurance will be given.

The PRESIDING OFFICER. Is all time yielded back for debate on the conference report?

Mr. REID. Madam President, I ask that the time of the ranking member be yielded back.

Mr. STEVENS. I yield back all time.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. MCCONNELL) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 20, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—76

Akaka	DeWine	Mikulski
Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Dorgan	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feinstein	Nickles
Biden	Frist	Reed
Bond	Graham (SC)	Roberts
Breaux	Grassley	Santorum
Brownback	Gregg	Schumer
Bunning	Hagel	Sessions
Burns	Harkin	Shelby
Byrd	Hatch	Smith
Campbell	Hollings	Snowe
Cantwell	Hutchison	Specter
Carper	Inhofe	Stabenow
Chafee	Inouye	Stevens
Chambliss	Johnson	Sununu
Clinton	Kohl	Talent
Cochran	Kyl	Thomas
Coleman	Landrieu	Voinovich
Collins	Lincoln	Warner
Cornyn	Lott	Wyden
Craig	Lugar	
Crapo	McCain	

NAYS—20

Bingaman	Durbin	Levin
Boxer	Edwards	Lieberman
Conrad	Feingold	Pryor
Corzine	Fitzgerald	Reid
Daschle	Jeffords	Rockefeller
Dayton	Kennedy	Sarbanes
Dodd	Lautenberg	

NOT VOTING—4

Graham (FL)	Leahy
Kerry	McConnell

The conference report was agreed to.

Mr. FRIST. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALTONSTALL-KENNEDY GRANT PROGRAM AND CREATION OF THE ALASKA FISHERIES MARKETING BOARD

Mr. STEVENS. Madam President, the Saltonstall-Kennedy (S–K) Grant Program is a competitive program administered by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, NOAA, Department of Commerce. The S–K program was established by the Saltonstall-Kennedy Act of 1954 to promote U.S. seafood products around the world and generally support our Nation's fisheries. For the first time in 1979, S–K receipts from import duties on fishery products were transferred to NOAA's base budget to fund an industry/government partnership. However, without my amendment in fiscal year 2003 NOAA would transfer $75 million to it's base budget, leaving only $220,000 for the original purposes of this program—promoting domestic seafood production. This provision ensures that a little less than 15 percent of those receipts transferred to NOAA will be used for their intended purpose—promoting domestic seafood from Alaska, home to half of the U.S. domestic seafood production.

This bill includes $10 million from the S-K program to market Alaska seafood products and creates the Alaska Fisheries Marketing Board to administer these funds. This program will help develop and promote high-value fresh and fresh-frozen Alaskan seafood products, allowing Alaska fishermen to better compete in the global and domestic markets.

The Secretary of Commerce will appoint the members of the board and the executive director. In appointing members to the board, the Secretary shall fully consult with and seek recommendations from the Governor of Alaska. The membership should reflect the various aspects of seafood production, distribution, State oversight and the retail of Alaska seafood products. This would include three individuals with experience in harvesting Alaska seafood, two individuals with experience in fish processing, one individual from the Alaska transportation industry, one individual from the Alaska State legislature -preferably with experience on the State of Alaska's Salmon Task Force, one individual with experience in mass market food distribution, one individual with experience in mass market food retailing, one individual with experience in niche marketing of Alaska seafood products, and one individual recommended by the Alaska Seafood Marketing Institute.

The board will solicit grant proposals for marketing Alaska seafood from the public, review them, and fund those that will do the most to help reinvigorate struggling sectors of the Alaska seafood industry. These proposals can promote region-specific or species-specific marketing programs that do not undermine existing statewide ''Alaska Seafood'' marketing efforts.

The board may choose to promote the development of new processing technologies to insure the commercial viability of Alaska seafood and improve related transportation costs in delivering these products to market, and will work to improve the overall marketability of Alaska seafood.

I look forward to working with the Secretary of Commerce on establishing the Alaska Fisheries Marketing Board and helping the Alaska seafood industry get its message out to the world.

HAPPY 100TH ANNIVERSARY TO THE DEPARTMENT OF COMMERCE

Mr. HOLLINGS. Madam President, tomorrow the smallest of our Cabinet

agencies, the Department of Commerce, will celebrate the biggest of big anniversaries, and as the ranking member of the Commerce, Science and Transportation Committee, I rise to salute them on 100 years.

We have a whole list of their accomplishments, starting with the development of the Gross Domestic Product in the 1930s, the measure that gave us for the first time a true picture of our economy. Commerce houses the Census, the top statistical agency in the world. It is home to the Patent Office, which has witnessed an incredible amount of American history, issuing more than 6 million patents, be it to Orville and Wilbur Wright for a flying machine, or for the development of television, transistors, and computers.

In the last century, Commerce created the first atomic clock, fostered the development of public television; assisted more than half a million minority-owned businesses; and helped thousands of economically-distressed communities generate commercial development in every Senators' States. Having a hand in creating NOAA, I will always remember the last 100 years for the great advancements made in weather predicting and the saving of the gray whale and dolphin.

When Teddy Roosevelt wrote to this body a century ago, he asked us to create the Department for the ''purpose of broadening our markets . . . and making firm our new position in the international industrial world'' William Redfield, the first Secretary of Commerce, set a clear goal: ''We are going out into the markets of the world to get our share.''

This Senator knows that times change and situations change, but that for our long-term economic well being no words hold truer. We need our share to bring back jobs into this country. I wish the good people at Commerce a happy birthday. Most of all, I hope President Bush and Secretary Evans set their mark on the Department's next 100 years with trade policies that can truly build our economic potential in global markets.

RULES OF PROCEDURE OF THE SENATE RULES COMMITTEE

Mr. LOTT. Madam President, today the Committee on Rules and Administration approved the following rules for the committee. I ask that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted Feb. 13, 2003)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR–301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least a week in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a) (3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Madam President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Health, Education, Labor, and Pensions for the

108th Congress adopted by the Committee on February 12, 2003.

There being no objection, the material was ordered to be printed, as follows:

RULES OF THE COMMITTEE AND HEALTH, EDUCATION, LABOR, AND PENSIONS

(Adopted February 12, 2003)

RULES OF PROCEDURE (AS AGREED TO FEBRUARY 12, 2003)

Rule 1.—Subject to the provisions of Rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available or inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of ruler XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the Standing Rules of the Senate, no person other than member of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority members of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, which the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the

committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualification to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill our otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities. (Effective Jan. 21, 1999, pursuant to the Committee Reorganization Amendments of 1999 (S. Res. 28), is amended by striking ''Handicapped individuals'', and inserting ''Individuals with disabilities.'')
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. (Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues Regulations Governing Rates Payable to Commercial Reporting Forms for Reporting Committee Hearings in the Senate.'' Copies of the regulations currently in effect may be obtained from the Committee.) The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recoding adequate to fully record the proceeding of each meeting or conference where or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the

Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposal data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

RULES OF THE SENATE COMMITTEE ON THE BUDGET

Mr. NICKLES. Madam President, pursuant to paragraph 2 of Rule XXVI of the Standing Rules of the Senate, I ask unanimous consent to print in the RECORD, the rules of the Committee on the Budget for the 108th Congress as adopted by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON THE BUDGET

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2) (a)–(e), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the raking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the Committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

(1) Graphic displays used during any meeting or hearing of the committee are limited to the following:

Charts, photographs, or rendering:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the Senator's seat or at the rear of the committee room.

When: only at the time the Senator is speaking.

Number: no more than two may be displayed at a time.

RULES OF THE COMMITTEE ON ARMED SERVICES

Mr. WARNER. Madam President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Armed Services for the 108th Congress adopted by the committee on February 13, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

(ADOPTED FEBRUARY 13, 2003)

1. REGULAR MEETING DAY.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. ADDITIONAL MEETINGS.—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. SPECIAL MEETINGS.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. OPEN MEETINGS.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. PRESIDING OFFICER.—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. QUORUM.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, eight members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. PROXY VOTING.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. ANNOUNCEMENT OF VOTES.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. SUBPOENAS.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by him, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. HEARINGS.—(a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the

Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Madam President, in accordance with Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD, the Rules of the Committee on Energy and Natural Resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of all the Members of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of the hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include a legislative measure, nomination, or other matter on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members of Subcommittee shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advice the witness of his or her legal rights.

(c) For purposes of this rule, the term ''investigation'' shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether

there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at that hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect this reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on this dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

LAW ENFORCEMENT NEEDS A NATIONAL BALLISTICS IMAGING NETWORK

Mr. LEVIN. Madam President, last Sunday the news program ''60 Minutes'' reported on an exciting new technology called ballistic fingerprinting, which is currently underutilized by our Nation's law enforcement organizations. Each time a gun is fired, it inscribes a unique pattern on each bullet. This marking is referred to as a ballistic fingerprint. The ''60 Minutes'' report presented the case of a New York City double homicide in which the New York Police Department developed little evidence to work with besides the bullet shells and casings from the crime scene. After exhausting all other efforts to solve the case, detectives took those shells and casings to the NYPD ballistics lab to be scanned into the Integrated Ballistic Identification System, a database of ballistic fingerprints maintained by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives. The ballistics lab was able to connect the gun used in the double homicide to the one used three months later in an armed robbery. An arrest was made and the man was convicted of both crimes. Without ballistics fingerprinting this case might have never been solved.

Through its National Integrated Ballistic Information Network or NIBIN Program, the Bureau of Alcohol, Tobacco, Firearms, and Explosives deploys Integrated Ballistic Identification System equipment to State and local law enforcement agencies, such as the one in New York City, for their use in imaging and comparing crime gun evidence. This state-of-the-art equipment allows firearms technicians to acquire digital images of the markings made by a firearm on bullets and shells, like was done in the New York case. Unfortunately, at this point, only weapons that are confiscated in crimes are included in this database. Expanding this database to include newly manufactured and imported guns would enhance law enforcement's ability to investigate and reduce gun-related crime.

I believe that the ATF's ballistic fingerprinting network should be expanded, and that is why I have cosponsored the Technological Resource for Assisting Criminal Enforcement Act or TRACE Act. Under this bill, manufacturers and importers would be required to test fire firearms and capture ballistics images of the fired bullets and casings of new firearms. Expanding NIBIN to include these ballistics images would increase the crime gun tracing capabilities of the ATF and local law enforcement. Law enforcement could identify firearms by using the ballistics images of cartridge cases and bullets recovered at crime scenes even when criminals had removed the serial number. In fact, this technology would allow investigators to identify the firearm used in the crime without actually recovering that firearm. The legislation also contains strict provisions stating that the ballistics information regarding individual guns may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

I believe this is sensible legislation that will strengthen law enforcement's ability to effectively track down criminals. This technology has worked for both the NYPD and in the investigation of the Washington area sniper attacks. I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 9, 2002 in Huntington Beach, CA. Aris Gaddvang, 25, a Filipino-American store manager, was beaten in a parking lot. The attackers, three teenagers, shouted racial slurs and ''white power'' before beating Gaddvang with metal pipes. After the attack, Gaddvang said he received a phone call from someone who identified himself as one of the attackers. Gaddvang said that the caller used racial slurs and threatened him.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SUPPORTING THE USE OF ETHANOL

Mr. VOINOVICH. Madam President, I rise today to express my support for the ethanol legislation that is being introduced today.

I am pleased to join my colleagues, Senators HAGEL, LUGAR, DASCHLE, and JOHNSON, in this effort to develop an ethanol package that addresses the concerns of a variety of stakeholders in the energy debate while providing a tangible benefit for the American people. I believe that increasing our use of renewable fuels such as ethanol and biodiesel is a key element in our effort to construct a viable energy policy.

As I have often stated, we face an incredible challenge in putting together an energy policy for our Nation. In my view, the Senate has a responsibility to develop a policy that harmonizes energy and environmental policies, and to acknowledge that the economy and the environment are vitally intertwined.

As I has to be a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security. It has to be a policy that will keep energy affordable. Finally, it has to be a policy that won't cripple the engines of commerce that fund the research that will yield future environmental protection technologies.

I believe the passage of an ethanol bill will protect our energy independence, our economy, and our environment.

Increasing the use of renewable fuels such as ethanol will protect our energy independence. Given the current situation in the Middle East, perhaps our greatest energy challenge is to reduce our reliance on foreign sources to meet our energy needs. As my colleagues know, the United States currently imports about 58 percent of our crude oil. President Bush has stated repeatedly that energy security is a cornerstone for national security and it is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs. Ethanol is an excellent domestic source—it is a clean burning, homegrown renewable fuel that we can rely on for generations to come.

Creating a greater market for ethanol will protect our economy. Ethanol is good for our Nation's economy and, in particular, good for Ohio's economy. Ohio is sixth in the Nation in terms of corn production, and an increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State. Ohio is one of the Nation's leading consumers of ethanol, with 40 percent of the gasoline consumed in the State containing ethanol. Because of the economic benefits of increasing consumption of ethanol, Ohio has placed a tremendous emphasis on expanding its use and is actively pursuing opportunities to build ethanol production plants.

Expanding the use of ethanol will protect our environment. Increasing the use of ethanol will help reduce auto emissions, which will clean the air and improve public health.

The language that is being introduced today is identical to the ethanol title passed by the Senate in last year's comprehensive energy bill. It is important to note that while this body overwhelmingly supported inclusion of an ethanol title in that bill, there were some significant issues raised during debate on this provision.

As chairman of the Clean Air Subcommittee, I intend to hold hearings on, and to mark up, this legislation so that it can be included in this Congress' version of comprehensive energy legislation. I know that Senator INHOFE, Chairman of the Environment and Public Works Committee, has some strong issues with the way that MTBE is dealt with in this legislation, and I intend to work closely with him to see that those issues are resolved before we move forward with this bill.

I was delighted that the Senate was able to come together and craft a bipartisan agreement on ethanol during the last Congress. It is my hope that that spirit of bipartisanship will continue throughout this Congress and that we can finally enact a comprehensive national energy policy that includes ethanol as one of its key provisions.

DEPLOYMENT OF TROOPS IN EUROPE

Mr. SMITH. Madam President, I rise today to speak for a few moments about, what I feel, is a very important issue—regarding NATO and the deployment of great armed forces in Europe.

I, like many of my colleagues, have watched and listened with concern to some of our European allies' thoughts and actions regarding the inspections in Iraq.

It has caused many in this town, both in this Chamber and in the government to ponder the merits of some of our allies that are new members of NATO . . . and the fine job they have done in supporting this Nation on fledgling budgets but with the heart of gold and fervor of patriotism often found in new democracies.

I believe that it is high time that we consider the merits of a limited redeployment of some U.S. forces either on a permanent or rotating basis from Germany to alternative locations in Eastern and Southern Europe.

The current alignment of U.S. forces in Europe, particularly their concentration in Germany, reflects a geopolitical reality that no longer exists. There has not been significant enough realignment of capabilities and assets since the fall of the Berlin Wall.

We no longer expect Soviet tanks to come rolling over the Folda Gap. Why are U.S. forces, therefore, still on a cold war footing?

During the 1990s, America and its allies agonized over the future of NATO. Now that we have reaffirmed that NATO will continue to exist and grow, and that the U.S. will remain engaged in Europe, we should ask ourselves what it should look like and how it can best serve our national and common security interests.

As attention turns to the Middle East, we should be thinking about where our troops should be stationed over the longer term. Given that the military flashpoints in the future are likely to revolve around the Caucuses, Iraq, the Middle East and North Africa, closer proximity of U.S. troops is of the utmost necessity.

Since Berlin has long ceased to be the fault line for military conflict, I urge my colleagues and the Administration to consider redeploying U.S. troops from Germany in a direction, and in a manner, that reflects the challenges of the future rather than the past.

I was proud to support the inclusion of Czech Republic, Hungary and Poland into NATO. I am also supportive of the aspiration of others to join that Alliance and to make the democratic and budgetary reforms necessary to bolster their candidacy.

I am proud that seven other nations, including Bulgaria and Romania, are candidates for membership.

By deploying U.S. forces to new locations to the East or South of Germany, to nations that enjoy new or prospective membership in NATO, we would demonstrate our firm commitment to those countries.

Doing so would also reflect new geopolitical realities: first, we have cooperative and constructive relations with Russia, and secondly, points to the south of Europe will continue to require more of our attention.

As Secretary Rumsfeld has noted, while ties between the people of Germany and America remain strong, on a governmental level, our bilateral relations are increasingly out of sync.

I couldn't agree more.

Well before Mr. Schroeder began his attacks on President Bush and before the incessant German criticism of the administration's efforts to combat terrorism and the threat posed by Iraq—Germany had imposed increasing and burdensome restrictions on the way the U.S. military could maneuver and train in Germany.

Basing and operating costs in Germany one of the most industrialized and rich nations of Europe are high. Though start-up costs of relocating some U.S. forces to countries such as Poland or Romania might be high, over time such relocation would present savings.

Some Eastern or Southern European countries would be keen to host U.S. forces, either permanently or on a rotating basis.

They would welcome a U.S. military presence for the strategic and political dividends involved, and not least for the positive economic impact that this would entail. They would welcome us in the spirit of friendship.

In particular, I think the administration should strongly consider redeploying NATO forces to Poland, Romania and Bulgaria. Poland has bases and training grounds well-suited for U.S. military training, while Romania and Bulgaria are both in the process of upgrading their bases under the terms of their NATO membership.

Operating with fewer restrictions than on German bases will allow American troops to train more effectively, thus maintaining military readiness at the highest possible level.

Redeployment of U.S. forces to Romania and/or Bulgaria would ease strategic pressure on Turkey, a vital American ally.

With its location near the center of the world's least stable regions, we should not leave Ankara to stand as the sole pressure point when the U.S. projects forces eastward and southward from Europe.

Someday the political situation might force even a generally friendly Turkish government to resist America using Turkey as a staging point. American bases in Bulgaria and Romania would shift some of the burden from this hard-pressed American friend.

Likewise, bases in Bulgaria and Romania would provide the Turks, who will remain key partners in the new era, the diplomatic cover to continue to assist the U.S.

Nations that have escaped the yoke of communism in Central and Southern

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Nations that have escaped the yoke of communism in Central and Southern Europe have been among the most active and outspoken supporters of U.S. policy particularly the global war on terrorism and U.S. efforts to contain Iraq and North Korea.

Perhaps that is because these nations, unlike their continental neighbors to the West, know what it is like to live without security, freedom and democracy.

As we move forward on this critical issue, Congress should authorize and the Administration should thoroughly study, the military and financial implications of European redeployment.

It is also an issue to broach with the Russian Federation, as it may require renegotiation of the Treaty Conventional Armed Forces in Europe. We must emphasize that it is not directed at Moscow but rather can form the basis of a closer NATO-Russia relationship.

I would note that a few days ago, Senators SHELBY, BUNNING, ALLARD, COLLINS, SESSIONS, BROWNBACK, MCCAIN, KYL, HUTCHINSON, CRAIG, ENSIGN, SANTORUM, WARNER and I sent a letter to Secretary of Defense Rumsfeld requesting that the Department of Defense undertake an immediate study of U.S. bases in Europe that should be geared to U.S. national interests.

We asked that issues considered in such a study include, but not be limited to: force structure, length of deployment, infrastructure, dependents and dependent housing and services, and costs regardless of category.

I believe that was a good first step toward thinking about the issue of deployment of our forces in Europe. I think that we should do more on this issue and I will work towards that end.

THE MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENT ACT OF 2003

Mr. THOMAS. Madam President, I am pleased to introduce S. 379, the Medicare Incentive Payment Program Improvement Act of 2003, with my distinguished colleague, Senator BINGAMAN. This legislation makes important improvements to the current Medicare Incentive Payment (MIP) Program. These refinements will go a long way in ensuring eligible rural physicians receive the Medicare bonus payment to which they are entitled.

The Medicare Incentive Payment Program was created in 1987 under the Omnibus Budget Reconciliation Act to serve as an incentive tool to recruit physicians to practice in Health Professional Shortage Areas (HPSAs) by providing a 10 percent Medicare bonus payment. There are approximately 2,800 federally designated HPSA's—75 percent of which are located in rural areas. In my State of Wyoming, over half of the counties are designated as a Health Professional Shortage Area and have a difficult time recruiting physicians.

Unfortunately, this well-intended program has not worked well due to the burden if places on providers. Under the current MIP programmatic structure, physicians are required to determine if the patient encounter occurred in designated underserved areas, they must attach a code modifier to the billing claim and must undergo a stringent audit. Additionally, there is evidence that many physicians who would be eligible are not even aware of the program.

The legislation we are introducing today alleviates the administrative burden on rural physicians by requiring Medicare carriers to determine eligibility. The Medicare Incentive Payment Program Improvement Act of 2003 also requires the Centers for Medicare and Medicaid Services to establish a MIP education program for providers and establishes ongoing analysis of the MIP program's ability to improve access to physician services for Medicare beneficiaries.

All physicians are struggling with last year's Medicare payment reduction of 5.4 percent and with the possibility of another 4.4 percent reduction on March 1 of this year. These payment cuts combined with an ever-increasing regulatory burden to participate in the Medicare program and escalating medical malpractice premiums have begun to impact senors' access to care. As rural providers tend to be disproportionately impacted by Medicare payment cuts, it has never been more important to ensure that the few rural physician incentive programs that exist have a positive effect on the stability of our rural health care delivery system. I strongly urge all my Senate colleagues interested in rural health to cosponsor the Medicare Incentive Payment Improvement Act of 2003

CONSERVATION SECURITY PROGRAM

Mr. HARKIN. Mr. President, I came to Congress in 1975 and served in the House until 1984, when I was elected to the Senate. As a member of the House Agriculture Committee and later the Senate Agriculture Committee I have always known the importance of agriculture conservation. My home State of Iowa is rich in agriculture and also rich in the tradition of conservation.

But even in Iowa, we recognize the need for more conservation. For decades we had cost-share money available for producers through the Agriculture Conservation Program. But, it was not

until 1990 that a farm bill took the next critical step toward conservation by including my Water Quality Incentives Program. This program, for the first time in agriculture history, included incentive payments for producers. The basic concepts and principles of WQIP were the foundation for the Environmental Quality Incentives Program, EQIP, included in the 1996 farm bill. EQIP, which expanded beyond water quality to all natural resources, was a fundamental advancement for conservation on working lands.

However, even with these advances we were still spending over 90 percent of conservation dollars on land retirement programs, namely CRP and WRP. While these two programs are critically important, it became abundantly clear that conservation on working lands needed to be addressed. EQIP was hugely popular among farmers and ranchers, but the dollars were limited and many, many, many producers were left stranded—unable to access this program.

Moreover, a growing resentment from good conservationists was brewing over the EQIP funding. Too many good stewards of their lands were left out of the conservation programs. Those who worked hard, using their own resources and ingenuity, were not recognized by USDA agriculture conservation programs.

As I traveled the countryside, it became abundantly clear that change was necessary. I heard from many producers that we finally needed a good strong conservation program open to all producers, not just a few select producers. And, they told me that we needed a conservation program that rewarded those committed stewards of the land, instead of excluding them.

During the development of the farm bill, I continued to press for an expanded conservation title. To expand and improve the existing conservation programs and to finally add a new conservation program which I called the Conservation Security Program—a program to secure the right of all American farmers and ranchers to access conservation dollars to adopt and maintain conservation practices on their lands. We did not put a cap on the CSP so that all producers who would carry out conservation and meet the requirements could enroll in it. The CSP was a novel approach to conservation—it adopted the well-accepted full participation principle in our commodity programs. That is the most unique factor of CSP. I first proposed CSP in 1999 and over the next three years CSP evolved into the groundbreaking program that was included in the 2002 farm bill. Prior to the final product, the CSP was introduced in a bipartisan manner on both the House and the Senate in 2001.

Senator SMITH of Oregon and I worked hard on developing this important program. It took long hours of negotiation involving staff together with major commodity groups, like the American Farm Bureau Federation, the American Soybean Association, National Corn Growers Association, Sustainable Agriculture Coalition, Defenders of Wildlife, Sierra Club and many others. Moreover, we worked extensively with the USDA. Eventually, we developed a program embraced by both commodity and conservation groups alike.

But, the evolution of CSP continued through the development of the farm bill. As the Senate worked on the farm bill, Senator LUGAR, Senator SMITH and I continued to modify the CSP to ensure that the environmental benefits were maximized and that farmer access was paramount. Senator LUGAR and I developed joint principles on the farm bill, including for the conservation title. While both Senator LUGAR and I vocally supported a strong conservation title, we took time to refine the CSP. As a result of our bipartisan work, the conservation title, including a CSP without an arbitrary funding limit of the Senate Agriculture Committee unanimously.

But, our work on the CSP was far from over. As we moved into conference with the House, we again worked to improve CSP. We worked tirelessly and carefully to refine the CSP and make sure that it was acceptable to all members of conference. This was not a simple process. The Farm bill conference took months, and the conservation title was debated during the entire process. I personally engaged in weeks of negotiations on the CSP. Because I understood the critical importance of including a CSP without a funding cap in the final bill, I made many concessions on the farm bill.

Finally, after months of debate, the conference agreed to include CSP as an uncapped program—one open to all producers who meet requirements of the program and one that would have a budget baseline in the future as the program grew. The farm bill was a carefully negotiated bill that required a delicate balancing of all concerns.

When President Bush signed the 2002 farm bill last May, we all celebrated the historic increase in conservation spending for existing and new programs. For the first time ever, the farm bill took a monumental step forward toward truly addressing conservation of natural resources on our farms and ranches in the form of the CSP.

The CSP, by its uncapped nature, ensured for the first time that all farmers and ranchers who meet the requirements may participate in an agriculture conservation program. Again, it was uncapped nature of this program that provided for this program that provided for this giant step for conservation—for both our farmers and ranchers and the environment.

I must restate that the CSP will generate real environment benefits. The design of CSP mandate these benefits. Producers are required to maintain or adopt conservation practices at the highest level of all conservation programs.

Why else is CSP so important? For many reasons—It is the first program that provides a comprehensive approach covering the full range of conservation and environmental issues related to working lands, and enables participation based on one unified, site-specific conservation plan.

CSP helps rebalance conservation funding in support of incentives for land in production so that producers don't have to retireland and stop farming in order to benefit. CSP is open to producers of all types of crops and all parts of the country. CSP, for the first time, pays producers in recognition of the public nature resource and environmental benefits provided on working farms and ranches, including maintenance payments for active management of already adopted practices. And, CSP is compatible with our trade obligations under WTO.

That is why major commodity and conservation groups support CSP. Groups including, Cotton Council, American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Farmers Union, National Milk Producers Federation, United Fresh Fruits & Vegetables, U.S. Rice Producers, American Farmland Trust, Defenders of Wildlife, National Association of Conservation Districts, National Audubon Society, Pheasants Forever, Sierra Club, Trout Unlimited, Union of Concerned Scientists and many more. Despite the Administration's contention that it supports voluntary conservation programs in the farm bill, we have found that their words are not matched by their actions. In fact, the Administration has actively worked to undermine conservation programs.

Just recently, the Administration described CSP as having ''a unique role among USDA conservation programs. It identifies and rewards those farmers and ranchers who meet the highest standards of conservation and environmental management on their operations, creates powerful incentives for other producers to meet those same standards of conservation performance on their operations, and provides public benefits for generations to come.''

Despite this glowing endorsement, the Administration has attacked CSP—by proposing to cut back CSP to a strict $2 billion for 10 years in the FY04 budget and by pushing to cap CSP to only $3.77 billion in this omnibus appropriations bill. The manner in which the CSP was capped was unfair. It began with a small provision in the House agriculture appropriations bill by limiting CSP as a pilot program in FY03 in my home state of Iowa.

But as time went on and the majority developed an inadequate disaster bill—one that doesn't provide the necessary support farmers need, they decided they needed an offset for the program. So, for the first time, we have

now created a horrible precedent of requiring an offset for disaster payments. And, where did the Administration go for this offset? The farm bill which was just passed nine months ago. And, more importantly, what did the Administration attack first—the conservation title.

During the farm bill, the CSP was scored by CBO for $2 billion, but as the popularity and producer support and excitement for this program grew, CBO rescored this program for significantly more. In fact, the most recent score for CSP is $6.8 billion. Instead of seeing a wonderful vehicle to accomplish conservation on the ground, the Bush Administration viewed CSP as a cash cow—one to attack to pay for disaster payments. So, without any ability for debate, in the quiet of the night behind closed doors the Administration undermined the most important conservation program ever authorized—a conservation program open to all producers and capped the CSP. This cap fundamentally changes the CSP.

No longer can all producers have the security of knowing they can participate in a conservation program, no longer can the promised environmental benefits of the conservation title of the farm bill guaranteed. By capping this program—unintended restrictions on participation will follow and the baseline we worked so hard to develop and so carefully negotiated in the farm bill is gone. And, we have greatly hindered the most promising program we had for meeting our WTO obligations in the future.

It is clear today that the Administration is bent on undermining conservation practices and the CSP. It is clear that its words of praise for conservation cannot be reconciled with its destructive measures.

The colloquy between Senator STEVENS, Senator COCHRAN, Senator DASCHLE, Senator FRIST and me entered into on passage of the Omnibus Appropriations bill on February 13, will hopefully lead to correcting this mistake on the next supplemental appropriations bill.

I ask unanimous consent that a statement by Congressman GOODLATTE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the House Agriculture Committee, Feb. 13, 2003]

CHAIRMAN GOODLATTE'S STATEMENT CONCERNING THE FINAL OMNIBUS SPENDING BILL AND THE DROUGHT ASSISTANCE PROVISION

''We are pleased that the final drought assistance provision provides targeted disaster relief to those farmers who need it the most. It is my hope that this approach will help countless American farmers avoid devastating financial circumstances. I am pleased that it is paid for.

''However, the Committee is greatly concerned that it is paid for out of a carefully negotiated Farm Bill, and would have preferred that the funds had been found elsewhere. Breaking open the Farm Bill, before it has even been implemented, is a very serious matter. This is a dangerous precedent, which we strongly opposed throughout the course of these negotiations.

''This is a warning to farm legislators and the farm community at large to be vigilant. It will be a constant effort to ensure that the Farm Bill remains a valuable asset to America's farmers and ranchers. While this legislation will help farmers who are hurting right now, we must make certain that in providing this assistance, we don't harm American agriculture in the long term.''

UNINSURED AMERICANS

Mr. SMITH. Madam President, as I rise today to speak before my colleagues in the 108th session of the US Congress, I have a sense of deja vu. While I have only been a member of the Senate since 1997, I have already seen the issues of prescription drugs for seniors and health care for the uninsured come and go—unresolved—a number of times. And while we continue to discuss the issues to death, people are dying.

According to a recent report by the Institute of Medicine, an estimated 18,000 people die every year because they don't have health insurance, and don't get the care they need in a timely fashion. Eighteen thousand deaths a year. And millions more people suffer unnecessarily due to delays in care, or lack of access to care. We need to do something substantial, and we need to do it now.

We have all heard the numbers, but they are so staggering that I have to mention them again. Today—right now as I speak—41 million Americans are living, working, and going to school without health insurance. That's one in every six Americans or 17 percent of our hard-working citizens who do not have health insurance. They are our friends, our neighbors, our children, our parents.

Many—more than 35 million of these uninsured Americans –are in low-income working families. Many people who work in small businesses are not offered health insurance, and those who are often cannot afford the skyrocketing premiums. My family owns a business, and I know what small businesses go through.

We want to provide health care to our hard working employees as much as they want us to offer it, but it is becoming so expensive and so bureaucratic, it grows more difficult every year. This Congress has its work cut out—strengthening the economy, fighting a war, creating a prescription drug benefit for our Nation's seniors. These are just a few of the important pieces of business before us this year. But the problem of the uninsured will not go away—to the contrary, the ranks of the uninsured are growing by millions every year.

A crisis of this magnitude is going to require fundamental change, either through a series of incremental steps, such as helping lower income Americans buy insurance or by spreading insurance risk, or by adopting a bold new approach, such as that advocated by Senator BREAUX.

We in Congress should consider it a moral imperative to help everyone get access to affordable health coverage.

The number of uninsured people in America is an outrage, and every unnecessary death is a tragedy. If 18,000 Americans died in terrorist incidents each year, there would be widespread outrage.

Yet tens of thousands of uninsured Americans are at risk of dying each year from cancers diagnosed too late, or stroke from uncontrolled high blood pressure. These can be slow, painful deaths.

They are preventable deaths. We can help prevent these deaths. We should help prevent these deaths. With the help of my colleagues, we will help prevent these deaths by committing ourselves to substantial reform this congress.

ADDITIONAL STATEMENTS

HISTORIC DEERFIELD CELEBRATES ITS 50TH ANNIVERSARY

• Mr. KENNEDY. Madam President, 2002 marked the 50th anniversary of the incorporation of Historic Deerfield. Founded in 1952 by Mr. and Mrs. Henry Needham Flynt of Greenwich, Crt, the western Massachusetts museum complex is located within the 330-year-old village of Deerfield, called ''the gem of rural New England'' by the National Trust for Historic Preservation. Cited often as the best documented small community in America, Deerfield attracts scholars, curators, and students to study the history of New England using the village's rich manuscript an research holdings. And, tourists and travelers from throughout the world encounter the story of early America in the parlors and kitchens of Deer Field's old houses and along its mile-long thoroughfare simply called, ''The Street.''

Surrounded by more than 1,000 acres of actively farmed meadows, Historic Deer Field's museum houses and decorative art galleries are filed with more than 30,000 objects made or used in America between 1650 and 1850. This carefully preserved community of 18th and 19th century houses and the renowned collections of antiques within them are framed by working farms in a quintessential New England village that travelers are delighted to discover.

In 1936 Henry and Helen Flynt enrolled their son at Deerfield Academy, a college preparatory school founded in 1797. The couple was amazed at the remarkable but fragile state of preservation of the village's houses and buildings dating back to the early 18th century. Many were ghosts of their former selves, but still lived in by descendants of the proud families that had survived the infamous Deerfield Massacre of 1704. In those years preceding World

War II, Henry Flynt's great passion for America was stirred as he realized that this little village, founded by English settlers in 1669 and whose meadows were inhabited by native peoples for thousands of years before, had witnessed the great events of this country's history.

Encouraged by Deerfield Academy's legendary Headmaster Frank Learoyd Boyden, the Flynts began to purchase several of the old houses and restore their ells and early additions as dormitory space for the school's growing student body. Their interest in every American history and the decorative arts blossomed simultaneously and soon the Flynts were restoring the old houses not as dormitories but as museums filled with their growing collection of the finest antiques then available.

In 1945 the Flynts purchased the 1994 Deerfield Inn and restored it for use by parents visiting Deerfield Academy students. In that same year they bought an old house for themselves and furnished it as their Deerfield residence. By 1948 Historic Deerfield's first museum house—the Parson Jonathan Ashley House—was opened to the public and in the ensuing 25 years 13 more houses were furnished as museums welcoming growing numbers of visitors. Shortly before Henry Flynt's death in 1970, a new research library was opened that also administers the extensive collection of early Deerfield manuscripts owned by the village historical society, The Pocumtuck Valley Memorial Association. Founded in 1880, this repository of local history and art still opens its doors to visitors each year from May to October.

In 1998 a long held dream was realized when a new, 27,000-square-foot decorative arts museum—the Flynt Center of Early New England Life—was opened. With galleries for changing exhibitions, a unique storage display of more than 3000 objects appropriately called the Museum's Attic, and expanded lecture and public program space, the Flynt Center was the culmination of a $12 million capital campaign that attracted gifts from more than 800 individuals, foundations, and corporations throughout America and abroad.

I congratulate Historic Deerfield on the occasion of its 50th anniversary, and I send my best wishes for 50 more great years.●

OREGON COMMUNITY HERO

● Mr. Smith. Madam President, as we celebrate Valentine's Day by sharing our love with those dear to our hearts, I find it fitting today to honor a man who has given his love, time, and dedication to all those he serves. Mr. Dale Hilding of my home town of Pendleton, OR, is an exemplary civil servant, community volunteer, and family man. Both literally and figuratively, he is a hero in every sense of the word.

Dale serves as the manager of the Pendleton Social Security office. Assisting the residents of eastern Oregon with such tasks as Social Security retirement, disability and supplemental income benefits; Medicare enrollment; and trouble shooting problems is a gargantuan task. In each of these endeavors, Dale is superb.

Besides supervising employees and managing an office, Dale is also the point of contact for congressional staff. Dale is at the head of the class of Oregon congressional liaisons. He is efficient, effective, and positive in helping me serve my eastern Oregon constituents. Dale has gone beyond the call of duty numerous times helping my staff answer Social Security questions and solving problems for my constituents. He is a true civil servant hero.

Beyond his work as a Federal employee, Dale finds time to serve his community. Taking the example of his father, also a civil servant, Dale says: ''If you're an employee of the Federal Government, you have an obligation to be active in the community it serves.''

Dale took this advice to heart by spearheading the Combined Federal Campaign, CFC, in eastern Oregon. CFC is the annual fundraising drive conducted by Federal employees in their workplace. These dollars raised benefit thousands of nonprofit charities.

Dale's performance was so phenomenal, in 2001 he was awarded with the civilian CFC Hero Award. This national award is presented to only three winners annually, representing the three areas of Federal service—civilian, military, and postal. He is a true community hero.

Despite these activities, Dale still finds time to be an active family man to his wife and three children. In order to spend more time with his kids, he decided to become involved in their favorite activities. That led Dale to serve as an assistant scout master with the Boy Scouts and an assistant troop leader with the Girl Scouts. Dale also volunteers with the Umatilla County United Way. He is a true family hero.

Exemplary civil servant. Community volunteer. Family man. These are just a few of the many characteristics that make Dale Hilding an exceptional citizen of Oregon. It is with great respect that I, too, call Dale ''hero.''●

FBLA–PBL WEEK

● Mr. BROWNBACK. Madam President, I rise today to acknowledge Future Business Leaders of America-Phi Beta Lambda, (FBLA–PBL), and its work to improve the America in which we live.

Over the past 60 years, FBLA–PBL has been training America's business leaders. This week—February 9–15—over a quarter million FBLA–PBL members observe FBLA–PBL Week in their local chapters and communities all over America. Through partnering with businesses and performing community service projects, FBLA–PBL members gain an understanding of the rights and responsibilities in becoming tomorrow's business leaders.

Certainly, in light of recent corporate scandals, FBLA–PBL's dedication to promoting business ethics is of great importance.

Business cannot advance without such virtues as cooperation, courage, honesty, industry, innovation, practicality, and realism. It needs the rule of law, respect for the truth, and an educated populace. No matter how strong the business model, a loss of confidence in these basic values can be catastrophic—not just to individual investors, but to the company or institution. This is exactly what happened in the collapse of Enron and problems with WorldCom and others. Now, more than ever, America needs strong, moral leaders.

I wish FBLA–PBL well as they continue in the effort of helping to train and instill the values of corporate citizenship for America's Future Business Leaders.●

IOWA WESLEYAN: ONE MILLION HOURS OF SERVICE

● Mr. HARKIN. Madam President, this month, Iowa Wesleyan College is marking an important milestone—1 million hours of service by their students to the community. As we celebrate National Volunteer Month, I would like to take a few moments to recognize this extraordinary achievement.

Iowa Wesleyan is a 161 year old liberal arts college located in Mount Pleasant, IA. The college is affiliated with the Methodist Church and ''Learning in Community'' has been the central mission since its inception in 1842. This mission was formally integrated in 1968 with the establishment of the Responsible Social Involvement, RSI, program. Initially begun as a way to channel the strong desire of students to become socially active, RSI was adopted as a requirement for graduation in 1971.

Students must contribute a minimum of 160 hours of service to a nonprofit organization. They record their experiences in a journal, write a paper reflecting on the experience and make an oral presentation to a faculty committee. Students receive 6 hours of college credit for their service.

For 35 years, Iowa Wesleyan students have served in all types of jobs and all kinds of communities. Students have served as mentors with Big Brother/Big Sister and volunteered for organizations including the American Red Cross, Habitat for Humanity and Special Olympics. Students have served in schools, orphanages and hospitals around the world. They have contributed their time and talent in communities from Mount Pleasant, IA to Jakarta, Indonesia.

Since 1968, Wesleyan students have provided companionship to nursing home residents, tutored children on Indian reservations, coached athletic teams and the list goes on. Over the years, 5000 Wesleyan students have logged 1 million hours of service—or

more than 114 years of service. The RSI program has been a life changing experience for many and has prompted many alumni to continue their volunteer efforts after graduation. It is impossible to calculate the total impact of the program around the State, Nation and world.

In the first of its kind survey of U.S. households, the National Bureau of Labor Statistics reported that 59 million Americans over the age of 16 volunteered between September 2001 and September 2002. Although nearly 30 percent of our citizens are currently serving their communities, the need for more volunteers is vast and I encourage every person to get involved. Volunteer work is the most rewarding experience you will ever find.

I am reminded of this fact every week as a volunteer for the Everybody Wins! Program where I spend the lunch hour reading with a student at Brent Elementary. This is one of the most enjoyable parts of my week and I wouldn't miss it for the world. Unfortunately, there are too many children and not enough volunteers, so please get involved.

You can check your local newspaper, contact nonprofit organizations in your areas or log on to the Internet to find out about volunteer opportunities in your community. There are millions of volunteer jobs that need you. The best way to recognize this milestone of 1 million hours of service by the students of Iowa Wesleyan College is to join them.

Congratulations to the students, alumni and staff of Iowa Wesleyan College for reaching this milestone. You have made a real difference to your communities bullet.●

TRIBUTE TO DONALD FRIARY

● Mr. KENNEDY. Madam President, Donald R. Friary, Executive Director and Secretary at Historic Deerfield since 1975, who has been on staff since 1965, will retire from his present position on December 31, as the western Massachusetts museum concludes a year-long celebration of its 50th anniversary. Friary, who announced his retirement in early 2001, has been named Director Emeritus and on January 1, 2003 will begin work as Historic Deerfield's Senior Research Fellow. In announcing Donald Friary's retirement, Henry N. Flynt, Jr., Chairman of the museum's Board of Trustees and son of the museum's founders said, ''Historic Deerfield is profoundly grateful for Don Friary's energy, imagination and strong leadership throughout his remarkable twenty-seven years as Executive Director. The successful completion of the campaign that made the Flynt Center of Early New England Life a reality, exemplifies his extraordinary skills as both a leader and a fundraiser. I reflect the Board's deep appreciation for Don's strong and steady hand through the years. We are particularly pleased that he has agreed to accept an important new position at Historic Deerfield upon his retirement as Executive Director, namely that of Senior Research Fellow.''

Commenting on his plans to step down as Executive Director Friary said, ''Guiding and fostering the development of Historic Deerfield over these past twenty-seven years has been an extraordinary experience. The ability of this institution to raise the funds necessary to make possible the steady growth of the museum and library collections, the expansion of programs, the increase in both the quality and number of staff, and one of the museum's crowning achievements to date—the creation of the Flynt Center of Early New England Life—has been deeply rewarding for me during my tenure as Director. Deerfield has been home to me and to my family, it has shaped our lives and given much to us, as we have given much to it. Now, I greatly anticipate doing what I have hoped to do since I first came here as a graduate student nearly forty years ago—undertake the research that will allow me to write and lecture about the history of Deerfield and the Historic Deerfield collections. I look forward to keeping in contact with our varied constituencies—our staff, our members and supporters, our Summer Fellows, and all who make this such a unique and exciting place to live and work.''

Donald Friary is one of the longest serving directors of a major American museum. He completed his twenty-seventh year at Historic Deerfield's helm and thirty-seventh year on staff when he stepped down as the museum's CEO at the end of 2002. He was a graduate student in 1965 when he accepted the position of Head Tutor of the Historic Deerfield Summer Fellowship Program in Early American History and the Decorative Arts. A native of Boston, and a graduate of the Boston Latin School and Brown University, he holds a Ph.D. in American Civilization from the University of Pennsylvania. He served as the museum's first Director of Academic Programs from 1971 to 1973 and was named Assistant Director and then Executive Director in 1975.

Friary has been honored by election to the American Antiquarian Society, the Colonial Society of Massachusetts, and the Massachusetts Historical Society. He has served on the Boards of the Bay State Historical League, the Dublin Seminar for New England Folklife, the Massachusetts Foundation for the Humanities, the Winterthur Museum's Education Committee, and the Hill-Stead Museum. He was a Trustee and then President of the Williamstown Art Conservation Center where an endowed conservation fellowship bears his name.

Over the last three decades, Friary has brought together a staff of curators, conservators, and other highly skilled professionals in a variety of fields to manage, market and interpret Deerfield's nationally renowned collections of decorative arts and the 18th and 19th century houses in which they are displayed. Under his direction the museum has developed a reputation for excellence in programming, interpretation, and the preservation of the historic buildings and the open space entrusted to its care. Friary was instrumental in forging an agreement of affiliation for teaching and research between Historic Deerfield and the Five College consortium in 1986 and has, himself, taught several courses at Smith College through that affiliation. In 1990 he was actively involved as a founder of the Deerfield Land Trust, which has, to date, saved more than 1600 acres of town farmland from development.

As Historic Deerfield's major fundraiser, Friary, with some Historic Deerfield Trustees and the museum's development office staff, raised the more than $12 million needed to design, build and endow the Flynt Center of Early New England Life, which opened in 1998. In 2000, on the occasion of his twenty-fifth anniversary as Executive Director, the Center's major exhibition space was named the Donald R. Friary Exhibition Gallery recognizing the role his leadership played in bringing this ambitious project to a successful conclusion.

Friary began the Friends of Historic Deerfield in 1976 and today 2000 members in 44 States and 7 foreign countries contribute a significant amount to the museum's operating budget each year. When the Deerfield Inn burned in 1979, Friary led the Board of Trustees in raising the $1.5 million necessary to repair, refurbish, and modernize the original 19th century building, which remains today a centerpiece of the 333-year-old village for the thousands of tourists and travelers who come to Deerfield each year from throughout the world.

Donald Friary's colleagues and students note that among his many accomplishments at Historic Deerfield has been his adherence to the highest standards of excellence in the conservation and presentation of the museum's nationally renowned collections for the benefit of all who visit and study at Historic Deerfield each year. Friary summed up his personal hope for the institution's future in the inaugural issue of the museum's semi-annual magazine, published in Winter 2001, when he said, ''Historic Deerfield must and will maintain the standards of excellence that inspired our founders Henry and Helen Flynt, that have guided our staff and Trustees, and that continue to assure our visitors that at Historic Deerfield they have access to the story of New England's and America's past.''

Friary brought the endowment phase of the museum's capital campaign to a successful conclusion at the end of 2001 and has spent time in 2002 traveling across the country celebrating Historic Deerfield's 50th anniversary with hundreds of constituents in several states.

In the last several months he has overseen preparations to launch a new campaign to fund a Children's Discovery Center, which is scheduled to open in 2004. And, he is working on several collaborative initiatives as the town of Deerfield prepares to commemorate the tercentenary of its infamous 1704 French and Indian attack, which will take place during 2004.

On the occasion of his well-deserved retirement, I salute Donald Friary for his dedication and outstanding service to Historic Deerfield, to the Commonwealth of Massachusetts and to the nation.●

CONGRATULATING MISSOURI WINNERS FOR THE NATIONAL ENGINEERS WEEK REGIONAL FUTURE CITY COMPETITION.

● Mr. BOND. Madam President, I rise today to congratulate three outstanding eighth grade students from Nipher Middle School in Kirkwood, MO: Rebecca Peterson, Roger Alessi, and Cait Hafer. These three students won National Engineers Week Regional Future City Competition.

The National Engineers Week Future City Competition provides a fun and exciting educational engineering program for seventh and eighth-grade students that combines a stimulating engineering challenge with a hands-on application to present their vision of a city of the future. As a part of the competition these students designed a city of the future which included decisions on population, waste management and how the city would be run. After they designed the city, they constructed a model of the city from recycled materials, completed an essay, and presented an oral presentation.

These students have not only shown great leadership and team work, but they have also exemplified excellence in problem solving and creativity. They have demonstrated merit in math, science, and computer knowledge and I commend these exemplary students on their hard work and this well deserved honor.●

IN MEMORIAM: LOU HARRISON

● Mrs. BOXER. Madam President, one of our great American composers, Lou Harrison, died recently at the age of 85. Mr. Harrison lived most of his life, including the last 50 years, in California. He taught at a number of universities and had been honored in many ways in recent years, including by a festival of his music at the San Francisco Conservatory of Music. He was en route to another festival of his music, sponsored by Ohio State University and the Columbus Symphony Orchestra, when he died. The San Francisco Chronicle recently published a thoughtful obituary written by its chief classical music critic, Joshua Kosman. I would like to print it in the RECORD in honor of this great man and his rich legacy.

The obituary follows:

Composer Lou Harrison, who delighted Bay Area audiences for decades with his tuneful, spangly music as well as his exuberantly generous personality, died of a heart attack Sunday night in Lafayette, Ind. He was 85.

Mr. Harrison, a resident of Aptos (Santa Cruz County) since 1953, was on his way to Columbus, Ohio, for a weeklong festival of his music sponsored by the Columbus Symphony Orchestra and Ohio State University. According to Professor Donald Harris, Mr. Harrison, who disliked flying, was being transported in a university van from the Chicago train station to Columbus on Sunday night. The van had stopped at a roadside diner when he was stricken. He died at a local hospital shortly afterward.

''He was just such a great friend to music, to our planet and to everybody,'' said San Francisco Symphony music director Michael Tilson Thomas, an advocate who commissioned an orchestral piece from Mr. Harrison to inaugurate his first concert season in 1995. ''We're going to miss him greatly.''

''This was an irreplaceable guy,'' said composer Charles Amirkhanian, executive director of the Other Minds Festival, which honored Mr. Harrison in 2000. ''The East Coast had (Aaron) Copland, and we had Lou.''

UNABASHEDLY BEAUTIFUL MUSIC

Spirited, rhythmically vibrant and unabashedly beautiful, Mr. Harrison's music incorporated elements of Asian and Western styles in a highly personal synthesis. He had a fondness for the jangly, percussive sounds of Asian music, and in addition to traditional instruments, his scores often included such devices as flowerpots, porcelain rice bowls, garbage cans and oxygen tanks.

Many of these instruments were built in collaboration with his life partner William Colvig, who died in 2000. Together, the two men created a large orchestra of idiosyncratic metal percussion instruments for which Mr. Harrison wrote dozens of pieces.

He wrote copiously in traditional Western forms as well, including symphonies, operas, chamber and choral music.

What united all his music, though, was its essentially melodic nature. Whether shaped by medieval French dance rhythms, Javanese modes or Korean harmonies, melody always was Mr. Harrison's primary building block.

''These are melodies that stick with you and are useful for everyday life,'' Thomas said. ''There are tunes by Lou Harrison that are ideal for walking up a steep ridge, and some that are good for falling asleep in a hammock. He had the gift for finding the tune that had the essence of a particular experience.''

And in the face of orthodoxies favoring structural integrity and fearless dissonance, Mr. Harrison was never afraid to write music that celebrated beauty for its own sake.

''He was one of the very first composers to bring back the pleasure principle,'' said composer John Adams. ''For those of us who came of age during the bad old days when rigor and theory and the atomization of musical elements was so in vogue, Lou provided a model of expressivity and sheer beauty.''

Mr. Harrison also was the last living link to a tradition of American experimental music that reached back to Charles Ives—whose Third Symphony had its premiere in 1946 with Mr. Harrison conducting—and included such influential figures as Henry Cowell, Harry Partch and John Cage.

Lou Silver Harrison was born on May 14, 1917, in Portland, Ore., and moved frequently as a child throughout the Pacific Northwest and the Bay Area. By the time he graduated from Burlingame High School in 1934, he said, he had attended 18 different schools, ''so I never really put down roots or had a peer group.''

He studied music briefly at San Francisco State University, then began private lessons with Cowell, who encouraged his interest in world music and nontraditional instrumental techniques. Cowell also introduced him to Cage, who would be a lifelong friend and artistic collaborator.

After a brief stint at UCLA, where he enrolled in Arnold Schoenberg's composition seminar, Mr. Harrison moved to New York in 1943. There he wrote music criticism for the New York Herald Tribune under the aegis of Virgil Thomson and edited and premiered Ives' Third Symphony, which won the composer a Pulitzer Prize.

But Mr. Harrison found New York life too stressful, and after a two-year teaching engagement at Black Mountain College in North Carolina, he settled in Aptos for good in 1953. In subsequent years, he taught at Stanford University, San Jose State University, Cabrillo College and Mills College. In 1963, he was one of the founders of the Cabrillo Music Festival, which continues as an annual celebration of new music.

His nearest survivors are his sister-in-law, Dorothy Harrison, and two nephews. His body was cremated, but other arrangements are incomplete.

In recent years, Mr. Harrison's music was a frequent feature of San Francisco Symphony programs, with the composer himself, in his trademark red flannel shirt and snow-white beard, beaming from a loge box. In addition to ''A Parade for M.T.T.,'' premiered in 1995, the Symphony has performed the Third Symphony, the Canticle No. 3 and the Organ Concerto.

His music is amply represented on the San Francisco record label New Albion.

In 1998, Barry Jekowsky and the California Symphony released a disc of his music, including the Fourth Symphony with jazz vocalist Al Jarreau as narrator.

Mr. Harrison's interests extended far beyond music. He was a published poet and a painter, and as a young man had been a dancer as well—a fact he enjoyed relating to audiences in his later years, when his girth made the idea seem incongruous.

COMMITTED TO GAY RIGHTS

He was committed to gay rights long before the subject was common; his 1971 puppet opera ''Young Caesar'' focused on a gay love affair of Julius Caesar's. He was an ardent pacifist and political activist.

And he had more exotic passions as well—Esperanto, bio-diesel, kenaf (a fiber related to the hibiscus that he touted as an ecologically sound alternative to paper), calligraphy, American Sign Language and especially straw-bale construction. His straw-bale house in the Mojave Desert near Joshua Tree National Park, completed last year, was a joyful retreat in his final months.

That spirit of all-embracing receptivity and openness to experience was evident everywhere in his music. As he once told an interviewer, ''There are so many musics that I'm attracted to. I'm fortunate that I laid out my toys on a very large acreage when I was very young.''●

REPORT CONCERNING THE JUSTIFICATION OF THE AUSTRALIA GROUP AND THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United

States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

MESSAGES FROM THE HOUSE

At 7:11 p.m., a message from the House of Representatives, delivered by M. Niland, one of its reading clerks, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal years 2003, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes..

H.R. 346. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain prescribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

H.R. 395. An act to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 7:54 p.m. a message from the House of Representatives, delivered by Mr. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which is requests the concurrence of the Senate:

H. Con. Res. 35. Concurrent Resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

H. Con. Res. 41. Concurrent Resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated.

H.R. 4. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

H.R. 346. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Commerce, Science, and Transportation.

The Committee on Small Business and Entrepreneurship was discharged from further consideration of the following measure which was referred to the Committee on Rules and Administration.

S. Res. 55. Resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1182. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2001 Annual Report describing the activities and operations of the Public Integrity Section, Criminal Division; to the Committee on the Judiciary.

EC–1183. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, the report of proposed legislation for the inclusion in the National Defense Authorization for Fiscal Year 2004; to the Committee on Armed Services.

EC–1184. A communication from the Chief General Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules Governing Availability of Information—31 CFR part 501'' received on February 5, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1185. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Transportation Policy, received on February 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1186. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–590 ''Standard Valuation and Nonforfeiture Temporary Amendment Act of 2002'' received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1187. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–591 ''Unemployment Compensation Services Temporary Act of 2002'' received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1188. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–584 ''Cady's Alley Designation Act of 2002'' received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1189. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–577 ''Hotel Development Projects Labor Peace Agreement Act of 2002'' received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1190. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–589 ''Towing Vehicles Rulemaking Authority Continuation Temporary Act of 2002'' received on February 10, 2003; to the Committee on Governmental Affairs.

EC–1191. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a designation of acting officer for the position of Solicitor General, received on February 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1192. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Secretary, Department of Education, received on February 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1193. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of a modification to Section 609(b) of Public Law 101–162, received on February 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1194. A communication from the Hawaiian Congressional Delegation, transmitting, the report of the intent to address the impact of the Compact of Free Association (P.L. 99–239) between the United States and the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM); to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–49. A resolution adopted by the City of Traverse City, Michigan relative to supporting men and women of armed forces; to the Committee on Armed Services.

RESOLUTION

Whereas, the United States citizens, property, and armed forces personnel have been attacked by terrorists on numerous occasions including the U.S.S. Cole in Yemen; American embassies in East Africa; the Khobar Towers in Saudi Arabia; the World Trade Center in New York; the Pentagon in Washington, D.C.; and

Whereas, in the past, present and future, thousands of men and women in the Armed Forces of the United States, including many from the Traverse City area, have been and continue to be engaged in defending against terrorist attacks worldwide; and

Whereas, these men and women have taken an oath to defend the Constitution of the United States against all enemies, foreign and domestic; and

Whereas, these men and women have demonstrated their dedication to defining our freedoms with their personal sacrifices, in some cases the ultimate sacrifice of their lives, in order for us to enjoy the freedoms so often taken for granted; and

Whereas, especially in this holiday season, these men and women serve in faraway and lonely places, separated from homes and families, without the comforts and joys of this season of peace; and

Whereas, through this resolution, the City Commission will be extending due respect to all our men and women in the Armed Forces of the United States and a greater sense of national gratitude to those who are preserving our liberties: Now, therefore, be it

Resolved, That the City Commission of the City of Traverse City expresses its support and appreciation to the men and women of the Armed Forces of the United States in the War on Terrorism in this holiday season; and further, be it

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

POM–50. A resolution adopted by the House of the Legislature of the State of Michigan relative to expanding Medicare to include a prescription pharmaceutical plan for low-income seniors; to the Committee on Finance.

HOUSE RESOLUTION NO. 597

Whereas, As the costs of medicine rise and as more seniors face great difficulties in paying for prescription medications, there is a genuine need to expand the coverages provided under Medicare. For an increasing number of our older citizens, the choice between spending limited financial resources on food or medicine creates a strain that can in itself be damaging to a person's health and well-being; and

Whereas, Beyond the financial considerations of proposals to offer a prescription drug plan under Medicare, implementing a program will elevate the level of health care for many people. Clearly, this will benefit not only the seniors who participate, but their families as well; and

Whereas, It is significant to note that, even as our country faces the expensive task of fighting terrorism and even as we battle recession, the issue of low-income seniors needing prescription drug coverage remains critical. For those who face the painful realities of being unable to pay for vitally needed medication, this is a crisis of its own: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to expand Medicare to include a prescription pharmaceutical plan for low-income seniors; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–51. A resolution adopted by the House of the Legislature of the State of Michigan relative to allow taxpayers to deduct fully the cost of their health insurance premiums; to the Committee on Finance.

HOUSE RESOLUTION NO. 601

Whereas, A key factor in a person's overall quality of life is access to health care. Having health insurance contributes to better health for individuals and families. On a larger scale, people with health insurance benefit society because they are far less likely to need public resources when health problems arise; and

Whereas, Through our state and federal tax policies, our nation has made decisions on what types of behavior benefit our society. There are many examples of this. Our tax laws encourage people to save for retirement, invest in business enterprises, make donations for charitable purposes, and own homes. A great number of specific expenses are deductible, although some require different thresholds to qualify; and

Whereas, Given the clear public benefits to our society that derive from those who purchase health insurance, it would be a sound public policy to take every step to encourage the purchase of health insurance. It seems not only eminently fair, but also in the best interests of the country to amend federal tax laws to provide that an individual's premium costs for health insurance are fully deductible. By taking this step to encourage people to secure insurance, we will be addressing a fundamental need, reducing some public costs, and helping our citizens help themselves and their families: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to provide that taxpayers can deduct fully the cost of their health insurance premiums; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–52. A resolution adopted by the House of the Legislature of the State of Michigan relative to removing ''use it or lose it'' restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year, to the Committee on Finance.

HOUSE RESOLUTION NO. 602

Whereas, Flexible spending accounts have proven to be effective tools for helping people cope with necessary expenses, such as dependent care and medical costs. Like many aspects of tax policies that encourage behavior that ultimately benefits both individuals and our entire society, flexible spending accounts reflect sensitivity to the challenges people face in providing for themselves and their families; and

Whereas, Under the current provisions of the laws governing taxes, flexible spending accounts are subject to tight restrictions. While most of the provisions are very productive in ensuring fairness, one of the policies in place is proving to be counterproductive. Currently, a participant with a flexible spending account must use all the money in the account by the end of each year or forfeit the remaining funds. This is a serious disincentive to participation. This requirement not only presumes a person can predict exactly how much money will be spent on the covered activity in a year, but it also ignores the fact that the money set aside for the intended purposes still belongs to the participant; and

Whereas, It would be far more appropriate to permit a participant to transfer unused funds in a flexible spending account to the next year rather than losing the unused money: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to remove the ''use it or lose it'' restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–53. A resolution adopted by the House of the Legislature of the State of Michigan relative to providing more flexibility for participants in medical care spending accounts; to the Committee on Finance.

HOUSE RESOLUTION NO. 603

Whereas, Medical care spending accounts are an effective tool for people to use to prepare for medical expenses and minimize overall costs. These flexible spending accounts help individuals and families dealing with the increasing costs of health care; and

Whereas, All measures that encourage people to plan for medical expenses also bring benefits through the increased number of people seeking and paying for medical services without relying on governmental programs. For participants, medical care spending accounts can bring significant savings, especially since major health care expenses are often unforeseen; and

Whereas, While medical care spending accounts have been helpful to many American families, there is much more that could be done to increase the rate of participation. The nature of medical expenses argues strongly for increased flexibility to meet unforeseen health costs. With the ever-increasing cost of medical services, every effort should be made to increase participation in medical care spending accounts by removing the barriers and restrictions that keep many people from taking advantage of this idea Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to provide more flexibility for participants in medical care spending accounts; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–54. A resolution adopted by the City of Miami, Florida relative to the United Nations convention on the elimination of all forms of discrimination against women; to the Committee on Foreign Relations.

RESOLUTION NO. 02–803

Be it resolved by the Commission of the City of Miami, Florida:

Section 1. The Miami City Commission's support of the United Nations' Convention on the Elimination of all Forms of Discrimination Against Women as stated in Resolution No. 00–917, adopted October 26, 2000, attached and incorporated, is restated.

Section 2. The United States Congress is urged to immediately ratify said Convention.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bill Nelson and Bob Graham, all the members of the United States House of Representatives for Miami-Dade County, and the United States Senate Foreign Relations Committee.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

POM–55. A resolution adopted by the City of Ann Arbor, Michigan relative to opposition to war in Iraq; to the Committee on Foreign Relations.

RESOLUTION

Whereas, A United States war against Iraq could have significant impact on the Citizens of Ann Arbor, in terms of the potential loss of life and disability among our members of the armed forces, as well as an economic impact as our local tax dollars are diverted to the costs of war, not returned to our State and our community to be spent on needed social, health and education services;

Whereas, The United States has declared this decade, 2000–2010 as the ''International Decade for a Culture of Peace and Non-Violence for the Children of the World'' (UN Declaration 53/25, November 10, 1998), urging all people and all levels of government to seek non-violent approaches to conflict resolution and wider education about international law and alternative to war;

Whereas, A unilateral preemptive war would be a radical change in the principles of international law and custom that the United States has always followed;

Whereas, All war brings destruction and loss of lives, both of combatants and civilians, to all involved countries;

Whereas, Our U.S. Congressional Delegation, Senators Carl Levin and Debbie Stabenow and House Representatives Lynn Rivers and John Dingell, voted against unilateral war by the United States against Iraq and have urged the United States to cooperate with the United Nations in any decision on military action against Iraq, and would be encouraged by our support; and

Whereas, The Ann Arbor City Council cannot speak for all residents, but has been asked by many residents to speak out on this momentous issue facing our nation; therefore, be it

Resolved, That the Ann Arbor City Council joins with the communities of Washington, D.C.; Seattle, Washington; Albuquerque, New Mexico; Takoma Park, Maryland; Arcata, California, Santa Barbara, California, Santa Cruz, California; Ithaca, New York; Santa Fee, New Mexico; Danby, New York; Sebastopol, California; New Haven, Connecticut; Oakland, California; Carrboro, North Carolina; Haines Township, Pennsylvania; Madison, Wisconsin; Burlington, Vermont; and Detroit, Michigan; and with our U.S. Congressional Delegation, Senators Carl Levin and Debbie Stabenow and Representatives Lynn Rivers and John Dingell, in opposing a war with the country of Iraq, particularly prior to taking all available measures to cooperate with the United Nations in removing all weapons of mass destruction.

POM–56. A resolution adopted by the City of Palm Bay, Florida relative to completely banning human cloning; to the Committee on the Judiciary.

RESOLUTION NO. 2003–06

Whereas, human cloning is a manufacturing process in which a human being is created in a laboratory; human cloning indicates a utilitarian view in which a human being is created merely for usefulness with no respect for the dignity of that human being; and human cloning creates a human being who is the twin of a parent, has no other biological parent, and is the child of the grandparents thereby causing serious moral, social, and legal issues, and

Whereas, current human cloning attempts pose a substantial risk of producing human beings with unpredictable but potentially devastating health problems, and

Whereas, such human cloning attempts are grossly irresponsible and unethical, and

Whereas, on July 31, 2001, the United States House of Representatives passed the Human Cloning Prohibition Act of 2001, a complete human cloning ban; and the President of the United States has called for a complete human cloning ban; and

Whereas, the United States Senate failed to act on the bill passed by the United States House of Representatives before the end of the 107th Congress, and

Whereas, a complete human cloning ban is achieved by the passage of the Human Cloning Prohibition Act of 2003 as introduced in the United States House of Representatives by Congressman Dave Weldon, M.D. (H.R. 234) and is not achieved by the passage of other human cloning prohibition acts that allow the creation of human embryos by cloning so long as they are killed for research: Now, therefore, be it

Resolved by the City Council of the City of Palm Bay, Brevard County, Florida, as follows:

Section 1. The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this resolution.

Section 2. The City Council of the City of Palm Bay strongly urges the United States House of Representatives to pass the Human Cloning Prohibition Act of 2003 introduced by Congressman Dave Weldon, M.D.; that the United States Senate is strongly urged to pass a complete human cloning ban; that the Florida House and Senate are urged to provide identical protection for life in this state, and that the President of the United States is strongly urged to sign a complete human cloning ban.

Section 3. This resolution shall take effect immediately upon the enactment date.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Armed Services.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HATCH for the Committee on the Judiciary.

Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, Mr. DORGAN, Mr. JOHNSON, Mr. VOINOVICH, Mr. HARKIN, Mr. BOND, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. TALENT, Mr. DAYTON, Mr. FITZGERALD, Mr. COLEMAN, and Mr. CONRAD):

S. 385. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 386. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. REID, Ms. SNOWE, Mr. BREAUX, Mr. GRAHAM of Florida, Mr. BINGAMAN, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. KENNEDY, and Ms. COLLINS):

S. 387. A bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mrs. HUTCHISON, Ms. COLLINS, and Mr. JEFFORDS):

S. 388. A bill to amend the Internal Revenue Code of 1986 to expand the dependent care tax credit, to accelerate the child tax credit, and to promote dependent care assistance programs; to the Committee on Finance.

By Mr. ROBERTS (for himself, Ms. COLLINS, and Mr. JEFFORDS):

S. 389. A bill to increase the supply of quality child care; to the Committee on Finance.

By Mr. LEVIN:

S. 390. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 391. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. MILLER, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH,

Ms. SNOWE, Mr. CAMPBELL, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 392. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services.

By Mr. ALLEN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. ALLEN:

S. 394. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. CONRAD, Mr. CRAPO, Mr. BREAUX, Mr. LEAHY, Mr. HARKIN, Mr. DURBIN, Mr. CRAIG, Mr. JOHNSON, Mr. CHAFEE, Ms. SNOWE, and Mr. KERRY):

S. 395. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 396. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the firearms excise tax; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mrs. HUTCHISON):

S. 397. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. ALLEN:

S. 398. A bill to provide that members of the Armed Forces performing services at Guantanamo Bay Naval Station, Cuba, and in the Horn of Africa in support of Operation Enduring Freedom shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 399. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 400. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Finance.

By Ms. LANDRIEU:

S. 401. A bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 402. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mr. CONRAD, and Mrs. MURRAY):

S. 403. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. BUNNING (for himself and Mr. BROWNBACK):

S. 404. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself and Mr. DODD):

S. 405. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. LIEBERMAN):

S. 406. A bill to provide grants to States and outlying areas to encourage the States and outlying areas to encourage existing or establish new statewide coalitions among institutions of higher education, communities around the institutions, and other relevant organizations or groups, including anti-drug or anti-alcohol coalitions , to reduce underage drinking and illicit drug-use by students, both on and off campus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 407. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court systems; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 408. A bill to establish a grant program to enable institutions of higher education to improve schools of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 409. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS:

S. 410. A bill to establish the Homeland Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

By Mr. BINGAMAN:

S. 411. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the ''Southwest Bridge Research Center''; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mr. SCHUMER):

S. 412. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Finance.

By Mr. NICKLES:

S. 413. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S.J. Res. 6. A joint resolution expressing the sense of Congress with respect to planning the reconstruction of Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. ALLEN:

S. Res. 58. A resolution expressing the sense of the Senate that the President should designate the week beginning June 1, 2003, as ''National Citizen Soldier Week''; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. SMITH):

S. Res. 59. A resolution congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship; considered and agreed to.

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. KOHL, Mr. COLEMAN, Mr. FEINGOLD, and Mr. HARKIN):

S. Con. Res. 5. A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of Daniel ''Chappie'' James, the Nation's first African-American four-star general; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself, Mr. SMITH, and Mrs. CLINTON):

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 10, a bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care.

S. 204

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 204, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003.

S. 219

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 219, a bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 254

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 254, a bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S. 267

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 267, a bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses.

S. 274

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 289

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 335

At the request of Mr. JOHNSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 335, a bill to expand the calling time restrictions on telemarketing telephone calls to include the period from 5:30 p.m. to 7:30 p.m., and for other purposes.

S. 357

At the request of Mrs. LINCOLN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 357, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources to include production of fuel from agricultural and animal waste.

S. 379

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 379, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. CON. RES. 4

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441.

S. RES. 24

At the request of Mr. BYRD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 24, a resolution designating the week beginning May 4, 2003, as ''National Correctional Officers and Employees Week''.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as ''Financial Literacy for Youth Month''.

S. RES. 52

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, Mr. DORGAN, Mr. JOHNSON, Mr. VOINOVICH, Mr. HARKIN, Mr. BOND, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. TALENT, Mr. DAYTON, Mr. FITZGERALD, Mr. COLEMAN, and Mr. CONRAD):

S. 385. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environmental and Public Works.

Mr. DASCHLE. Madam President, headlines in daily papers all across the country underscore our economy's vulnerability to foreign oil.

Today, a new generation is learning what many Americans have known since the 1970s—our economic security and our national security depend on our energy security.

Today I, along with a number of my colleagues, am introducing the Fuels Security Act of 2003.

This bill responds directly to our Nation's unhealthy reliance on imported oil by establishing greater flexibility in our gasoline regulations, and by tripling the use of domestic, renewable fuels over the next 10 years.

This legislation is identical to the fuels agreement included in last year's Senate-passed energy bill.

Based on the experience we have gained over the last seven years with the reformulated gasoline program, the Fuel Security Act bill makes a number of important changes in Federal law.

It bans MTBE in 4 years, authorizes funding to cleanup MTBE contamination and fix leaking underground tanks, allows the most polluted states to opt into the reformulated gasoline program, and provides all States with additional authority under the Clean Air Act to address air quality concerns.

It eliminates the oxygen requirement from the RFG program, a change that is very important to states that are planning to remove MTBE from their gasoline supplies in the near future.

To preserve the hard-fought air quality gains that have resulted from the implementation of that requirement, the bill creates a renewable fuels standard that will nearly triple the use of renewable fuels like ethanol and biodiesel over the next 10 years.

Finally, the bill also provides special encouragement to biomass-based ethanol, which holds great promise for converting a variety of organic materials into useful fuel, while substantially reducing greenhouse gas emissions.

Ethanol comes from American farmers and producers, passes through American refiners, and fuels American energy needs. No soldier has to fight overseas to protect it. And no international cartel could turn off the spigot.

For years, we talked about those benefits with a sense of *resignation*. After all, these aren't new arguments, and yet there were a lot of people who still saw ethanol as a boutique fuel, not a real answer to our energy problems.

With this legislation, we intend to change that preception—and get America moving toward energy independence.

The renewable fuels standard will be a win-win-win. It will help the environment, it will help the rural economies which are hurting right now, and it will help reduce America's dangerous dependence on foreign oil.

I believe we can make it law. During consideration of the Energy Bill last summer, the Senate endorsed the Renewable Fuels Standard package by a vote of 69 to 30.

Overall, this legislation is a careful balance of often disparate and competing interests—and a compromise in the finest tradition of the U.S. Senate.

Just look at some of the organizations whose active support is helping to make this legislation possible: The Northeast States Coordinated Air Use Management Agency, the American Petroleum Institute, the Clean Fuels Development Coalition, the American Lung Association, the American Coalition for Ethanol, the Renewable Fuels Association, the Governor's Ethanol Coalition, the National Farmers Union, the American Farm Bureau, the National Corn Growers Association, and the American Corn Growers Association.

That support across the political and ideological spectrum is reflected within the Senate as well.

I particularly want to thank Senator LUGAR. The seeds for this comprehensive legislation were planted a few years ago when he and I first introduced legislation to establish a renewable fuels standard and provide flexibility in producing reformulated gasoline. Senator LUGAR'S enthusiastic support gave this idea needed momentum and helped lay the groundwork for agreement on this legislation last year.

In addition, Senators TIM JOHNSON and CHUCK HAGEL deserve enormous credit for legislation they introduced last year to establish a very ambitious renewable fuels standard, and for their work in promoting this concept.

And there are many others—Senators BEN NELSON, TOM HARKIN, CHUCK GRASSLEY, BYRON DORGAN, MARK DAYTON, DICK DURBIN, MAX BAUCUS, KIT BOND, GEORGE VOINOVICH, and others—who all deserve recognition for the progress we have made on this issue.

Look at America's energy situation today: gasoline prices are high, farm income is low and America is importing close to 60 percent of the oil we use.

At the same time, our substantial appetite for energy continues to grow every year. Over the next ten years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline. At the same time, we hold only three percent of the known world oil reserves.

It has been said that ''we are all continually faced with a series of great opportunities, brilliantly disguised as insolvable problems.''

Meeting our energy challenges is a difficult problem, but it is also a great opportunity to demonstrate American strength, and American ingenuity.

By increasing the use of renewable fuels, preserving clean air gains and moving us toward energy independence, that is what I believe this bill does.

Mr. LUGAR. Madam President, I am pleased to join with my colleague, Senator DASCHLE, in reintroducing the Renewable Fuels Act. I am thankful for this opportunity to remind my colleagues about the importance of this legislation, and the benefits it brings to the American people.

In the 107th Congress, the Senate voted in favor of a comprehensive energy bill establishing a renewable fuels standard. This provision would triple the amount of renewable fuel America consumes, displacing nearly 600,000 barrels of oil per day. The bipartisan renewable fuels agreement is a culmination of years of effort and enjoys strong support from a broad spectrum. Regrettably, disagreements on other provisions in the comprehensive energy legislation stranded the renewable fuels provision in a House-Senate conference committee last year.

Senator DASCHLE and I first introduced a bill creating a renewable fuels standard three years ago. Like that earlier bill, this bill represents an important first step toward reducing our dependence on foreign oil and improving our nation's energy security. At the same time, this proposal goes far toward protecting the environment, stimulating rural economic development, and increasing the flexibility of the national fuel supply to reduce the impact of future price spikes.

This bill will also forms the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation. MTBE, a carcinogen that contaminates drinking water, is on its way out. This proposal addresses public concerns regarding water pollution while considering all of the environmental and energy security issues involved. It requires the EPA Administrator to end the use of MTBE within four years in order to protect public health and the environment. And it establishes strict ''anti-backsliding'' provisions to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Those of us who recall the energy crises of the 1970s—and recognize the current political instability in oil-rich regions around the world—remain committed to the development of cheap, plentiful renewable sources of energy. For years, tax incentives supporting ethanol production have helped foster the creation of a strong domestic ethanol industry. But more needs to be done to reduce the cost of ethanol and make this plant-based commodity more competitive with fossil fuels.

Energy and agriculture are closely tied topics that have been of interest to me for several years. Since 1996, I have chaired five hearings in the Agriculture Committee regarding energy security and renewable fuels. These hearings were designed to inform the public that our reliance on imported oil is growing, making the U.S. and the world increasingly dependent on the unstable nations of the Persian Gulf and the Caspian Sea. At the same time, the hearings convinced many in Washington that a greater reliance on renewable fuels like ethanol could have major energy security, air quality and rural development benefits.

As we look to the future, major new scientific and technical breakthroughs are making ethanol more economical. As a result of the Biomass Research and Development Act, federal agencies are now coordinating research activities focused on making ethanol out of virtually any plant in the world. New biocatalysts—genetically engineered enzymes, yeasts, and bacteria—are reducing the cost of so-called cellulosic ethanol to the point where petroleum products may one day face vigorous competition.

The legislation we are introducing today will build on these efforts by offering an incentive to producers of cellulosic ethanol. Like our previous proposals, this bill gives a special credit to users of cellulosic ethanol for the purpose of fulfilling requirements of the renewable fuels standard.

This legislation will go far toward strengthening our national security, improving our rural communities, protecting our natural environment and, ultimately, substituting carbohydrates for hydrocarbons.

Thank you for joining me in supporting ethanol, a domestic form of clean, renewable energy.

Mr. HAGEL. Madam President, I come to the floor this morning to speak briefly about an important, comprehensive fuels bill that I will introduce today, along with Senators DASCHLE, LUGAR, JOHNSON, VOINOVICH, GRASSLEY, and others. This bill aims to enhance air and water quality, reduce supply and distribution challengers in the gasoline market, and increase energy security by expanding the use of clean, domestically produced renewable fuels.

Specifically, our bill follows the advice of the EPA's Blue Ribbon Panel on Oxygenates by repealing the Federal oxygenate mandate and phasing out the use of MTBE nationwide. It also contains a reasonable Renewable Fuel Standard, RFS, which would gradually increase the nation's use of renewable fuel to 5 billion gallons a year by 2012. All of this while protecting the environmental gains already made by the reformulated gasoline program.

This legislation mirrors the bipartisan fuels agreement in last year's Senate energy bill, which gained the votes of 69 Senators. This year, we have worked to build an even broader, bipartisan coalition of cosponsors.

Much has happened since the Senate passed its energy bill last year. The renewable fuels industry has expanded considerably to meet growing demand. The ethanol industry opened 12 new plants last year, with 10 additional plants now under construction. Sixteen of these new plants are farmer-owned co-operatives. By the end of 2003, annual ethanol production capacity is expected to exceed 3 billion gallons. In December the ethanol industry wrapped up a record year—2.13 billion gallons in 2002, up by more than 20 percent over 2001.

Also, ChevronTexaco announced last month that it will switch from blending MTBE to blending ethanol in the southern California market—making Chevron the last of the large California refiners to make the switch to ethanol. This means that more than 80 percent of California's federally-reformulated gasoline will be blended with ethanol by May 2003.

We should not forget that biodiesel, made primarily from soybeans and still a developing fuel technology, has grown enough that it is now used in more than 200 State and Federal automobile fleets—using a 20-percent blend or higher.

Today, 16 States have already banned MTBE. With State MTBE bans will come increased challenges to fuel distribution and supply. The national phase-down of MTBE proposed in this bill will help us meet these challenges.

And a national Renewable Fuels Standard with a credit and trading program will ensure that renewable fuels are used where they make the most sense. In fact, according to a recent analysis, enacting this fuels bill would even reduce refiner costs, .2 cents, per gallon compared to current law.

The Standard in our legislation is a fair and workable compromise new crafted nearly a year ago—after months of work the American Petroleum Institute, the environmental community, the Northeast air directors, agricultural groups, DOE, EPA and others. Senator DASCHLE and I helped facilitate those talks. We crafted the language of last year's fuels agreement—the same language in this bill.

This is not a per-gallon mandate. It will not force a specific level of compliance in places where compliance may be difficult.

Our Nation needs a broader, deeper and more diverse energy portfolio. Today, less than one percent of America's transportation fuel comes from renewable sources. Under this energy bill, renewable fuel use would increase to approximately 3 percent of our total transportation fuel supply—tripling the amount of renewable fuel we now use.

Today, America imports nearly sixty percent of the crude oil it consumes. This amount is estimated to climb to 70 percent by 2002. Almost a fourth of America's oil imports come from the Persian Gulf. Last year, the United States imported nearly half-a-million barrels of oil a day from Iraq. Overall, petroleum imports cost the United States more than $100 billion a year—around 25 percent of our trade deficit.

This country consumers more than 300 billion gallons of crude oil a year—of that, 165 billion gallons is refined into gasoline and diesel. Our legislation says that by 2012, not less then 5 billion gallons of that 165 billion gallons shall come from renewable sources. By enacting this legislation, we would replace 66 billion gallons of foreign crude oil by 2012; reduce foreign oil purchases by $34 billion; create more than 200,000 jobs nationwide; and boost U.S. farm income by more than $6 billion a year.

As the new Congress prepares to resume deliberations on a new national energy plan, I ask my colleagues to seriously consider this legislation—which will assist our efforts to modernize the Nation's transportation fuel system and address the environmental, energy and security concerns for today and tomorrow.

Mr. DORGAN. Madam President, I am pleased to join my colleagues, Senator DASCHLE, as well as Senator LUGAR, Senator HAGEL, Senator JOHNSON and others in introducing this bipartisan piece of legislation today.

This bill is extremely important—from an environmental perspective and from an energy security perspective.

This bill increase the use of ethanol as an additive in gasoline. That means that we will be increasing the use of renewable sources in the fuel that we pump into our gas tanks. Transportation is the sector that uses the greatest amount of imported oil. By replacing some of the petroleum products in gasoline, we will help reduce our dependence on foreign oil. The White House recognizes that: ''America imports 55 percent of the oil it consumes; that is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline, and they are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil Americans use each day is used for transportation.''

Let me point out the top countries from whom we import crude oil: our top supplier is Saudi Arabia. Almost one-third of our oil comes from the Middle East—and Iraq is our fifth largest supplier. Venezuela is our fourth largest supplier. Their country has been rocked by crisis for the last couple of years. So, it is in our best interest to reduce the amount of oil we import from these nations.

This bill is also important because it will phase-out MTBE nationally. MTBE has been shown to contaminate water supplies and to have the ability to cause potentially harmful side effects. This is important. We have attempted to do this here in Congress for several years. We should not be exposing ourselves and our children to such harmful contaminants. Now is the time to act to remove this from our gasoline and from our water supplies. No more delays. I urge may colleagues to work with me to move this important legislation in a timely manner.

Today, ethanol reduces the demand for oil and MTBE imports by 98,000 barrels per day. To me, this just makes good sense: take starch from corn or wheat, break it down into simple sugars, then ferment it to produce ethanol that can be used for energy. The byproducts can be used, too.

RENEWABLE FUELS PROVISION IN THE BILL

The renewable fuels provision has been carefully negotiated over a period of months and years. Now, 20 groups, including the Nation Corn Growers Association, Renewable Fuels Association, American Farm Bureau Federation, and the National Farmers Union, have sent a letter expressing their support for this legislation. 1.8 billion gallons of pure ethanol are currently produced each year. This provision would add 3.2 billion new gallons over a period of years for a total of 5 billion gallons by 2012. And, this provision will ensure that the ethanol industry continues to grow.

This translates to a new market for 1.19 billion bushels of corn and other agricultural products. This also means new opportunities for farmers to invest in value-added processing of a product they're already growing. While we are seeing mergers and acquisitions in the petroleum and other industries, the ethanol industry is diversifying, as farmers invest in local processing.

NORTH DAKOTA

I am excited about the wide range of opportunities ethanol presents. One unique opportunity is being created in my home state of North Dakota. The aerospace program at the University of North Dakota and the Environment and Energy Research Center (EERC) are researching the potential for using ethanol as aviation fuel.

Aviation fuel is the last fuel in the U.S. that still contains lead. UND is now teaming up with South Dakota State University and the Federal Aviation Administration on a program to get ethanol approved and certified to help replace this lead-based aviation fuel.

And we are working on building E85 (blended ethanol fuel) stations in North Dakota.

ECONOMIC BENEFITS

According to some estimates, the ethanol industry is responsible for more than 40,000 direct and indirect jobs, creating more than $1.3 billion in increased household income annually, and more than $12.6 billion over the next five years.

During the past year, industry has built 12 new facilities. Ten new facilities are under construction, and dozens more are in the planning stages. The ethanol industry adds—directly and indirectly—more than than $6 billion to our economy each year.

I am excited by the opportunities this sector presents for my State, the region, and the entire Nation.

Mr. JOHNSON. Madam President, I am pleased that we are reintroducing renewable fuels legislation and that we are taking time today to talk about the benefits and importance of this bill.

I want to acknowledge the extraordinary leadership of Senator DASCHLE and also Senator BYRON DORGAN of North Dakota who was on the floor to speak to this issue but was called away for another critical responsibility and will not be able to be in the Chamber this morning.

There has been a great deal of discussion about the nation's energy situation. The increasing volatility in gasoline and diesel prices, the growing tension in the world from the terrorist attacks, and the possibility of war with Iraq have affected all of us. The more we depend on oil from the Middle East, the more our stability is inextricably tied to governments and factions in that region. There is a critical need for finding new sources of energy that will move the country away from dependence of a natural resource available in increasingly volatile regions of the world. Dependence on foreign oil in the unstable Middle East and South America makes us less stable. The use of domestic, clean, renewable energy sources can increase our energy security and increase the nation's security. It must be a critical part of our nation's energy strategy.

To this end, last year I introduced a bill with Sen. CHUCK HAGEL of Nebraska that would ensure future

growth for ethanol and biodiesel. The bill would create a new, renewable fuels content standard in all motor fuel produced and used in the United States. Last year, the Senate passed a comprehensive energy bill which included the framework of our legislation. Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the U.S. This consensus language would require that five billion gallons of transportation fuel be comprised of renewable fuel by 2012—nearly a tripling of the current ethanol production.

The consensus language was agreed to last year after productive negotiations between the renewable fuels industry, farmers' groups, the oil industry and environmentalists. Unlike many of the disputes during consideration of the energy bill last year, this issue had a relatively wide range of agreement. The basis for this agreement is still viable, and it is under this framework that we are reintroducing the bill today.

The people of South Dakota and the neighboring states understand the benefits of ethanol to the economies of rural communities. Increased renewable fuel production lowers our dependence upon foreign oil, strengthens energy security, increases farm income and creates jobs. The growth of farmer-owned ethanol plants in South Dakota demonstrates the hard work and commitment needed to serve a growing market for clean domestic fuels.

Based on current projections, construction of new plants will generate $900 million in capital investment and tens of thousands of construction jobs to rural communities. For corn farmers, the price of corn would rise 20–30 cents per bushel.

Combine this with the provisions of the bill and the potential economic impact for rural states is tremendous. In South Dakota, seven ethanol plants are operating to produce approximately 156 million gallons per year. Three other ethanol projects are under construction, with a combined capacity to produce an additional 180 million gallons of ethanol annually. With the enactment of a renewable fuels standard, the production in South Dakota now could grow substantially, with at least 5000 farmers owning ethanol plants and producing over 500 million gallons of ethanol per year.

An important but under-emphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. Soybean prices are hovering near historic lows. Biodiesel production is small but has been growing steadily. The renewable fuels standard would greatly increase the prospects for biodiesel production, benefitting soybean farmers from South Dakota and other states.

While the energy bill was not enacted last year, two-thirds of the Senate voted against amendments that would have weakened or eliminated the renewable fuels provision. For the first time in recent memory, Congress's actions reflect the knowledge that value-added agriculture and ethanol production are critical to the nation's energy needs and to the future of family-farm agriculture and rural America. The prospects for farmers in South Dakota and other rural states have brightened considerably. Moreover, we have a unique opportunity to help reduce our use of foreign oil and make our nation more stable. I am pleased that we are reintroducing the bill and urge its swift passage.

Mr. NELSON of Nebraska. Madam President, I thank you for the opportunity to speak about what is clearly a bipartisan issue. I would like to add to what my colleague from Minnesota said about the Fuels Security Act offered by Senators DASCHLE and LUGAR on a bipartisan basis.

I am here today to support the Fuels Security Act of 2003. This important renewable fuels legislation is one of the pillars for economic development for rural—America one segment of the population that has lagged behind during the economic surge of the 1990's and is suffering under the combined effects of the current economic slowdown and a two-year devastating drought which I had the audacity to name ''Drought David.''

This legislation is important for rural America. Last year, we completed the farm bill—the first part of the economic revitalization plan for rural America. For the last several months, we have been struggling over the most important short-term economic stimulus plan for rural America—comprehensive drought assistance. Though I believe what the Senate passed and what we hear will be included in the omnibus is insufficient to adequately compensate for the drought, it might provide some initial assistance to farmers and ranchers.

In addition to the farm bill and disaster assistance, I believe we need to craft a comprehensive rural development plan that will spur investment in agri-business and promote economic activity in the agriculture center. We need to consider opening new markets like Cuba—to ensure American products can be sold and farmers and ranchers can earn a living.

The Fuels Security Act of 2003, is the latest piece of the puzzle.

It is clear that use of ethanol, as part of a renewable fuels standard is a win-win-win situation: a win for farmers, a win for consumers, and a win for the environment. That is why I rise as an original co-sponsor and strong supporter this renewable fuels legislation.

If passed, the Fuels Security Act will establish a 2.3 billion gallon renewable fuels standard in 2004, growing every year until it reaches 5 billion gallons by 2012. There are many benefits to this legislation.

It will displace 1.6 billion barrels of oil over the next decade; reduce our trade deficit by $34.1 billion; increase new investment in rural communities by more than $5.3 billion; boost the demand for feed grains and soybeans by more than 1.5 billion bushels over the next decade; create more than 214,000 new jobs throughout the U.S. economy; and it will expand household income by an additional $51.7 billion over the next decade

It is quite apparent that increased use of ethanol will do much to boost a struggling U.S. agriculture economy, and will help establish a more sound national energy policy.

The greater production of ethanol will also be beneficial to the environment. Studies show ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent and particulates by 40 percent in 1990 and newer vehicles. In 2001 ethanol reduced greenhouse gas emissions by 3.6 million tons, the equivalent of removing more than 520,000 vehicles from the road.

A choice for ethanol is a choice for America, and its energy consumers, its farmers, and its environment.

Enactment of the Fuel Security Act will help us to reverse our 100-year-old near total reliance on fossil fuels; a more pressing concern than ever given the possibility of military conflict in the Mid East and the continuing economic turmoil in Venezuela.

It was recently reported we are currently exporting about 80,000 gallons of fuel to Venezuela right now to help in their shortfall because of the turmoil in that part of our world.

I am unabashedly proud of what my home State has accomplished in this area. Within the State of Nebraska, during the period from 1991 to 2001, seven ethanol plants were constructed and several of these facilities were expanded more than once during the decade.

Specific benefits of the ethanol program in Nebraska include: $1.15 billion in new capital investment in ethanol processing plants. They include 1,005 permanent jobs at the ethanol facilities and 5,115 induced jobs directly related to plant construction, operation, and maintenance. The permanent jobs alone generate an annual payroll of $44 million. And more than 210 million bushels of corn and grain sorghum is processed at the plants annually. These economic benefits and others have increased each year during the past decade due to plant expansion, employment increases, and additional capital investment.

If each State produces 10 percent of its own domestic, renewable fuel, as Nebraska does, America will have turned the corner away from dependence on foreign sources of energy.

And it is possible because ethanol and biodiesel can be made from biomass from other than corn or sorghum or other row crops. It can be produced from garbage. It can be produced from switch grass and all kinds of other biomass.

When you take a hard look at the facts, you will see that this legislation is nothing but beneficial for America. The Fuels Security Act is balanced,

comprehensive, and is the result of the dedication of so many, especially Senator DASCHLE and Senator LUGAR.

So now I ask my colleagues to join me in promoting new opportunities for the technologies that will put our Nation and the world's transportation fuels on solid, sustainable, and environmentally enhancing ground. We owe it to our country now—and to future generations—to pass this legislation without any further delay.

Mr. COLEMAN. Madam President, if I may, in contrast to the very partisan tone of the Estrada filibuster and this partisan divide that is stopping us from moving forward, I want to spend a few minutes talking about an issue in which we come together and perhaps which should be a model.

I am pleased to join my distinguished colleagues, Senator HAGEL and minority leader DASCHLE, as an original cosponsor of this landmark renewable fuels legislation.

Senator DASCHLE is from our neighboring State. We have mutual interests. We understand the needs of our farmers.

We are looking at working together, which I think is such a good thing.

The Minnesota AgriGrowth Council points out renewable fuels like ethanol and biodiesel promote the 3 E's: economic development, environmental protection, and energy independence.

Let me talk briefly about the economic development benefit first. I ran for the Senate on jobs. The best welfare program is a job. The best housing program is a job—creating jobs—and economic development. That is what mayors do. That is what they understand is important to moms and dads. We get results. There were 18,000 more jobs in St. Paul when I left than when I began.

The legislation we introduce today means economic development—it means jobs, revitalization, and new businesses—particularly for rural Minnesota.

Minnesota is a leader in renewable fuels. Not only do the people of my State make Minnesota the top 10 among States of nearly every agriculture commodity that can be produced in our climate, but Minnesota leads the way in renewable fuels, and I am proud of that.

Today, Minnesota has 14 ethanol plants in production—more than any other State in the Nation. Preliminary planning is underway for at least a couple of biodiesel production facilities in my State as well. So the importance of this legislation to my State and to the health of the people in my State and to the lives of our farmers and their economic opportunity is clear.

But, let's take a look nationally to see what every American has to gain through this legislation. According to at least one economic analysis, the renewable fuels standard we propose today would, over the next decade:

Reduce America's trade deficit by more than $34 billion;

increase America's Gross Domestic Product by $156 billion;

create more than 214,000 jobs throughout the entire economy, including places important to me like Little Falls and Winnebago, MN; and

increase net farm income by nearly $6 billion per year.

That the renewable fuels standard legislation we introduce today promotes the first ''E'' of the 3 ''Es''—economic development—is evident.

The second ''E'' I want to talk a little about is energy independence.

As a member of both the Governmental Affairs Committee and the Foreign Relations Committee, I have had the opportunity, in my first month in the Senate, to hear from a number of experts on homeland security and on conditions around the world that affect our security. And, with this experience as a backdrop, I can say I am not comfortable at all with America's level of reliance on oil imports—now at 56 percent of our supply, and expected to be about 70 percent by 2020 unless something is done to turn things around.

Back on September 19, 2001, former CIA Director James Woolsey, former Joint Chiefs of Staff Chairman Admiral Thomas Moorer, and former National Security Advisor Robert McFarlane all wrote the Senate on this very issue, stating:

> One of the critical actions that must be taken now is to advance America's energy security through transportation fuels like ethanol [and] slow the dollars to the Middle East, where too many of those dollars have been used to buy weapon and fund terrorist activities.

The legislation we offer today takes to heart the admonition of Director Woolsey, Admiral Moorer, and Mr. McFarlane by advancing renewable fuels to reduce our dependence on foreign oil.

And, finally, but not least, is the ''E'' for environmental protection that got the whole reformulated gasoline ball rolling in the first place.

Ethanol is an important tool for improving air quality in America's cities by reducing carbon monoxide, hydrocarbons, NO_X, toxics, and particulates.

Proof of ethanol's clear air benefits was seen in Chicago last year where exclusive use of ethanol reformulated gasoline helped the city attain federal ozone standards—the only area under such standards to see this kind of improvement.

What is more, ethanol continues to be the only liquid transportation fuel that can help to reduce global warming. In 2002 alone, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons—the equivalent of removing more than 636,000 vehicles from the road.

These are the 3 ''Es''; economic development, energy independence, and environmental protection—all three worthy objectives furthered by the legislation we offer today.

Naturally, there are places here and there where this bill can and should be improved, and we can work on it. But, this is a good starting place. It is a bipartisan effort. I am pleased to be an original cosponsor.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 386. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2003. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of-five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our Nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education along cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices makes this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial

abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our Nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 386

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 ''Education for Retirement Security Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's ''retirement'' years.

(6) The $5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly ¼ (24 percent) of such individuals had annual incomes of less than 14,000 (or 150 percent of the Federal poverty line) between 1998 and 2000.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term ''financial education'' means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term ''mid-life individual'' means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term ''older individual'' means an individual aged 65 or older.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2004 through 2008.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

By Mrs. LINCOLN (for herself, Mr. REID, Ms. SNOWE, Mr. BREAUX, Mr. GRAHAM of Florida, Mr. BINGAMAN, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. KENNEDY, and Ms. COLLINS):

S. 387. A bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services

provided under the medicare program, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Madam President, today I am pleased to introduce the Geriatric Care Act of 2003, a bill to increase the number of geriatricians in our country through training incentives and Medicare reimbursement for geriatric care. I am proud to be joined in this effort today by Senators REID, SNOWE, BREAUX, GRAHAM, BINGAMAN, LANDRIEU, MURRAY, MIKULSKI, SARBANES, REED, KENNEDY, and COLLINS.

Our country teeters on the brink of revolutionary demographic change as baby boomers begin to retire and Medicare begins to care for them.

As a member of the Finance Committee and the Special Committee on Aging, I have a special interest in preparing health care providers and Medicare for the inevitable ''aging of America.'' By improving access to geriatric care, the Geriatric Care Act of 2003 takes an important first step in modernizing Medicare for the 21st century.

By the year 2030, 70 million Americans will be 65 and older. The elderly will soon represent one-fifth of the United States population, the largest proportion of older persons in our Nation's history. Our Nation's health care system will face an unprecedented strain as our population grows older. Our Nation is simply ill-prepared for what lies ahead.

Demand for quality care will increase, and we will need physicians who understand the complex health problems that aging inevitably brings. As seniors live longer, they face much greater risks of disease and disability. Conditions such as heart disease, cancer, stroke, diabetes and Alzheimer's disease occur more frequently as people age.

The complex problems associated with aging require a supply of physicians with special training in geriatrics. Geriatricians are physicians who are first board certified in family practice or internal medicine and then complete additional training in geriatrics.

Geriatric medicine provides the most comprehensive health care for our most vulnerable seniors. Geriatrics promotes wellness and preventive care, helping to improve patients' overall quality of life by allowing them greater independence and preventing unnecessary and costly trips to the hospital or other institutions.

Geriatricians also have a heightened awareness of the effects of prescription drugs. Given our seniors' growing dependence on prescriptions, it is increasingly important that physicians know how, when, and in what dosages to prescribe medicines for seniors. That's because frequently, older patients respond to medications in different ways than younger patients.

In fact, 35 percent of Americans 65 years and older experience adverse drug reactions each year. According to the National Center for Health Statistics, medication problems may be involved in as many as 17 percent of all hospitalizations of seniors annually.

Care management provided by a geriatrician will not only provide better health care for our seniors, but will also save costs to Medicare in the long term by eliminating more costly medical care in hospitals and nursing homes.

Quite clearly, geriatrics is a vital thread in the fabric of our health care system, especially in light of our looming demographic changes.

Yet today, there are fewer than 9,000 certified geriatricians in the United States. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. Only three medical schools in the country, the University of Arkansas for Medical Sciences, UAMS, being one of them, has a Department of Geriatrics. This is incredible considering that all 125 medical schools in our country have departments of pediatrics.

As if that weren't alarming enough, the number of geriatricians is expected to decline dramatically in the next several years. In fact, most of these doctors will retire just as the Baby Boomer generation becomes eligible for Medicare. We must reverse this trend and provide incentives to increase the number of geriatricians in our country.

Unfortunately, there are barriers preventing physicians from entering geriatrics. These include insufficient Medicare reimbursements for the provision of geriatric care, inadequate training dollars, and too few positions for geriatricians.

Many practicing geriatricians find it increasingly difficult to focus their practice exclusively on older patients because of insufficient Medicare reimbursement. Unlike most other medical specialties, geriatricians depend almost entirely on Medicare revenues. A recent MedPAC report identified low Medicare reimbursement levels as a major stumbling block to recruiting new geriatricians.

Currently, the reimbursement rate for geriatricians is the same as it is for regular physicians. But the services geriatricians provide are fundamentally different.

Physicians who assess younger patients simply don't have to invest the same time that geriatricians must invest assessing the complex needs of elderly patients. Moreover, chronic illness and multiple medications make medical decision-making more complex and time consuming. Additionally, planning for health care needs becomes more complicated as geriatricians seek to include both patients and caregivers in the process.

We must modernize the Medicare fee schedule to acknowledge the importance of geriatric assessment and care coordination in providing health care for seniors. Geriatric practices cannot flourish and these trends will not improve until we adjust the system to reflect the realities of senior health care.

The Geriatric Care Act I am introducing today addresses these shortfalls. This bill provides Medicare coverage for the twin foundations of geriatric practice—geriatric assessment and care coordination.

The bill authorizes Medicare to cover these essential services for seniors, thereby allowing geriatricians to manage medications effectively, to work with other health care providers as a team, and to provide necessary support for caregivers.

The Geriatric Care Act also will remove the disincentive caused by the Graduate Medical Education cap established by the 1997 Balanced Budget Act. As a result of this cap, many hospitals have eliminated or reduced their geriatric training programs.

The Geriatric Care Act corrects this problem by allowing for additional geriatric training slots in hospitals. By allowing hospitals to exceed the cap placed on their training slots, this bill will help increase the number of residents in geriatric training programs.

Finally, the Geriatric Care Act contains a new provision that ensures Graduate Medical Education payments for the second year of geriatric fellowship training. A one-year fellowship may be adequate for training clinical geriatricans but a two-year fellowship is essential for training academic geriatricans who will teach geriatrics to primary care and specialty physicians-in-training. Academic geriatricians are critical in preparing the next generation of doctors to care for our growing elderly population.

My home State of Arkansas ranks sixth in the Nation in percentage of population 65 years and older. In a decade, we will rank third. In many ways, our population in Arkansas is a snapshot of what the rest of the United States will look like in the near future.

We are blessed in Arkansas to have the Donald W. Reynolds Department of Geriatrics and the Center on Aging at the University of Arkansas for Medical Sciences. It is my hope that the Geriatric Care Act will make it easier for our medical school and others across the country to train more physicians in geriatrics.

As our parents, grandparents, friends, and loved ones cope with the challenges that aging brings, we must ensure that physicians skilled in caring for their special needs are there to help them. I ask my colleagues to join me in support of this effort to modernize Medicare to support crucial geriatric services for our Nation's seniors.

I ask unanimous consent that following my statement there be a printed list of organizations that support the Geriatric Care Act of 2003.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING THE GERIATRIC CARE ACT OF 2003

Alzheimer's Association.

American Association for Geriatric Psychiatry.
American Association of Homes and Services for the Aging.
American College of Physicians-American Society of Internal Medicine.
American Geriatrics Society.
Association of Professors of Medicine.
Association of Program Directors in Internal Medicine.
Association of Subspecialty Professors.
Catholic Health Association.
International Longevity Center—USA.
National Chronic Care Consortium.
National Committee to Preserve Social Security and Medicare.
National Council on the Aging.
National PACE Association.
National Family Caregivers Association.

By Mr. ROBERTS (for himself, Mrs. HUTCHISON, Ms. COLLINS, and Mr. JEFFORDS):

S. 388. A bill to amend the Internal Revenue Code of 1986 to expand the dependent car tax credit, to accelerate the child tax credit, and to promote dependent care assistance programs; to the Committee on Finance.

By Mr. ROBERTS (for himself, Ms. COLLINS, and Mr. JEFFORDS):

S. 389. A bill to increase the supply of quality child care; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I am pleased and honored to join with my colleagues to introduce two pieces of legislation to help meet the child care challenges facing families around the Nation. These bills entitled the ''Caring for Children Act'' and ''A Boost for Child Care Act'', or the ABC's Act.

Child care, in the home when possible and outside the home when both parents work, goes right to the heart of keeping families strong. Unfortunately, finding quality, affordable child care is one of the most pressing problems for families in Kansas and around the country. It is estimated that quality child care can cost as much or more than college tuition in some areas.

The ''Caring for Children Act'' and 'A Boost for Child Care Act'' take the first steps in addressing this challenge through a responsible approach. This legislation expands child care opportunities without increased government costs or intrusion in our lives. This legislation builds into the existing network adding more government intervention or mandates. This legislation will help families that have two working parents and families that have a stay-at-home parent. This legislation will help to increase the supply of quality child care.

First, in order to provide additional tax relief and increased affordability of child care, the ABC's Act expends the Dependent Care Tax Credit by raising the income level to $30,000 at which families become eligible for the maximum tax credit. This legislation also raises the maximum percentage of child care expenses that parents can deduct to 50 percent. These changes make the Dependent Care Tax Credit more realistic for families that face increasing child care costs. Additionally, the ABC's Act accelerates and makes permanent the child tax credit at $1,000 for qualifying taxpayers in order to further ease the financial burden on families.

Increasing the income level and the percentage of child care expenses that are deductible will help families where both parents work. But, we must also recognize that families who choose to have one parent remain at home have child care expenses as well. Therefore, this legislation extends eligibility for the Dependent Care Tax Credit to families with a stay-at-home parent. This provides greater options to more families and leaves child care choices where they should be—with the family. In order to target this credit to parents who need it the most and meet our fiscal responsibilities, the credit is phased out for higher income wage earners.

The ''Caring for Children Act'' recognizes that small businesses play a critical role in providing child care options to millions of working parents. Unfortunately, small businesses generally do not have the resources required to start up and support a child care center. This legislation includes a short-term flexible grant program to encourage small businesses to work together to provide child care services for employees. This program is more of a demonstration project that will sunset at the end of three years. In the meantime, small businesses will be eligible for grants up to $100,000 for start-up costs, training scholarships, or other related activities. Business must continue to meet state quality and health standards. Businesses will be required to match Federal funds to encourage self-sustaining facilities well into the future.

Parental access to child care information and technical assistance to child care providers both play a strong role in increasing the supply of quality child care. The Caring for Children Act includes a grant program to allow entities to develop and operate technology-based child care training infrastructures to enable child care providers to receive the training, education and support they need to improve the quality of child care. The legislation also provides funds for the Department of Health and Human Services to collect and disseminate state of the art information on topics related to child care health and safety, as well as early childhood development. This information could be distributed through brochures, the internet, a toll-free information hotline, or resource and referral organizations.

Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, we must continue to do our part to expand child care options and protect our nation's most valuable resource, our children. I look forward to working with all of my colleagues in this important effort.

I ask unanimous consent that the text of the ''Caring for Children Act'' and ''A Boost for Child Care Act'' be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 388

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 ''A Boost for Child Care Act''.

SEC. 2. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY TAXPAYER STATUS.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below zero) by 1 percentage point for each $1,500, or fraction thereof, by which the taxpayer's adjusted gross income for the taxable year exceeds $30,000.''.

(b) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

''(11) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with 1 or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

''(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

''(B) $150 for each month in such taxable year during which such qualifying individual is under the age of 4.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 3. ACCELERATION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to $1,000.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENT.—Section 201(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 201 (other than subsection (a) of such section) of such Act.

SEC. 4. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out the program under subsection (a) $1,000,000 for each of fiscal years 2004, 2005, 2006, and 2007.

S. 389

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 ''Caring for Children Act''.

TITLE I—DISSEMINATION OF INFORMATION ABOUT QUALITY CHILD CARE

SEC. 101. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist in—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) INFORMATION AND FINDINGS TO BE GENERALLY AVAILABLE.—

(1) SECRETARIAL RESPONSIBILITY.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) DEFINITION OF GENERALLY AVAILABLE.—In paragraph (1), the term ''generally available'' means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 102. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers, to be provided through distance learning programs made available through the infrastructure. The Secretary shall, to the maximum extent possible, ensure that such grants are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) developing sites from which individuals may access the training;

(B) converting standard child care training courses to programs for distance learning; and

(C) promoting ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered through the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) LIMITATION ON FEES.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning program funded in whole or in part under this section that exceed the pro rata share of the amount expended by the entity to provide materials for the program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded under this section).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning program made available under this section.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2003 through 2007.

TITLE II—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY OF QUALITY CHILD CARE

SEC. 201. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $100,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which the entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which the entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within States;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant awarded under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) DEFINITION.—In this section, the term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $60,000,000 for the period of fiscal years 2004 through 2006.

(2) EVALUATIONS AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2007.

By Mr. LEVIN:

S. 390. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 390

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 ''Safety Valve Fairness Act of 2003''.

SEC. 2. EXTENSION OF APPLICATION OF LIMITATION ON STATUTORY MINIMUMS IN CERTAIN CASES.

(a) IN GENERAL.—Section 3553(f) of title 18, United States Code, is amended by inserting ''whether or not the sentence for that offense was imposed before, on, or after the date of the enactment of this subsection,'' before ''the court shall impose a sentence''.

(b) EFFECT ON EXISTING CONVICTIONS.—The amendment made by this section shall apply with respect to sentences imposed before the date of enactment of this Act but not yet completed. A prisoner may who was so sentenced may petition for reconsideration of that sentence.

By Mr. REID (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. MILLER, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH, Ms. SNOWE, Mr. CAMPBELL, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 392. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services.

Mr. REID. Madam President, over the last several years, I have tried to correct a long-standing injustice impacting our Nation's veterans. Under a law that is now over 110 years old, most veterans who retire with 20 years of honorable service, and who also have a service-related disability, cannot collect both their retirement and their disability pay.

In 2001, I was joined by 82 cosponsors in introducing S. 170, the ''Retired Pay Restoration Act of 2001.'' Our bill sought to lift the restrictions to allow veterans the ''concurrent receipt'' of both retirement compensation and disability benefits. Although we were successful in getting the language approved in the National Defense Authorization Act of 2002, now codified at 10 U.S.C. 1414, the authorization was made contingent upon the passage of further appropriations. No funds were ever appropriated and concurrent receipt remained another unfulfilled promise to our veterans.

In 2002, I introduced S. 2051, the ''Retired Pay Restoration Act of 2002'' to repeal the contingency language and make concurrent receipt a reality. The Senate again overwhelmingly passed this measure. Unfortunately, the White House threatened a veto of the National Defense Authorization Act of 2003, and therefore, the Conference Committee conceded to a compromise proposal, see Section 636 of Conference Report 107–772. This compromise was a much scaled-back version of concurrent receipt. Senator WARNER correctly referred to it as a ''beachhead'', but we all acknowledged there was much work remaining.

Under last year's compromise, only a small number of veterans—estimated to be between 15 to 30 thousand—would stand to benefit. The compromise left the contingency language for full concurrent receipt in place, but created a new category of special compensation, now codified at 10 U.S.C. 1413(a). In this new category, retirees that had at least a 60 percent disability rating that was a direct result of armed conflict, hazardous service, performance of duty under conditions simulating war, or through an instrumentality of war, would be eligible to collect both retirement compensation and disability benefits. Thus, the current law excludes approximately 500,000 disabled veterans who have served their country honorably. To exclude these veterans assumes that they are less deserving of fair compensation because they did not incur their injury in combat. The law also creates an unnecessary bureaucracy for the VA and the Department of Defense, which currently do not make distinctions based on the specific cause of a service-connected disability.

Therefore, I rise today with Mr. MCCAIN, to introduce the ''Retired Pay Restoration Act of 2003'', along with our colleagues Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Ms. Boxer, Mr. BREAUX, Mr. BROWNBACK, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Ms. Feinstein, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. Lincoln, Mr. MILLER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE, to correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

Our bill removes the contingency language for full concurrent receipt currently found at 10 U.S.C 1414(a) and (f), and repeals the Special Compensation programs codified at 10 U.S.C. 1413 and 1413(a). The effect would be to finally implement full concurrent receipt, thereby ending the 110 year inequity.

Passage and implementation of this bill is long overdue. I am sure many of my colleagues would be interested to learn that Congress imposed these restrictions on concurrent receipt just after the Civil War, when the standing army of the United States was extremely limited. At that time, only a small portion of our armed forces consisted of career soldiers.

Today, nearly one and a half million Americans dedicate their lives to the

defense of our Nation. The United States' military force is unmatched in terms of power, training and ability. Our Nation's status as the world's only superpower is largely due to the sacrifices our veterans made during the last century. Rather than honoring their commitment and bravery by fulfilling our obligations, the federal government has chosen instead to perpetuate a longstanding injustice. Quite simply, this is disgraceful, and we must correct it.

Once again our Nation is calling upon the members of the Armed Forces to defend democracy and freedom in Afghanistan, in the Persian Gulf and throughout the world. We must send a signal to the men and women currently in uniform that our government takes care of those that make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service.

Military retirement pay and disability compensation are earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements. 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 find intolerable. Veterans' disability compensation, on the other hand, is paid to recompense pain, suffering, and lost future 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 only makes the problem worse by limiting or denying any post-service working life.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability benefits. All other Federal employees receive both their civil service retirement and VA disability with no offset. Simply put, the law discriminates against career military men and women. It assumes, in effect, that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

This inequity is absurd. How do we explain it to the men and women who sacrificed their own safety to protect this great nation? How do we explain this inequity to those members currently risking their lives to defeat terror?

We are currently losing over one thousand World War II veterans each day. Every day we delay acting on this legislation means continuing to deny fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

This bill represents an honest attempt to correct an injustice that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

This legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Fleet Reservists Association, the Military Officer's Association, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

Passing this bill will finally eliminate a grossly inequitable 19th century law and ensure fairness within the Federal retirement policy. Our veterans have heard enough excuses. Now it is time for them to hear our gratitude. I urge my colleagues to join me in supporting this legislation to finally end this disservice to our retired military men and women.

Our veterans have earned this and now is our chance to honor their service to our Nation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 392

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 ''Retired Pay Restoration Act of 2003''.

SEC. 2. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

''§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

''(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

''(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(d) DEFINITIONS.—In this section:

''(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.''.

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

''1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.''.

SEC. 3. EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.

(a) IN GENERAL.—The amendments made by this Act shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(b) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by section 2(a), for any period before the effective date applicable under subsection (a).

Mr. MCCAIN. Madam President, I first introduced legislation on this issue all the way back in 1992. Then again in 1993, then again in 1994, then again in 1995. In 1999, I drafted legislation that became law—as a compromise measure that paid special compensation pay for severely disabled military retirees with disabilities greater than 50 percent. Here we are in 2003 with an opportunity to finally rectify a problem that has plagued our veterans and to rectify it, once and for all, for all military retirees who have become disabled during their military service.

I know personally the character of Americans who take up arms to defend our Nation's interests and to advance our democratic values. I know of all the battles, all the grim tests of courage and character, that have made a legend of the Army, Navy, Marine Corps and Air Forces devotion to duty.

Let me remind this body of the grave sacrifice that our men and women who risk their lives for their country must endure. The United States has exerted military force more than 280 times since the end of World Ward II. We are even now engaged in an epic struggle against a new and hidden enemy that involves the men and women of our armed forces.

Once again our young men and women are defiantly heading into harms way with the understanding that we, as the lawmakers of this great Nation, will ensure they are taken care of as citizens and as veterans for their actions above and beyond the call of duty.

We now have an opportunity to show a measure of our gratitude to these brave men and women, and for the future men and women who continue to serve in this time of trial.

The existing law as it stands is simply discriminatory and wrong. ''Concurrent receipt'' is, at its core, a fairness issue, and present law simply discriminates against career military people who have been injured or disabled while in conduct of their duties while in defense of this great Nation. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability compensation.

In my view, the two pays are for very different purposes; one for loyal and selfless service to our country. The other for physical or mental 'pain and suffering' occurred in that service to country.

The Retired Pay Restoration Act has received strong bipartisan support in Congress for several years.

The Military Coalition, an organization of 33 prominent veterans' and retirees' advocacy groups, supports this legislation, as do many other veterans' service organizations, including the Veterans of Foreign Wars, American Legion and Disabled American Veterans.

For the brave men and women who have selected to make their career in the U.S. military, they face an unknown risk. If they are injured, they will be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits from their retirement checks.

It is long overdue for us to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. Sixty percent is not enough! We need full funding for all military retirees. It is time to show our appreciation to the men and women who have sacrificed so much for our great Nation.

Therefore, I am proud to rise today with Mr. REID, to introduce the ''Retired Pay Restoration Act of 2003'', along with our colleagues Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. COCHRAN, Mrs. CLINTON, MR. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Ms. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. LINCOLN, Mr. MILLER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SARBANES, Mr. ALLARD, Mr. ALLEN, Mr. BROWNBACK, Mr. CAMPBELL, Mr. GRASSLEY, Mr. HAGEL, Mr. ROBERTS, Mr. SMITH, and Ms. SNOWE, to correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

I am thankful for the Senate's action to address this important issue today and I urge the Chairman and Ranking Member to carry this legislative provision through Conference and final passage.

By Mr. ALLEN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 393

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 ''___ Act of 2003''.

SEC. 2. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

''(1) the employment credit with respect to all qualified employees of the taxpayer, plus

''(2) the self-employment credit of a qualified self-employed taxpayer.

''(b) EMPLOYMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 100 percent of the excess, if any, of—

''(A) the qualified employee's average daily qualified compensation for the taxable year, over

''(B) the average daily military pay and allowances received by the qualified employee during the taxable year,

while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

''(2) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

''(A) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

''(i) 365, and

''(ii) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

''(ii) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

''(A) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

''(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

''(C) group health plan costs (if any) with respect to the qualified employee.

''(4) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

''(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

''(c) SELF-EMPLOYMENT CREDIT.—

''(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 100 percent of the excess, if any, of—

''(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

''(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

''(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

''(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

''(i) 365, and

''(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

''(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

''(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the qualified employee participates in qualified reserve component duty to the exclusion of normal employment duties.

''(e) LIMITATIONS.—

''(1) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the 2 succeeding taxable years.

''(2) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

''(A) active duty for training under any provision of title 10, United States Code,

''(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

''(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

''(1) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(2) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(1) by striking ''plus'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', plus'', and

(3) by adding at the end the following new paragraph:

''(16) the reserve component employment credit determined under section 45G(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

''Sec. 45G. Reserve component employment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. ALLEN:

S. 394. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

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

SECTION 1. EXPANSION OF INCOME TAX EXCLUSION FOR COMBAT ZONE SERVICE.

(a) COMBAT ZONE SERVICE TO INCLUDE TRANSIT TO ZONE.—Section 112(c)(3) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new sentence: ''Such service shall include any period of transit to the combat zone.''.

(b) REMOVAL OF LIMITATION ON EXCLUSION FOR COMMISSIONED OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 112(a) of such Code is amended—

(i) by striking ''below the grade of commissioned officer'', and

(ii) by striking ''ENLISTED PERSONNEL'' in the heading and inserting ''IN GENERAL''.

(B) Section 112(c) of such Code is amended by striking paragraphs (1) and (5) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. CONRAD, Mr. CRAPO, Mr. BREAUX, Mr. LEAHY, Mr. HARKIN, Mr. DURBIN, Mr. CRAIG, Mr. JOHNSON, Mr. CHAFEE, Ms. SNOWE, and Mr. KERRY):

S. 395. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation on behalf of myself and Senators BAUCUS, CONRAD, CRAPO, BREAUX, LEAHY, HARKIN, DURBIN, CRAIG, JOHNSON, CHAFEE, SNOWE, and KERRY.

This bill, entitled the ''Bipartisan Renewable Efficient Energy with Zero Effluent, BREEZE, Act,'' extends the production tax credit for electricity generated by wind for three years. The current tax credit is set to expire on January 1, 2004.

As the author of the Wind Energy Incentives Act of 1993, I sought to give this alternative energy source the ability to compete against traditional, finite energy sources. I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy production. Wind energy makes valuable contributions to maintaining cleaner air and a cleaner environment. Every 10,000 megawatts of wind energy produced in the United States can reduce carbon monoxide emissions by 33 million metric tons by replacing the combustion of fossil fuels.

Since the inception of the wind energy production tax credit in 1993, more than 3,000 megawatts of generating capacity have been put online. This generating capacity powers nearly 900,000 homes.

Just last year, over 400 megawatts of new wind energy capacity was installed, bringing total capacity to more than 4,500 megawatts. Wind energy is currently serving the equivalent of more than 1.3 million average American homes in 27 states across the country.

During the past two decades, the price of wind energy has been reduced more than 80 percent, making it one of the least expensive sources of renewable energy. In order to continue this investment and development in America's energy future, we must extend the production tax credit.

From 1999 to 2001, wind energy capacity in Iowa grew by 33 percent, and while Iowa ranks tenth in the nation in terms of wind energy potential, Iowa currently ranks third nationally in wind development, with over 400 megawatts of generating capacity. Only California and Texas generate more electricity from wind than Iowa. And, the Iowa Department of Natural Resources estimates that Iowa has the potential to produce nearly 5 times its own annual electrical needs through wind power.

Wind energy also produces substantial economic benefits. For each wind turbine, a farmer or rancher can receive more than $2,000 per year for 20 years in direct lease payments. Iowa's major wind farms already pay more than $640,000 per year to landowners.

Equally important, wind energy increases our energy independence, thereby providing the United States with insulation from an oil supply dominated by the Middle East. Our national security is currently threatened by a heavy reliance on oil from abroad.

Unfortunately, due to the structure of the current tax incentive, a significant portion of the electricity industry is unable to take advantage of the credit. Rural electric cooperatives and municipal utilities provide power to nearly 25 percent of the Nation's consumers. To encourage a unified national energy plan, it's only fair to give cooperatives and other not-for-profit utilities the ability to use renewable tax incentives.

REC's and municipal utilities should be given a mechanism to utilize the tax incentives for renewable electricity generation. And, while the legislation I'm introducing today does not address this issue, I look forward to working with my colleagues on the Finance Committee to include such a mechanism in a comprehensive energy tax package.

Extending the wind energy tad credit would allow for even greater expansion and planning stability in the wind energy field. Wind is a domestically produced natural resource, found abundantly across the country. Because wind energy is homegrown, it cannot be controlled by any foreign power.

Wind energy can be harnessed without injury to our environment. Wind is a reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source.

The Senate needs to extend this important incentive and I encourage my colleagues to join us in this effort.

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. 395

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 ''Bipartisan Renewable, Efficient Energy with Zero Effluent (BREEZE) Act''.

SEC. 2. 3-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2007''.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 396. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the firearms excise tax; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to introduce the Gunsmith Excise Tax Simplification Act of 2003. This bill will protect funding for the Federal Aid to Wildlife Restoration Fund by simplifying administration and compliance with the excise tax by eliminating the assessment of the tax against custom gunsmiths.

The creation of the Federal Aid to Wildlife Restoration Fund is one of the great success stories of cooperation among America's sportsmen and women, state fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Under the tax code, all manufacturers of firearms must pay an excise tax of 10 percent or 11 percent of the retail price, depending on the type of firearm. For more than 25 years custom gunsmiths have sought to clarify that they were not intended to be subject to this tax. Many custom gunsmiths do not actually make new guns, rather they remodel or refurbish existing firearms. The proposal establishes an exemption from the excise tax for manufacturers of fewer than 50 firearms per year.

This issue is important to individuals in Montana. Steven Dodd Hughes, a custom gunmaker in Livingston, MT, pays this tax. He has a sole proprietorship, a one man shop. Steven's business is generated from outside of Montana and brings in much needed revenue to his community. He agrees with the tax as it was intended, on manufacturers. It was not intended to be applied to one man operations such as his. The American Custom Gunmakers Guild and the NRA agree with Mr. Hughes.

In summary, the Gunsmith Excise Tax Simplification Act of 2003 would accomplish two worthy objectives. First, this proposal will eliminate the assessment of the excise tax on custom gunmakers, which is fair. Second it eliminates the significant administrative burden placed on small businesses, such as determining who the manufacturer is and who is going to assess and collect the tax. These custom gunmakers rebuild and update the firearms, they don't administer tax laws. Last year, the Joint Committee on Taxation estimated the proposal will decrease revenues by less than $10 million over ten years, resulting in minimal reduction of the Federal Aid to Wildlife Restoration Fund.

I ask unanimous consent that the text of my bill entitled ''The Gunsmith Excise Tax Simplification Act of 2003'' be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 396

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 ''Gunsmith Excise Tax Simplification Act of 2003''.

SEC. 2. CUSTOM GUNSMITHS.

(a) SMALL MANUFACTURERS EXEMPT FROM FIREARMS EXCISE TAX.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL MANUFACTURERS, ETC.—

''(1) IN GENERAL.—The tax imposed by section 4181 shall not apply to any article described in such section if manufactured, produced, or imported by a person who manufactures, produces, and imports less than 50 of such articles during the calendar year.

''(2) CONTROLLED GROUPS.—All persons treated as a single employer for purposes of subsection (a) or (b) of section 52 shall be treated as one person for purposes of paragraph (1).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer on or after the date which is the first day of the month beginning at least 2 weeks after the date of the enactment of this Act.

(2) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create any inference with respect to the proper tax treatment of any sales before the effective date of such amendments.

By Mr. ENSIGN (for himself and Mrs. HUTCHISON):

S. 397. A bill to amend the internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. ENSIGN. Mr. President, 194 years ago this week, a son was born to Nancy and Thomas Lincoln in Elizabethtown, Kentucky. That son, Abraham, would go on to become President of the United States at one of the most defining times in our Nation's history.

President Lincoln is still revered today for his leadership and vision of a country in which all citizens have the opportunity to succeed. In 1864, when the outcomes of the war and his reelection were in question, he asked soldiers from Ohio's 66th regiment to stop at the White House on their way home so he could express his appreciation. President Lincoln shared with them the following:

''I beg you to remember this . . . I happen temporarily to occupy this big White House. I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each of you may have through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this the struggle would be maintained, that we may not lose our birthright . . . The nation is worth fighting for, to secure such an inestimable jewel.''

That jewel—the American dream that should be within reach of all who grasp for it—has been the hope of generations in this nation. This Nation that elected Abraham Lincoln—born in a one-room log cabin and once a farmhand . . . This Nation that harvests in its children a yearning to soar beyond the earth's atmosphere . . . This Nation that preaches that education, hard work, and family bring success.

Unfortunately, making a living, raising a family, and educating ourselves and our children is becoming more and more difficult in America. And it's the

leaders of this nation that have made the obstacles to success higher to get over and wider to get around.

Here in Washington, we've built a wall of obstacles with one tax burden after another. Our Founding Fathers outlined exactly the powers they wanted Congress to have in Article I, Section 8 of the Constitution. Just because the first thing listed is the power to lay and collect taxes, doesn't mean it's the power we need to exercise the most.

Not only should we take the responsibility of stopping the building of this wall of tax burdens, we need to step up and start removing these burdens. We need to alleviate the tremendous stress that comes with having to work to pay so much of what we earn to the government.

Last year, the average taxpayer in my home State of Nevada did not finish paying taxes until April 27, which was also the average across the United States. Everything earned for the first 117 days of the year went to a government entity. In comparison, the average American spends only 106 days paying for food, clothing, and shelter combined.

That doesn't leave enough days to pay for a family vacation or to save for education or to pay medical bills or to save for retirement or to take a class to improve skills or to do whatever you want with your money—after all, it is your money.

In itself, our tax system is unfair because American families have to work harder to make more money only to pay greater taxes, and workers bear the burden of a government that continues to find ways to tax them into working even harder.

Whatever our individual thoughts are on tax relief, we must agree that, although being taxed has become a challenging part of life, the idea of being double taxed is truly the government stealing from working Americans. Double taxation is immoral. Think about it in terms of a parent teaching a child. I am a parent of three young children. Just as I would explain to my children that it is not all right to take a piece of candy that they have not paid for, I would also tell them it is absolutely not okay to charge someone for something they aren't getting. But that is exactly what our government is doing with the Social Security tax.

Time magazine recently called it ''The Really Unfair Tax.'' I call it the Social Security double dip. The take-home pay of 100 million Americans is fodder for this gutsy government scam. In very simple terms, this means that when a family pays income tax, the portion that is withheld for Social Security—money that they never see—is calculated into their personal income. The first dip is the tax that workers pay on wage income. The second dip is the icing on the cake for the government—taxing money that they are already taking anyway. Working Americans are forced to pay income tax on their Social Security tax. It is textbook double taxation, and if a business concocted such a scheme it would be shut down. How can we continue this policy if we would teach our children that it is wrong? This is only one reason why the tax is unfair.

Another example of the outrageousness of this tax is that while working families are double taxed, American businesses are not. You see, half the Social Security tax is paid by workers, but employers pay the other half. Businesses and corporations get to deduct what they pay in Social Security taxes—a savings that working families are not afforded. This tax discrimination is unacceptable.

We must eliminate this absolutely wrong tax policy that mocks our Constitution's goal to ''promote the general Welfare.'' I propose an above-the-line deduction for Social Security taxes so that an individual's Social Security taxes are not included in the calculation of income for income tax purposes. It's the right thing to do if we want to lead this Nation by example. Providing a Social Security tax deduction makes sense and will make a real difference to working families. About 100 million individuals and families would feel the savings—to the tune of around $2,000 each. Such savings translate into real growth and opportunity. Scholars predict that the Payroll Tax Deduction Act would mean 900,000 new jobs in this country, and it also means a Nation of workers who get to keep more of their hard-earned money.

When government takes money away from working families, it stifles growth and builds obstacles to success. Let's take this chance to provide relief to America's families, open the doors to opportunity, and let future generations know that the American dream—the jewel that inspired Abraham Lincoln—is well within the reach of all who truly desire it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 397

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 ''Payroll Tax Deduction Act''.

SEC. 2. DEDUCTION FOR OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE TAXES OF EMPLOYEES AND SELF-EMPLOYED INDIVIDUALS.

(a) TAXES OF EMPLOYEES.—

(1) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

''(19) EMPLOYEES' OASDI TAXES.—The deduction allowed by section 164(g).''.

(2) DETERMINATION OF DEDUCTION.—Section 164 of such Code (relating to deduction for taxes) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) EMPLOYEES' OASDI TAXES.—

''(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

''(A) the taxes imposed by section 3101(a) for the taxable year, and

''(B) the taxes imposed by section 3201(a) for the taxable year but only to the extent attributable to the percentage in effect under section 3101(a).

''(2) SPECIAL RULE FOR CERTAIN AGREEMENTS.—For purposes of paragraph (1), taxes imposed by section 3101(a) shall include amounts equivalent to such taxes imposed with respect to remuneration covered by—

''(A) an agreement under section 218 of the Social Security Act, or

''(B) an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates).

''(3) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—Taxes shall not be taken into account under paragraph (1) to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

''(4) COORDINATION WITH EARNED INCOME CREDIT.—No deduction shall be allowed under paragraph (1) for any taxable year if the individual elects to claim the earned income credit under section 32 for the taxable year.''.

(3) CONFORMING AMENDMENT.—Subsection (a) of section 275 of such Code is amended in the matter following paragraph (6) by inserting ''or 164(g)'' after ''164(f)''.

(b) DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 164(f) of the Internal Revenue Code of 1986 (relating to deduction for one-half of self-employment taxes) is amended to read as follows:

''(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

''(A) the taxes imposed by section 1401(a) for such taxable year, plus

''(B) 50 percent of the taxes imposed by section 1401(b) for such taxable year.

In the case of an individual who elects to claim the earned income credit under section 32 for the taxable year, only 50 percent of the taxes described in subparagraph (A) shall be taken into account.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 32(a)(1) of such Code is amended by inserting ''who elects the application of this section'' after ''eligible individual''.

(B) The heading for section 164(f) of such Code is amended by striking ''ONE-HALF'' and inserting ''PORTION''.

(C) Section 1402(a)(12) of such Code is amended—

(i) by striking ''one-half'' the first place it appears and inserting ''portion'', and

(ii) by striking subparagraph (B) and inserting:

''(B) a percentage equal to the sum for such year of the rate of tax under section 1401(a) and one-half of the rate of tax under section 1401(b);''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

By Mr. ALLEN:

S. 398. A bill to provide that members of the Armed Forces performing services at Guantanamo Bay Naval Station, Cuba, and in the Horn of Africa in support of Operation Enduring Freedom shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 398

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

SECTION 1. AVAILABILITY OF CERTAIN TAX BENEFITS FOR MEMBERS OF THE ARMED FORCES PERFORMING SERVICES AT GUANTANAMO BAY NAVAL STATION, CUBA, AND IN THE HORN OF AFRICA.

(a) GENERAL RULE.—In the case of a member of the Armed Forces of the United States who is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger), for services performed at Guantanamo Bay Naval Station, Cuba, or in any country located in the region known as the Horn of Africa as part of Operation Enduring Freedom (or any successor operation), such member shall be treated in the same manner as if such services were in a combat zone (as determined under section 112 of the Internal Revenue Code of 1986) for purposes of the following provisions of such Code:

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid on or after such date of enactment.

By Mr. CAMPBELL:

S. 399. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

Mr. CAMPBELL. Madam President, today I introduce the ''Campus Classmate Offenders in Rehabilitation and Treatment Act of 2003.''

The legislation I am introducing today is based on legislation I previously introduced toward the end of the 107th Congress.

The Campus Classmate Offenders in Rehabilitation and Treatment Act, which can also be referred to as the ''Campus CORT Act,'' directs the Department of Justice to establish a demonstration program to provide grants and training to help our Nation's universities and colleges establish new quasi-judicial systems. These systems aim at countering the serious drug and substance abuse related problems that are taking such a heavy toll on our institutions of higher learning and the students who attend them. The demonstration program, which would be administered by the Department of Justice's Office of Justice Programs, would be based on the valuable lessons and successes we have garnered from our Nation's innovative and expanding drug court system.

Specifically, this demonstration program legislation would authorize the establishment of up to five Campus CORTs each year for Fiscal Years 2004 through 2007. The bill authorizes the Office of Justice Programs to provide $2,000,000 in Federal funding during each of those years to help get five Campus CORTs well trained, soundly established and up and running. This new program's approach should be similar to how the Office of Justice Programs currently runs the ongoing drug court grant-making program, including providing an Internet-based application process.

There are plenty of good reasons to take the next step and establish a Campus CORTs program based on the drug court model. Since they first appeared in 1989, drug courts have rapidly spread all across the Nation. Rather than simply locking-up nonviolent drug offenders in prison along side violent criminals, drug courts provide the alternative of court-supervised treatment. Instead of simply punishing, drug courts help get people clean.

Drug courts' many successes are underscored both by the bipartisan support they have received in Congress and by the Bush Administration. For example, during a national conference hosted this last April by the National Association of Drug Court Professionals, both Office of National Drug Control Policy Director John Walters, our Nation's ''Drug Czar,'' and Drug Enforcement Agency Director Asa Hutchinson gave speeches in support of drug courts and the benefits they provide.

According to the latest statistics as reported by the Department of Justice's Office of Justice Programs, as of November 2002, 946 Drug Courts are operating all across the United States. This is an impressive increase of approximately 250 Drug Courts over the past year. This 946 Drug Courts includes 547 Adult Drug Courts, 245 Juvenile Drug Courts, 59 Family Drug Courts and 14 Combination Courts. Over 400 additional new Drug Courts are in the planning process.

The report goes on to state that approximately 300,000 adults and 12,000 juveniles have been enrolled in the drug court system to date. Of those participants, 73,000 adults and 4,500 juveniles have successfully graduated from Drug Courts.

The merits of the drug court system are well documented. Nationwide, drug courts have been instrumental in enabling more than 1,000 children to be born drug free, more than 3,500 parents to regain custody of their children, and 4,500 parents to resume making their child-support payments. The retention rate is over 70 percent with 73 percent of the participants managing to keep their jobs or successfully find new work. These are encouraging statistics, and not just for the individuals involved, but for society as a whole.

While it is not as easy to measure, we know that Drug Courts play a beneficial role in reducing criminal behavior since so much crime these days is drug related.

Drug Courts also help save up money. It is estimated that every dollar spent on Drug Courts saves our country and communities approximately ten dollars in reduced prison and other criminal justice costs.

These are the kind of successes we should be able to see once the drug court model is customized and applied through Campus CORTs as we work together to respond to the alcohol, drug and other substance abuse challenges facing our Nation's colleges and universities.

Just as drugs are deeply interconnected with crime on our streets, drugs and serious substance abuse are also interconnected with much of the academic failure that damages so many of our Nation's institutions of higher learning and their aspiring students seeking college degrees.

Our Nation's drug courts use a carrot and stick approach where offenders can either live at home and remain free to work under court supervised treatment or face the very real threat of hard jail time. Similarly, Campus CORTs will give troubled students the chance to get supervised treatment and stay clean or get kicked out of school and watch their futures get squandered away.

Instead of simply booting students with substance abuse problems directly out of school, as is currently happening at many universities and colleges all across the country, I believe we should instead help provide institutions of higher learning with new tools they can use to help students get and stay clean. Of course, just like it is with the existing drug courts, there will be some students who simply do not respond to Campus CORTs. While those students will have to face the fact that they may well be expelled from school, at least we will have been able to give them the opportunity to clean-up their act.

Since the new Campus CORTs would be established at colleges and universities, the legislation calls on the Office of Justice Programs, or OJP, to establish new ''quasi-judicial standards and procedures for disciplinary cases'' for institutions of higher learning that wish to participate in the new Federal program.

Today, I am pleased to highlight that one of the leading institutions of higher learning in my home State, Colorado State University, CSU, has already broken new ground as the Nation's first university to apply the drug court concept in a campus setting. The ''Day IV'' program, as it is known at CSU, has racked-up a successful record in helping keep students clean and in school.

Our Drug Court system is making a difference all across our Nation. In fact, a 2002 report issued by Columbia University's prestigious National Center on Addiction and Substance Abuse states that ''Drug Courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision.'' The report underscores that ''drug use and criminal behavior are substantially reduced while offenders are participating in drug court'' and that ''criminal behavior is lower after participation, especially for graduates.''

Our Nation's Drug Court system is a good example of a viable and productive partnership between the Federal Government our State governments and local jurisdictions. Their collaboration is making a positive impact all across our country. I want to take this moment to thank the people of the OJP, the experts at the National Association of Drug Court Professionals and the state and local judges, prosecutors, law enforcement officers and other officials who have done so much to establish, build upon and continually improve our Nation's drug court system.

I also want to take a moment to thank Judge Karen Freeman Wilson, Chief Executive Officer of the National Association of Drug Court Professionals for her letter of support for the Campus CORT legislation I am introducing today. It is appreciated.

I ask unanimous consent that the letter of support and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
DRUG COURT PROFESSIONALS,
Alexandria, VA, January 15, 2003.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: As the representative of the National Association of Drug Court Professionals (NADCP) and of drug court professionals throughout the country, I am writing this letter of support for the Campus Classmate Offenders in Rehabilitation and Treatment (CORT) Act'' which I understand you will be introducing in the Senate in the near future. Not only are campus drug courts a natural progression of the traditional drug court system which has proliferated successfully throughout the country for more than a decade, but they also will serve as yet another mechanism to reduce drug abuse and its concomitant crime.

Drug court professionals throughout the country truly appreciate your tenacious support and are eager to work collectively with you and other legislators to ensure that substance-abusing students are reached early and do not continuously cycle through the revolving door of the criminal justice system.

Because of your in depth knowledge of the substance abuse and its concomitant crime, you are already aware that drug and alcohol abuse is not limited to a specific age, gender or race. However, according to the 2001 National Household Survey on Drug Abuse, approximately 15.9 million Americans aged 12 or older were current users of an illicit drug in 2001, representing 7.1% of the population. The highest rate of use was found among young adults (ages 18–25) with 18.8% reporting current use and among youth (ages 12–17) with 10.8%. Current use of any illicit drug in the population aged 12 and older increased significantly from 6.3% in 2000 to 7.1% in 2001. The Substance Abuse and Mental Health Services Administration reported an equally alarming statistic in its fact sheet entitled ''Consequences of Underage Alcohol Use'' as it stated in 1998, there were 8,844 arrests for drug law violations on 487 college campuses.

Unfortunately, the 2001 National Household Survey on Drug Abuse and other studies clearly indicate that the need still exists to invest more attention to the rising problem of drug abuse, specifically on college campuses, throughout the country. Drug courts have already proven that an early investment in treatment obviates the need for repeated investments in incarceration and allow previously addicted offenders to lead healthy, productive lives within their communities. Campus drug courts are the natural extension of drug courts and will combat campus drug and alcohol abuse head on, thereby preventing accidents and crimes at colleges and universities throughout the nation.

Thank you once again for you stanch support of the drug court field and for introducing the ''Campus CORT Act.'' I look forward to providing support to this and similar legislation and to working with you and your staff in the future.

Very truly yours,
Judge KAREN FREEMAN-WILSON (ret.),
Chief Executive Officer.

S. 399

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 ''Campus Classmate Offenders in Rehabilitation and Treatment Act'' or the ''Campus CORT Act''.

SEC. 2. ESTABLISHMENT OF CAMPUS DRUG COURTS.

(a) IN GENERAL.—The Attorney General, acting through the Office of Justice Programs, is authorized to make demonstration grants to accredited universities and colleges to establish not to exceed 5 campus classmate offenders in rehabilitation and treatment programs (referred to as ''Campus CORTS'') each fiscal year modeled after the statewide local drug court programs throughout the United States.

(b) CAMPUS CORTS.—Campus CORTS shall—

(1) be established at accredited colleges or universities;

(2) have jurisdiction over substance abuse related disciplinary cases involving students that may or may not be criminal in nature, including illegal drug use, abuse of prescription drugs, alcohol abuse, and other issues, but no student who is deemed to be a danger to the community may be involved;

(3) pursuant to regulations promulgated by the Attorney General, establish appropriate quasi-judicial standards and procedures for disciplinary cases; and

(4) impose as the ultimate sanction expulsion from school.

(c) CONSULTATION.—The Attorney General shall consult with the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, universities and colleges, including the Campus Drug Court program at Colorado State University, and other experts in establishing quasi-judicial standards required by this Act.

(d) ASSISTANCE.—The Attorney General shall make grants to qualified universities and colleges, the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, and other associations and experts to assist in establishing campus drug courts and provide training and technical assistance in support of the program.

(e) GRANT MAKING CONSIDERATIONS.—In awarding grants to qualified colleges or universities, the Office of Justice Programs should—

(1) endeavor to include colleges and universities of different sizes across the United States; and

(2) enable colleges and universities to apply for grants through the Internet site of the Office of Justice Programs.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for each of the fiscal years 2004 through 2007 to carry out this Act.

By Ms. LANDRIEU:

S. 401. A bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, I rise today to speak on an issue of great importance to our military retirees. This issue I want to address is the Survivor's Benefit Plan and the need to eliminate the Social Security offset.

The Survivor's Benefit Plan, SBP, has been in existence for nearly 30 years. Under this plan, military retirees may contribute part of their monthly retirement pay to the SBP, with the knowledge that after their death, their spouses can continue to receive 55 percent of their monthly retirement pay. But, when the surviving spouse reaches the age of 62, something disturbing happens. At the age of 62, the widow or widower of a military retiree sees his or her payments under the SBP shrink to 35 percent. This reduction is an offset for the Social Security payments that the survivor has begun to collect.

The survivors of military retirees find this to be unjust, and rightly so. The SBP is a fund that their spouses payed into, with the expectation that their survivors would be taken care of

after they pass away. The SBP is not a lavish monthly payment, but reflects the low salaries that men and women on active duty receive. In a recent article in the Shreveport Times, Billie Combs, who is 73, and is the widow of an Air Force Master Sergeant commented on the strain that the Social Security Offset imposes on their budget. She said: ''It curtails my spending. It stops me from buying the things that I need; I just cut back and make sure that I have enough to carry me through to the next month.''

The legislation that I introduce today would slowly phase out the social security offset to Survivor Benefit Plan, reducing it significantly by 2007, and completely erasing it by 2013.

Those who choose the military as their profession don't do it for the money. They do it because they have a love for country. They have a love for country that runs so deep, they would gladly sacrifice their lives in defense of the homeland. Despite the extreme sacrifice our Soldiers, Sailors, Airmen, and Marines are willing to make, they are not well compensated. And we don't just ask the servicemen to sacrifice, we ask their families to make a sacrifice. They endure long periods of separation, they live in military housing which in many cases is substandard, and we ask them to get by on low pay. The least we can do for our servicemen is to given them a decent retirement system. The very least we can do for their widows, is to restore the funds that are unjustly removed from their survivor's benefit plan.

Mr. President, I ask unanimous consent that the article and the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY WIDOWS LOSE CHUNK OF BENEFITS AT 62

(By Dennis Camire)

WASHINGTON.—Some survivors of military retirees have a rude awakening when they turn 62 and find their income from a Defense Department pension plan slashed.

Many who enrolled in the survivor annuity plan in the 1970s say they understood their surviving spouses would receive 55 percent of their retirement pay for life.

But that's not the case. The benefit droops to as low as 35 percent when survivors reach 62. Retires who have paid decades of premiums say they feel betrayed.

''I like to have dropped dead right there,'' Marion Charles, 78, said in finding out about the reduction after her husband, Edward, died last year, ''In fact, I wondered why God didn't take me with Ed.''

Charles of Plant City, Fla., was left struggling with funeral expenses, credit card debts and house maintenance bills after she saw her income drop by $1,200 a month upon the death of her husband, who retired in 1966 as a Navy chief petty officer. She now lives in a damaged 28-foot travel trailer and gets by with help from the Navy-Marine Corps Relief Society.

Though the annuity covers all spouses of military service members who don't opt out, women overwhelmingly are affected because most who have chosen the military as a career through the years have been men.

''It curtails my spending. It stops me from buying the things I want and need,'' said Billie Combs, 73, of Bossier City, widow of an Air Force master sergeant who died in 1995. ''I just cut back and make sure I have enough to carry me over to the next month.''

Lee Lange of the Military Officers Association of America called the cutback wrong. ''It just seems counter-intuitive that we would be cutting their benefit as they get older.''

Benefits for elderly widows and widowers at the 35 percent level are modest even for relatively senior officers, Lange said. For many widows of enlisted service members, the money amounts to less than $5,000 a year.

About 800,000 of the nation's 1.9 million retirees are paying 6.5 percent of their retirement pay to participate in the plan, and more than 250,000 survivors are collecting the benefits.

Service members automatically are enrolled in the program when they retire but can opt out if they and their spouses sign a form.

The controversial drop is called a Social Security offset. The theory behind the drop was that the plan should give a survivor access to about 55 percent of the member's retired pay—but from all sources related to military service, including Social Security.

The offset began as a dollar-for-dollar reduction but was changed in 1985 to the current plan. Survivors whose spouses were eligible to retire by Oct. 1, 1985, may have the offset computed under the old system or the new to gain the best benefit. The offset is computed only upon death of the retiree.

Veteran's organizations—including the Military Officers Association, the Non-commissioned Offers Association, the American Legion and the Fleet Reserve Association—want Congress to eliminate the benefit reduction.

The Military Coalition, a group of 33 military and veterans groups, plans to push for elimination of the cutback as an issue of fairness and equity for the survivors.

That's how Combs of Bossier City sees it.

''I would tell Congress to worry about the widows. Worry about the women that are left behind and don't have very much money and are never really able to get on their feet,'' Combs said.

''Imagine if all the wives told their husbands to get out of the military, that they could make a better living on the outside, then where would we be? But we didn't do that because they made a promise to us. And now we are having to fight for it.''

S. 401

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 ''SBP Benefits Improvement Act of 2003''.

SEC. 2. FULL AMOUNT OF SURVIVOR BENEFITS FOR SURVIVING SPOUSES WHO ARE 62 YEARS OF AGE OR OVER.

(a) PHASED INCREASED OF BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 2003, 40 percent for months beginning after such date and before October 2007, 45 percent for months beginning after September 2004, and 55 percent for months beginning after September 2013.''.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under paragraph (1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—(1) Section 1457(b) of title 10, United States Code, is amended—

(A) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(B) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 2003, 15 percent for months beginning after that date and before October 2007, and 10 percent for months beginning after September 2007.''.

(2) Effective on October 1, 2013, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2007.

(C) October 2013.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

By Mr. FEINGOLD:

S. 402. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Federal Death Penalty Abolition Act of 2003. This bill would abolish the death penalty at the Federal level. It would put an immediate

halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 830 executions across the country, including two at the Federal level. At the same time, 103 people on death row were later found innocent and released from death row. Exonerated inmates are not only removed from death row, but they are usually released from prison altogether. Apparently, these people never should have been convicted in the first place. While death penalty proponents claim that the death penalty is fair, efficient, and a deterrent, the fact remains that our criminal justice system has failed and has resulted in at least 103 very grave mistakes.

Eight hundred and thirty executions, and 103 exonerations. Those are not good odds. It is an embarrassing statistic, one that should have us all questioning the use of capital punishment in this country.

Since January 25, 2001, when I last introduced this bill, the Federal Government resumed executions for the first time in almost 40 years, and 138 people have been executed nationwide. In this new year, we have begun our use of capital punishment at an alarming pace. We are only in the second week of February, and there have already been 10 executions this year. And yet this one-to-eight error rate looms. Is it possible that those 10 people are representative of the one-to-eight error rate that has plagued the death penalty since it was reinstated in 1976? Is it possible that in the last six weeks, as we have debated a war in Iraq, funding levels for Federal programs, and judicial nominations, our nation has killed an innocent person?

It is a difficult question to ask, but an even more difficult one to ignore.

While executions continue and the death row population grows, the national debate on the death penalty continues and has become even more vigorous. The number of voices joining in to express doubt about the use of capital punishment in America is growing. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the American people. Layer after layer of confidence in the death penalty system has been gradually peeling away, and the voices of those questioning its fairness are growing louder and louder. Now they can be heard from college campuses and court rooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

That our society relies on killing as punishment is disturbing enough. Even more disturbing, however, is that the States' and Federal Government's use of the death penalty is often not consistent with principles of due process, fairness, and justice. These principles are the foundation of our criminal justice system. It is more clear than ever before that we have put innocent people on death row. In addition, statistics show that those States that have the death penalty are more likely to put people to death for killing white victims than for killing black victims.

After the death penalty was reinstated in 1976, the Federal Government first resumed death penalty prosecutions after enactment of a 1988 Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. The Federal death penalty was then expanded significantly in 1994, when the omnibus crime bill allowed its use to apply to a total of some 60 Federal offenses. Since 1994, Federal prosecutions seeking the death penalty have now accelerated.

A survey on the Federal death penalty system from 1988 to early 2000 was released by the U.S. Department of Justice in September 2000. That report showed troubling racial and geographic disparities in the federal government's administration of the death penalty. In other words, who lives and who dies in the Federal system appears to relate to the color of the defendant's skin or the region of the country where the defendant is prosecuted. Attorney General Janet Reno was so disturbed by the results of that report that she ordered a further, in-depth study of the results. Attorney General John Ashcroft pledged to continue that study, but we still await the results of that further study. The Federal Government should do all that it can to ensure that no person is ever subject to harsher penalties, most importantly that of capital punishment, because of the color of the defendant's skin.

I am certain that not one of my colleagues here in the Senate, not a single one, would defend racial discrimination in this ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, and equal protection of the laws.

While the Federal death penalty system is clearly plagued by flaws, there are 38 States across our Nation that also authorize the use of capital punishment. And like the Federal system, those systems are not free from error.

Over three years ago, Governor George Ryan took the historic step of placing a moratorium on executions in Illinois and creating an independent, blue ribbon commission to review the State's death penalty system. The Commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform of the death penalty system. The Commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarming real. Governor Ryan recently pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates, after the State legislature failed to enact even one of the Commission's recommendations.

Illinois is not alone. Two years ago, then Governor Parris Glendening learned of suspected racial disparities in the administration of the death penalty in Maryland. Governor Glendening did not look the other way. He commissioned the University of Maryland to conduct the most exhaustive study of Maryland's application of the death penalty in history. Then last year, faced with the rapid approach of a scheduled execution, Governor Glendening acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions.

That study was released in January and the findings should startle us all. The study found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

Maryland and Illinois are not exceptions to a rule, nor anomalies in an otherwise perfect system. In fact, since reinstatement of the modern death penalty, 81 percent of capital cases across the country have involved white victims, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African Americans or Hispanic Americans.

There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country. While the research done in Maryland and Illinois has yielded shocking results, there are 36 other States that authorize the use of the death penalty, most of them far more frequently. Twenty-one of the 38 States that authorize capital punishment have executed more inmates than Maryland, and 13 of those States have carried out more executions than Illinois. So while we are closer to uncovering the unthinkable truth about the flaws in the Maryland and Illinois death penalty systems, there are 36 other states with systems that are most likely plagued with the same flaws. And yet, the killing continues.

At the beginning of 2003, at the beginning of a new century and millennium with hopes for great progress, I cannot help but believe that our progress has been tarnished by our Nation's not only continuing, but increasing use of the death penalty. We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. We are one of the first nations to speak out against torture and killings by foreign governments. We should hold our own system of justice to the highest standard.

Over the last two years, some prominent voices in our country have done

just that. And they are not just voices of liberals, or of the faith community. They are the voices of Justice Sandra Day O'Connor, Reverend Pat Robertson, George Will, former FBI Director William Sessions, Republican Governor George Ryan, and Democratic Governor Parris Glending. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

And while we examine the flaws in our death penalty system, we cannot help but note that our use of the death penalty stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 111 countries that have abolished the death penalty in law or in practice. The European Union denies membership in the alliance to those nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all states within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of a group of nations with which the United States enjoys the closest of relationships.

On February 5, 2003, the International Court of Justice, ICJ, ruled unanimously that the United States must temporarily stay the execution of three Mexican citizens on death row in Texas and Oklahoma. There are currently 112 foreign nationals on death row in this country. Under Article 36 of the 1963 Vienna Convention on Consular Relations, local authorities are required to notify all detained foreigners ''without delay'' of their right to have their consulate informed of their detention. In most cases, this international law is not being followed. In fact, only seven cases of 152 reported death sentences have been identified as meeting complete compliance with Article 36 requirements. The purpose of this law is to ensure that foreign nationals are allowed time to secure adequate counsel during the critical stages of their cases. The February ruling of the ICJ was based on the need for an investigation into whether the foreign nationals on death row were ever given their right to legal assistance from their home governments.

What is even more troubling in the international context is that the United States is now one of only seven countries that imposes the death penalty for crimes committed by juveniles. So, while a May 2002 Gallup poll found that 69 percent of Americans oppose the death penalty for those under the age of 18, we are one of only seven nations on this earth that puts to death people who were under 18 years of age when they committed their crimes. The other are Iran, the Democratic Republican of the Congo, Pakistan, Nigeria, Saudi Arabia and Yemen. In the last decade, the United States has executed more juvenile offenders than all other nations combined, and in the last three years, only four nations have executed juvenile offenders: Iran, the Congo, Pakistan, and the United States.

Iran, the Congo, and Pakistan are countries that are often criticized for human rights abuses. We should remove any grounds for charges that human rights violations are taking place on our own soil by halting the execution of people who were not even adults when they committed the crimes for which they were sentenced to die. No one can reasonably argue that executing child offenders is a normal or acceptable practice in the world community. And I do not think that we should be proud that the United States is the world leader in the execution of child offenders.

As we begin a new year and another Congress, our society is still far from fully just. The continued use of the death penalty shames us. The penalty is at odds with our best traditions. It is wrong and it is immoral. The adage ''two wrongs do not make a right,'' applies here. Our nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of suspected criminals. Just as our nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we seek justice in this new century. And it's not just a matter of morality. The continued viability of our justice system as a truly just system requires that we do so. And our Nation's striving to remain the leader and defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system.

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. 402

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 Death Penalty Abolition Act of 2003''.

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking ''punished by death or''.

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking ''to the death penalty or''.

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking ''death or''.

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking ''punished by death or''.

(5) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking '', or may be sentenced to death'';

(B) in section 242, by striking '', or may be sentenced to death'';

(C) in section 245(b), by striking '', or may be sentenced to death''; and

(D) in section 247(d)(1), by striking '', or may be sentenced to death''.

(6) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking ''death or''; and

(B) in subsection (d)(2), by striking ''death or''.

(7) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking ''or to the death penalty'';

(B) in subsection (f)(3), by striking ''subject to the death penalty, or'';

(C) in subsection (i), by striking ''or to the death penalty''; and

(D) in subsection (n), by striking ''(other than the penalty of death)''.

(8) MURDER COMMITTED BY USE OF A FIREARM DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924(j)(1) of title 18, United States Code, is amended by striking ''by death or''.

(9) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''death or''.

(10) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking ''by death or''.

(11) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by death or''; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting ''or'' before ''an indeterminate''; and

(ii) by striking '', or an unexecuted sentence of death''.

(12) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''by sentence of death or''; and

(B) in subsection (b)(1), by striking ''or death''.

(13) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking ''death or''.

(14) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking ''death or''.

(15) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking ''the death penalty or''.

(16) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(i) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(17) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking ''death or''; and

(B) in subsection (d)(2), by striking ''death or''.

(18) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking ''death or''.

(19) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(20) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992(b) of title 18, United States Code, is amended by striking ''to the death penalty or''.

(21) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking ''death or''.

(22) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking '', or sentenced to death''.

(23) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking ''unless the death penalty is imposed,''.

(24) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking ''punished by death or''.

(25) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by striking ''punished by death or''.

(26) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking ''punished by death or''.

(28) TERRORIST MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking ''death or''.

(29) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''punished by death or''; and

(B) in subsection (b), by striking ''by death, or''.

(30) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking ''by death, or''.

(31) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking ''punished by death or''.

(32) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(A) in each of subparagraphs (A) and (B) of subsection (e)(1), by striking '', or may be sentenced to death'';

(B) by striking subsections (g) and (h) and inserting the following:

''(g) [Reserved.]

''(h) [Reserved.]'';

(C) in subsection (j), by striking '' and as to appropriateness in that case of imposing a sentence of death'';

(D) in subsection (k), by striking '', other than death,'' and all that follows before the period at the end and inserting ''authorized by law''; and

(E) by striking subsections (l) and (m) and inserting the following:

''(l) [Reserved.]

''(m) [Reserved.]''.

(33) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2), by striking ''put to death or''; and

(B) in subsection (b)(1)(B), by striking ''put to death or''.

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking ''punished by death or'' and all that follows before the period and inserting ''imprisoned for any term of years or for life''.

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking ''shall suffer death, or''.

(c) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(1) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law .

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mr. CONRAD, and Mrs. MURRAY):

S. 403. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Madam President, I rise today to introduce the Free Trade with Cuba Act of 2003. This legislation presents an important step toward normalizing United States economic relations with Cuba and opening a dialog between our two nations. Perhaps more importantly, the bill promotes human rights and democracy in a nation that has suffered under totalitarian rule for more than 4 decades, an objective central to the same democratic principles that have driven our foreign policy since the end of the Second World War.

The Free Trade with Cuba Act contains three essential components. First, it lifts the trade embargo against Cuba and eliminates the travel ban that accompanies the embargo. Second, it graduates Cuba from Jackson-Vanik and authorizes the President to extend nondiscriminatory trade treatment to Cuba. Finally, it removes the restrictions on travel between our two countries.

This legislation is similar to the legislation I introduced in the last Congress, S. 400 and S. 401. That legislation was referred to the Finance Committee. I am hopeful the committee can pass favorably on this legislation quickly so we can bring it to the floor and pass it.

This legislation is long overdue. In 1962, the United States embargoed virtually all trade with Cuba as a response to the rise of the totalitarian regime and seizure of American property. Over the years, U.S. sanctions against Cuba were further tightened, culminating with restrictions on the rights of Americans to visit Cuba.

Within the context of the cold war, many of these sanctions seemed to make sense. Yet throughout that time the embargo appeared to have little, if any, effect on the Castro regime. Forty years of the embargo, 4 decades of disengagement, have simply not worked. It is time to try a new approach. It is time for engagement.

Supporters of the embargo throw out many arguments against the legislation. First, they will say that private property of U.S. citizens that was taken in the early days of the Castro regime compels us to refuse trade with Cuba until we get the property back. They point out horrendous treatment of Cuban citizens by Castro and denial of the most basic human rights is also a reason. Let us be clear. These are problems and they must be resolved. Yet, the debate is not whether these problems exist. They do exist, of course, they exist. That is not the issue. We all know that.

The question, rather, is how to solve it. Forty years of embargo have done nothing to regain private assets taken so long ago by Castro and 40 years of embargo have done nothing to improve the living conditions and prospects for democratic reform in Cuba.

I have been to Cuba and visited Cuba. The people are in terrible shape. If anything, the embargo has lessened the prospects for reform by giving Castro someone else to blame for the terrible economic plight of his people. This embargo, frankly, is something Castro loves. It is a foil. He can blame the United States for some of the ills of his citizens. It is working in the opposite direction. In other words, while the problems may seem complicated, the one thing we can say we do know for certain is this: Current policy is not the answer; the current policy is a failure.

We must look to alternatives. How would this legislation resolve these problems? First, as to expropriation, the legislation I am proposing today calls for the President to undertake negotiations with the government of Cuba to settle this issue and make sure those harmed by this expropriation are fairly compensated. Second, as to the crucial issues of human rights and democratic reform, the legislation simply reflects the commonsense truth that engagement between the American and Cuban peoples will do much more to open Cuban society and help Cuban people, as it has around the world for 200 years, than silence and neglect—so similar to the question we had of China not too many years ago.

What did we do with China? The answer was very simple: We engaged. We

engaged without losing. China is a country. We are a country. Let's engage again. The same is true for Cuba: They are a country, we are a country, let's start talking and figure out how to solve things.

We should not delude ourselves. Embargo is a word for neglect. By not engaging the Cuban people and opening our world and tradition to them, we are neglecting them.

Last year we worked hard to further trade liberalization, passing the Trade Act of 2002. When the President signed that bill he said this:

> Free trade is also a proven strategy for building global prosperity and adding to the momentum of political freedom. Greater freedom for commerce across the borders eventually leads to greater freedom for citizens within the borders.

I agree. This statement is as true for Cuba as it is for any other country.

Third, on the economics of this, sure, we are in tough times. The economy is flat. Our farmers and workers are hurting, but there is a market worth up to $1 billion a year we are shutting ourselves out, denying ourselves. It makes no sense. The embargo against Cuba accomplishes nothing, and hurts our farmers and workers and companies by excluding them from a great potential market. Meanwhile, the European Union, Japan, Mexico, Canada, dozens of other countries, are busy selling goods and building commercial relations in Cuba. We are not. They are. Ask me the rationale of that.

There is a final point regarding the basic rights of freedoms of the American people. It is a fundamental violation of the spirit of our democratic principles to tell the American people they cannot travel to Cuba. What a sad irony is trying to promote freedom and democracy in another country by restricting it in our own. It is time to get real about this. It is time to get real about promoting freedom and democracy, it is time to get real regarding economic expansion, and it is time to end the embargo.

By Mr. BUNNING (for himself and Mr. BROWNBACK):

S. 404. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on the Judiciary.

Mr. BUNNING. Mr. President, I rise to introduce, along with Senator SAM BROWNBACK, the Child Modeling Exploitation Prevention Act.

Many Senators may not be aware of what I am talking about. I was not until recently, and I think it is important to raise awareness of the issue. Once my colleagues see what it is I am talking about, I am sure they will join in supporting my bill.

The Internet sites we are talking about are disturbing and dangerous. I wanted to have some enlarged pictures to illustrate what I am talking about, but the images are indecent and would only be further exploiting these children.

What I am talking about are websites with pictures and videos of children—mostly girls between the ages of 7 and 14, barely clothed and in revealing positions—being sold on the Internet. For $25 a month at one site, you can look at pictures of a sweet and tender child being turned into a prostitute. She hikes up her skirt and poses in a bikini on a bearskin rug.

What is the point of this? It is not to sell a bearskin rug or an article of clothing or any other product. There is one thing being sold: A child as a sex object.

But there's more to this site. For $50 you can purchase a video of this little girl dancing and running around in skimpy outfits that leave little to the imagination.

Normal people do not visit these sites. The primary viewers of these Internet sites are grown men. Some are pedophiles. Some are even registered sex offenders.

And what is more disturbing is that some of these children are put on display by their parents. It is absurd that a parent would do this to their own child for cash.

Some parents even allow Internet viewers to interact with their children through e-mail. Some even make personal videos for subscribers and allow them to send in clothes for the girls to model.

This is wrong. Any sane and logical person knows it is wrong. And that is why Congress should do something about it.

I am not talking about children modeling clothes in a Sears catalog. I am not talking about kids advertising shoes or jackets.

That is fine. And legitimate marketing of products is not illegal under my bill.

This bill has been carefully crafted to protect legitimate modeling activities and to not trample on the First Amendment.

Children are precious.

I know firsthand because I have 9 of my own. I also have 35 grandchildren, and 3 great-grandchildren. And I don't want any of them—or any other children—growing up in a world where we exploit children in a sexual way.

I urge my colleagues to cosponsor this bill and end exploitive child modeling.

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. 404

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 Modeling Exploitation Prevention Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of children in the production of exploitive child modeling, including on Internet websites, in photographs, films, videos, and other visual depictions, is a form of child abuse that can result in physical and psychological harm to the children involved.

(2) Exploitive child modeling is different from other, legitimate, child modeling because exploitive child modeling involves marketing the child himself or herself in lascivious positions and acts, rather than actually marketing products to average American consumers.

(3) The purpose of exploitive child modeling is to satisfy the demand of pedophiles.

(4) Unlike legitimate child modeling, exploitive child modeling may involve a direct and personal interaction between the child model and the pedophile. The pedophile often knows the child's name and has a way of communicating with the child.

(5) The interaction between the exploited child model and the pedophile can lead the child to trust pedophiles and to believe that it is acceptable and safe to meet with pedophiles in private.

(6) Over 70 percent of convicted pedophiles have used child pornography or exploitive child modeling depictions to whet their sexual appetites. Because children are used in its production, exploitive child modeling can place the child in danger of being abducted, abused, or murdered by the pedophiles who view such depictions.

(7) These exploitive exhibitions of children are unacceptable by social standards and lead to a direct harm to the children involved.

SEC. 3. EMPLOYMENT IN EXPLOITIVE CHILD MODELING.

(a) PROHIBITION ON EMPLOYMENT.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

''(e)(1) No employer may employ a child model in exploitive child modeling.

''(2) Notwithstanding section 16(a), whoever violates paragraph (1) shall be fined under title 18 or imprisoned not more than 10 years, or both.

''(3)(A) In this subsection, the term 'exploitive child modeling' means modeling involving the use of a child under 17 years old for financial gain without the purpose of marketing a product or service other than the image of the child.

''(B) Such term applies to any such use, regardless of whether the employment relationship of the child is direct or indirect, or contractual or noncontractual, or is termed that of an independent contractor.

''(C) Such term does not apply to an image which, taken as a whole, has serious literary, artistic, political, or scientific value.''.

(b) OPPRESSIVE CHILD LABOR.—Section 3(l) of such Act (29 U.S.C. 203(l)) is amended—

(1) by striking ''(1) any'' and inserting ''(A) any'';

(2) by striking ''(2) any'' and inserting ''(B) any'';

(3) by inserting ''(1)'' after ''(l)''; and

(4) by adding at the end the following new paragraph:

''(2) Such term includes employment of a minor in violation of section 12(e)(1).''.

SEC. 4. EXPLOITIVE CHILD MODELING OFFENSE.

(a) IN GENERAL.—110 of title 18, United States Code, is amended by inserting after section 2252A the following:

''§ 2252B. Exploitive child modeling

''(a) IN GENERAL.—Except as provided in subsection (b), whoever, in or affecting interstate or foreign commerce, with the intent to make a financial gain thereby—displays or offers to provide the image of an individual engaged in exploitive child modeling (as defined in section 12(e) of the Fair Labor Standards Act of 1938) shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) EXCEPTION.—This section does not apply to an image which, taken as a whole, has serious literary, artistic, political, or scientific value.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

''2252B. Exploitive child modeling.''.

By Mr. DEWINE (for himself and Mr. DODD):

S. 405. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. LIEBERMAN):

S. 406. A bill to provide grants to States and outlying areas to encourage the States and outlying areas to encourage existing or establish new statewide coalitions among institutions of higher education, communities around the institutions, and other relevant organizations or groups, including anti-drug or anti-alcohol coalitions, to reduce underage drinking and illicit drug-use by students, both on and off campus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 407. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court systems; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 408. A bill to establish a grant program to enable institutions of higher education to improve schools of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 409. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Madam President, I join several of my colleagues today to introduce a series of bills related to the reauthorization of the Higher Education Act (HEA). These five bills emphasize a number of issues that are vital to higher education, including teacher quality; loan forgiveness for social workers, family lawyers, and early childhood teachers; and the reduction of drug use and underage drinking at our colleges and universities.

The quality of a student's education is the direct result of the quality of that student's teachers. If we don't have well trained teachers, then future generations of our children will not be well educated. That is why I am introducing a bill that would provide $200 million in grants to our schools of education to partner with local schools to ensure that our teachers are receiving the best, most extensive training available before they enter the classroom.

The Secretary of Education's annual report on teacher quality reported that a majority of graduates of schools of education believe that the traditional teacher preparation program left them ill prepared for the challenges and rigors of the classroom. Part of the responsibility for this lies in the hands of our schools of education. However, Congress also has a responsibility to give our schools of education the tools they need to make necessary improvements. This new bill would create a competitive grant program for schools of education, which partner with low-income schools to create clinical programs to train teachers. Additionally, it would require schools of education to make internal changes by working with other departments at the university to ensure that teachers are receiving the highest quality education in core academic subjects. Finally, it would require the college or university to demonstrate a commitment to improving their schools of education by providing matching funds.

Another complex issue affecting the teaching force is the high percentage of disillusioned beginning teachers who leave the field. Our bill would help combat this issue, as well. Schools of education receiving these grants would be responsible for following their graduates and continuing to provide assistance after they enter the classroom. The more we invest in the education of teachers—especially once they have entered the profession—the more likely they will remain in the classroom.

Today, I also would like to introduce, along with Senator DODD, the Early Care and Education Loan Forgiveness Act. Our dear friend and colleague, Senator Wellstone, and I had included this legislation in the last higher education reauthorization bill. We had been working on this legislation together before Paul's tragic death. I know he cared deeply about this issue and about making sure that all children receive a quality education. He was passionate about that. And, in his memory, I would like to rename our bill the Paul Wellstone Early Educator Loan Forgiveness Act.

This bill would expand the loan forgiveness program so that it benefits not just childcare workers, but also early childhood educators. This loan forgiveness program would serve as an incentive to keep those educators in the field for longer periods of time.

Paul Wellstone knew how important early learning programs are in preparing our children for kindergarten and beyond. Research shows that children who attend quality early childcare programs when they were three or four years old scored better on math, language arts, and social skills in early elementary school than children who attended poor quality childcare programs. In short, children in early learning programs with high quality teachers—teachers with a bachelor's degree or an associate's degree or higher—do substantially better.

When we examine the number and recent growth of pre-primary education programs, it becomes difficult to differentiate between early education and childcare settings because they are so often intertwined—especially considering that 11.9 million children younger than age five spend part of their time with a care provider other than a parent and that demand for quality childcare and education is growing as more mothers enter the workforce.

Because this bill targets loan forgiveness to those educators working in low-income schools or childcare settings, we can make significant strides toward providing high quality education for all of our young children, regardless of socioeconomic status. The bill would serve a twofold function. First, it would reward professionals for their training. Second, it would encourage professionals to remain in the profession over longer periods of time, since more time in the profession leads to higher percentages of loans forgiveness. The bill would result in more educated individuals with more teaching experience and lower turnover rates, each of which enhance student performance.

I encourage my colleagues to join me in this effort to ensure that truly no children—especially our youngest children—are left behind.

I also am working on two bills with my friend and colleague from West Virginia, Senator JAY ROCKEFELLER. These bills would provide loan forgiveness to students who dedicate their careers to working in the realm of child welfare, including social workers, who work for child protective services, and family law experts.

Currently, Mr. President, there aren't enough social workers to fill available jobs in child welfare today. Furthermore, the number of social work job openings is expected to increase faster than the average for all occupations through 2010. The need for highly qualified social workers in the child protective services is reaching crisis level.

We also need more qualified individuals focusing on family law. The wonderful thing about family law is its focus on rehabilitation—that is the rehabilitation of families by helping them through life's transitions, whether it is a family going through a divorce, a family dealing with their troubled teenager in the juvenile system, or a child getting adopted and becoming a member of a new family.

Across the United States, family, juvenile, and domestic relations courts are experiencing a shortage of qualified attorneys. As many of my colleagues and I know, law school is an expensive

investment. In the last 20 years, tuition has increased more than 200 percent. Currently, the average rate of law school debt is about $80,000 per graduate. To be sure, few law school graduates can afford to work in the public sector because debts prevent even the most dedicated public service lawyer from being able to take these low-paying jobs. This results in a shortage of family lawyers.

The shortage of family law attorneys also disproportionately impacts juveniles. The lack of available representation causes children to spend more time in foster care because cases are adjourned or postponed when they simply cannot find an attorney to represent their rights or those of the parent or guardian. Furthermore, the number of children involved in the court system is sharply increasing. We need to ensure that the interests of these children are taken care of by making certain they have an advocate—someone working solely on their behalf. By offering loan forgiveness to those willing to pursue careers in the child welfare field, we can increase the number of highly qualified and dedicated individuals who work in the realm of child welfare and family law.

Finally, I am introducing a bill today with my friend and colleague from Connecticut, Senator LIEBERMAN, that would help address an epidemic—the epidemic of underage drinking, binge drinking, and drug-related problems on college and university campuses across the United States. Our bill would provide grants to states to establish statewide partnerships among colleges and universities and the surrounding communities to work together to reduce underage and binge drinking and illicit drug use by students.

According to a study by Boston University, over 1,400 students aged 18–24 died in 1998 from alcohol-related injuries, more than 600,000 students were assaulted by another student, and another 500,000 were injured unintentionally while under the influence of alcohol. According to a 1999 Harvard University study, 40 percent of college students are binge drinkers and according to the Department of Health and Human Services, nearly 10.5 million current drinkers were under the legal age of 21, and of these, over 5 million were binge drinkers.

Currently, 28 States, including my home State of Ohio, have coalitions that deal specifically with the culture of alcohol and drug abuse on our nation's college campuses. They work with the surrounding communities, including local residents, bar, restaurant and shop owners, and law enforcement officials, toward a goal of changing the pervasive culture of drug and alcohol abuse. They provide alternative alcohol-free events, as well as support groups for those who choose not to drink. They also educate students about the dangers of alcohol and drug-use.

Furthermore, the coalitions recognize that while it is important to promote an alcohol aware and drug-free campus community, if the community surrounding the campus does not promote these initiatives, there will be no long-term solutions. Therefore, these coalitions also have worked to establish regulations both on and off campus, which will help our nation's youth to stay healthy, alive, and get the most out of their time at college. Some of these regulations include the registration of kegs. This provides accountability for both the store and the student. This is just an example of one step that colleges, local communities, and organizations can take.

To help start the expansion of these coalitions, our bill would provide $50 million in grants. This is an important demonstration project that would help lead to positive effects for our young people. It is up to us to change the culture, which has been perpetuated by years of complacency and a dismissal tone of—''that's just the way it is in college.'' We must protect the health and education of our young people by changing this culture of abuse—and that is exactly what this bill would do.

Next year when we consider the reauthorization of the Higher Education Act, I encourage my colleagues to join in support of these initiatives.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bills be printing in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 405

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 ''Paul Wellstone Early Educator Loan Forgiveness Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1)(A) The first 5 years of a child's life are a time of momentous change.

(B) Research shows that a child's brain size doubles between birth and age 3.

(2) New scientific research shows that the electrical activity of the brain cells actually changes the physical structure of the brain, and that without a stimulating environment, a baby's brain suffers.

(3) Research also indicates that there is a connection between the cognitive, social, emotional, and physical stimulation young children receive from their early childhood teachers and caregivers and success in learning, school readiness, and intellectual growth. There are important short- and long-term effects of that stimulation on cognition and social development.

(4) High quality early childhood education correlates with better language development, mathematics abilities, and social skills.

(5) 11,900,000 children younger than age 5 spend part of their time with a child care provider other than a parent. By 2000, 64 percent of 3- to 5-year-olds were enrolled in some type of preschool program. Demand for child care is growing as more mothers enter the workforce.

(6) Good quality child care, in a healthy and safe environment, with trained, caring providers who provide age-appropriate, developmentally appropriate, and effective activities, helps children grow and thrive. Recent research shows that most child care needs significant improvement.

(7) Good quality child care depends largely on the provider, yet providers of child care earn on average $7.86 per hour, or $16,350 per year. Such earnings cause high annual turnover, up to 31 percent of the staff in some child care programs. High turnover affects the overall quality of a child care program and causes anxiety for children.

(8) Children attending lower quality child care programs and child care programs with high staff turnover are less competent in language and social development than other children.

(9) The quality of child care is primarily related to high staff-to-child ratios, staff education, professional development, and administrators' prior experience. In addition, certain characteristics distinguish poor, mediocre, and good quality child care programs, the most important of which are teacher wages, education, and specialized training.

(10) Each State requires kindergarten teachers to hold at least a bachelor's degree and certificate in early childhood education. Only 20 States and the District of Columbia require teachers in prekindergarten programs to satisfy those requirements. Thirty States allow caregivers with no previous training to work in child care programs.

SEC. 3. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

Section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to bring more highly trained individuals into the early child care profession; and

''(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

''(b) DEFINITIONS.—In this section:

''(1) CHILD CARE FACILITY.—The term 'child care facility' means a facility, including a home, that—

''(A) provides child care services; and

''(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

''(2) CHILD CARE SERVICES.—The term 'child care services' means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education, including a preschool teacher.

''(3) DEGREE.—The term 'degree' means an associate's or bachelor's degree awarded by an institution of higher education.

''(4) EARLY CHILDHOOD EDUCATION.—The term 'early childhood education' means education in the area of early child development and education, or any other educational area related to early child development and education or child care, that the Secretary determines to be appropriate.

''(5) ELIGIBLE PRESCHOOL PROGRAM PROVIDER.—The term 'eligible preschool program provider' means a preschool program provider serving children younger than the age of compulsory school attendance in the State that is—

''(A) a public or private school;

''(B) a provider that is supported, sponsored, supervised, or administered by a local educational agency;

''(C) a Head Start agency designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(D) a nonprofit or community-based organization; or

''(E) a licensed child care center or family child care provider.

''(6) INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 102, the term 'institution of higher education' has the meaning given the term in section 101.

''(7) PRESCHOOL TEACHER.—The term 'preschool teacher' means an individual—

''(A) who has received at least an associate's degree in early childhood education and who is working toward or who has already received a bachelor's degree in early childhood education; and

''(B) who works for an eligible preschool program provider supporting the children's cognitive, social, emotional, and physical development to prepare the children for the transition to kindergarten.

''(c) LOAN FORGIVENESS.—

''(1) IN GENERAL.—The Secretary may carry out a program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part, part D (excluding loans made under sections 428B and 428C or comparable loans made under part D), or part E for any new borrower after the date of enactment of the Higher Education Amendments of 1998, who—

''(A) receives a degree in early childhood education;

''(B) obtains employment in a child care facility, such as employment as a preschool teacher; and

''(C) has been employed full time, for the 2 consecutive years preceding the year for which the determination is made, as a provider of child care services in a child care facility in a low-income community.

''(2) LOW-INCOME COMMUNITY.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

''(3) AWARD BASIS; PRIORITY.—

''(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

''(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(d) LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

''(A) after the second consecutive year of employment described in subparagraphs (B) and (C) of subsection (c)(1), 20 percent of the total amount of all loans described in subsection (c)(1) and made after the date of enactment of the Higher Education Amendments of 1998, to a student;

''(B) after the third consecutive year of such employment, 20 percent of the total amount of all such loans; and

''(C) after each of the fourth and fifth consecutive years of such employment, 30 percent of the total amount of all such loans.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made, insured, or guaranteed under this part, part D, or part E.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan that accrues for such year shall be repaid by the Secretary.

''(4) SPECIAL RULE.—In the case in which a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans described in subsection (c)(1) and incurred for a maximum of 2 academic years in returning to the institution of higher education for the purpose of obtaining the degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

''(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(e) REPAYMENT TO ELIGIBLE LENDERS AND HOLDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of the lender's or holder's loans that are subject to repayment pursuant to this section for such year.

''(f) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each of the second through the fifth consecutive years of qualifying employment described in subsection (d)(1). The borrower shall receive forbearance while engaged in qualifying employment described in subsection (d)(1) unless the borrower is in deferment while so engaged.

''(g) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the program assisted under this section on the field of early childhood education.

''(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the program assisted under this section to pursue early childhood education;

''(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

''(C) identify the barriers to the effectiveness of the program;

''(D) assess the cost-effectiveness of the program in improving the quality of—

''(i) early childhood education; and

''(ii) child care services;

''(E) identify the reasons why participants in the program have chosen to take part in the program;

''(F) identify the number of individuals participating in the program who received an associate's degree and the number of such individuals who received a bachelor's degree; and

''(G) identify the number of years each individual participated in the program.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines to be appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2007.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

S. 406

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 ''Communities Combating College Drinking and Drug Use Act''.

SEC 2. FINDINGS.

Congress makes the following findings:

(1) Alcohol is by far the drug most widely used and abused by young people in the United States.

(2)(A) In 2003, it is illegal for youths under the age of 21 to purchase alcohol in all of the 50 States and the District of Columbia, and illicit drugs remain illegal.

(B) According to the National Institute on Drug Abuse, on average, young people begin drinking at about age 13. However, some start even younger. By the time young people are high school seniors, more than 80 percent have used alcohol and approximately 64 percent have been drunk.

(C) When adolescents move on to college, they bring their drinking habits with them. According to a 1993–1997 Harvard School of Public Health College Alcohol Study, 40 percent of college students are binge drinkers.

(D) According to the Department of Health and Human Services, in 1998, 10,400,000 current drinkers were under legal age (age 12–21) and of these, 5,100,000 were binge drinkers, including 2,300,000 heavy drinkers.

(E) Among 10th graders the perceived harmfulness of regularly taking LSD (lysergic acid diethylamide) is 68.8 percent, and among 8th graders the perceived harmfulness is 52.9 percent, according to the 2001 Monitoring the Future Study (MTF) funded by the National Institute on Drug Abuse.

(F) Only 45.7 percent of 12th graders perceived a great risk in trying MDMA (ecstasy) once or twice.

(G) The perceived availability of crack and cocaine among 10th graders was thought of as easy or fairly easy by 31 percent of 10th graders.

(3)(A) Underage drinking particularly impacts institutions of higher education.

(B) In 1999, Harvard University's School of Public Health College Alcohol Study surveyed 119 colleges and found that students who were binge drinkers in high school were 3 times more likely to binge drink in college.

(C) According to a March 2002 article published in the Journal of Studies on Alcohol, a study conducted by the Social and Behavioral Sciences Department of the Boston University School of Public Health reported that 1998 and 1999 studies show over 2,000,000 of the 8,000,000 college students in the United States drove under the influence of alcohol, over 500,000 were unintentionally injured while under the influence of alcohol, and over 600,000 were hit or assaulted by another student who had been drinking.

(D) According to the same Boston University study, it is estimated that over 1,400 students aged 18–24 and enrolled in 2-year and 4-year colleges died in 1998 from alcohol-related unintentional injuries.

(E) More than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking, and another 500,000 students are unintentionally injured under the influence of alcohol.

(F) More than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape, more than 400,000 students reported having unprotected sex, and more than 100,000 students reported having been too intoxicated to know if they consented to having sex, according to the Boston University study.

(4)(A) Longstanding cultural influences perpetuate student patterns of drinking.

(B) Of frequent binge drinkers, 73 percent of males and 68 percent of females cited drinking to get drunk as an important reason for drinking according to ''Binge Drinking on Campus: Results of a National Study'', from Harvard School of Public Health.

(C) The proportion of college students who drink varies depending on where they live. Drinking rates are highest in fraternities and sororities, followed by on-campus housing. Students who live independently offsite (e.g., in apartments) drink less, while commuting students who live with their families drink the least.

(D) Institutions of higher education in places with strict laws such as keg registration, prohibitions on happy hours, and open container in public bans, which restrict the volume of alcohol sold or consumed, displayed lower rates of consumption and binge drinking among underage students.

(E) A 2000 report by the Department of Health and Human Services, entitled ''Healthy People 2010'', observes that ''The perception that alcohol use is socially acceptable correlates with the fact that more than 80 percent of American youth consume alcohol before their 21st birthday, whereas the lack of social acceptance of other drugs correlates with comparatively low rates of use. Similarly, widespread societal expectations that young persons will engage in binge drinking may encourage this highly dangerous form of alcohol consumption.''.

(F) Mutually reinforcing interventions between the college and surrounding community can change the broader environment and help reduce alcohol abuse and alcohol-related problems over the long term.

(5)(A) The use of illicit drugs threatens the lives and well-being of students at institutions of higher education.

(B) According to the working paper, ''Alcohol and Marijuana Use Among College Students: Economic Complements or Substitutes'', for the National Bureau of Economic Research, alcohol and marijuana are economic complements, meaning that as the use of alcohol goes down on campuses, it is expected that marijuana will as well, or that as marijuana usage falls, so will alcohol usage.

(C) The annual prevalence of the use of an illicit drug at institutions of higher education is 36 percent. The annual marijuana use is 34 percent. The annual use of cocaine and LSD is 4.8 percent. The annual use of heroin is 4.5 percent.

SEC. 3. DEFINITIONS.

In this Act:

(1) BINGE DRINKING.—The term ''binge drinking'' means the consumption of 5 or more drinks on any 1 occasion.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(5) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico

(6) STATEWIDE COALITION.—The term ''statewide coalition'' means a coalition that—

(A) includes—

(i) the entity a State designates to apply for a grant under this Act and to administer the grant funds; and

(i)(I) institutions of higher education within that State; and

(II) a nonprofit group, a community anti-drug or anti-alcohol coalition, or another substance abuse prevention group within the State; and

(B) works toward lowering the drug and alcohol abuse rate at not fewer than 50 percent of the institutions of higher education throughout the State and in the communities surrounding the campuses of the institutions.

(7) SURROUNDING COMMUNITY.—The term ''surrounding community'' means the community—

(A) which surrounds an institution of higher education participating in a statewide coalition;

(B) where the students from the institution of higher education take part in the community; and

(C) where students from the institution of higher education live in off-campus housing.

SEC. 4. PURPOSE.

The purpose of this Act is to encourage States, institutions of higher education, local communities, nonprofit groups, including community anti-drug or anti-alcohol coalitions, and other substance abuse groups within the State to enhance existing or, where none exist, to establish new statewide coalitions to reduce the usage of drugs and alcohol by college students both on campus and in the surrounding community at large.

SEC. 5. GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) GRANTS TO STATES.—

(1) ALLOTMENTS.—

(A) IN GENERAL.—From amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make grants according to allotments under subparagraph (B) to States having applications approved under subsection (c) to pay the cost of carrying out the activities described in the application.

(B) DETERMINATION OF ALLOTMENTS.—

(i) RESERVATION OF FUNDS.—From the total amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve—

(I) one-half of 1 percent for allotments to the outlying areas, to be distributed among those outlying areas on the basis of their relative need for assistance under this Act, as determined by the Secretary, to carry out the purpose of this Act; and

(II) one-half of 1 percent for the Secretary of the Interior for programs under this Act for schools operated or funded by the Bureau of Indian Affairs.

(ii) STATE ALLOTMENTS.—From funds appropriated under subsection (a) for a fiscal year that remain after reserving funds under clause (i), the Secretary shall allot to each State an amount that bears the same relation to such remainder as the population of the State bears to the population of all States, as determined by the 2000 decennial census.

(2) MATCHING FUNDS REQUIRED.—Each State receiving a grant under this Act shall contribute matching funds, from non-Federal sources, toward the cost of the activities described in the application, in an amount equal to—

(A) 100 percent of the Federal funds received under the grant, in the case of a State supporting a new statewide coalition; and

(B) 50 percent of the Federal funds received under the grant, in the case of a State supporting a statewide coalition that was in existence on the day preceding the date of enactment of this Act.

(3) ADMINISTRATIVE COSTS.—Each State receiving a grant under this section may expend not more than 25 percent of the grant funds for administrative costs.

(c) STATE APPLICATIONS.—

(1) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

(2) CONTENTS.—Each application submitted under this section shall include the following:

(A) A description of how the State will work to enhance existing, or where none exists, to build a statewide coalition in cooperation with—

(i) not fewer than 50 percent of the institutions of higher education within the State;

(ii) local communities;

(iii) nonprofit groups, community anti-drug or anti-alcohol coalitions; and

(iv) other substance abuse prevention groups within the State.

(B) A description of how the State intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward the achievement indicators described in subsection (d).

(C) A list of the members of the statewide coalition or interested parties.

(d) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this section, the Secretary shall include in the notice achievement indicators for the program assisted under this section. The achievement indicators shall be designed—

(1) to measure the impact that the statewide coalitions assisted under this Act are having on the institutions of higher education and the surrounding communities, including changes in the number of alcohol or drug-related incidents of any kind (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, illnesses, or deaths);

(2) to measure the quality and accessibility of the programs or information offered by the statewide coalitions; and

(3) to provide such other measures of program impact as the Secretary determines appropriate.

S. 407

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Across the United States, family, juvenile, and domestic relations courts experience shortages of qualified attorneys to represent the interests of men, women, and children involved in their court systems.

(2) The Constitution of the United States provides that everyone charged with a crime is entitled to adequate counsel.

(3) In 1967, the Supreme Court held, for the first time, that children were persons under the provisions of the 14th amendment to the Constitution relating to due process, and entitled to certain constitutional rights.

(4) In the case of In re Gault (387 U.S. 1), the Supreme Court held that juveniles are entitled to notice of the charges against them, legal counsel, questioning of witnesses, and protection against self-incrimination in a hearing that could result in commitment to an institution.

(5) Studies have indicated that many juveniles do not receive the due process protections to which they are entitled. More importantly, they frequently do not receive effective assistance of legal counsel.

(6) Lawyers who represent juveniles often labor under enormous caseloads with little training or support staff.

(7) Public defenders who represent juveniles have, on average, more than 500 cases per year, with more than 300 of those cases being juvenile cases.

(8) Public defenders often lack specialized training in representing juveniles. Approximately one-half of public defender offices do not even have a section devoted to juvenile delinquency practice in their office training manuals.

(9) Due to relatively low wages, there is a nationwide shortage of family law attorneys willing to represent juveniles.

(10) The shortage of family law attorneys results in a severe, disproportionate, and negative impact upon children, impoverished parents, and victims of domestic violence.

(11) Children involved in family court cases are assigned attorneys to protect their interests. Adults are entitled to representation by attorneys. The lack of available representation by family law attorneys causes children to spend more time in foster care because cases are adjourned or postponed due to lack of appropriate representation. Victims of domestic violence seeking protection from their abusers often will remain in the abusive situation, choose to represent themselves, or wait until an attorney becomes available, all of which risk their personal safety.

(12) In 1995, 3,100,000 children were reported to child protection agencies as being abused or neglected, which is about double the number reported in 1984. Of these, 996,000 children were confirmed after investigation to be abused or neglected. A 1996 study by the Department of Health and Human Services found that the number of children seriously injured nearly quadrupled between 1986 and 1993 from 141,700 to 565,000.

(13) As of 1995 year-end, about 494,000 children were in foster care, a considerable rise from the estimated 280,000 children in foster care at the end of 1986. Most of these children are in foster care because of abuse, neglect, or abandonment by their parents. Many are also placed in foster care due to a court order during a child protection case.

(14) Some estimates suggest that in 70 percent of homes where there is domestic violence, there is also child abuse.

(15) Children who witness domestic violence can also develop posttraumatic stress disorder, low self-esteem, anxiety, depression, eating disorders, and destructive behavior that can last through adulthood, limiting an individual's ability to achieve academically, socially, and on the job. However, early intervention and education can help prevent further danger to children.

(16) Continued adjournment forces victims to repeatedly confront their abusers in court. This not only increases the risk of retribution, but also the chance that the victim will abandon the process because of the burden.

(17) Between 1984 and 1994 there was a 65 percent increase in domestic relations cases and a 59 percent increase in the number of juvenile cases.

(18) The caseload for child abuse in New York State alone has increased by more than 300 percent between 1984 and 1988.

(19) Judges in Chicago hear on average 1,700 delinquency cases per month, and in Los Angeles judges for juvenile cases have about 10 minutes to devote to each case.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in this field of law for longer periods of time.

SEC. 3. LOAN FORGIVENESS.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVENILE LAW, AND DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOAN.—The term 'eligible loan' means a loan made, insured, or guaranteed under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attendance at a law school.

''(2) FAMILY LAW OR DOMESTIC RELATIONS ATTORNEY.—The term 'family law or domestic relations attorney' means an attorney who works in the field of family law or domestic relations, including juvenile justice, truancy, child abuse or neglect, adoption, domestic relations, child support, paternity, and other areas which fall under the field of family law or domestic relations law as determined by State law.

''(3) HIGHLY QUALIFIED ATTORNEY.—The term 'highly qualified attorney' means an attorney who has at least 2 consecutive years of experience in the field of family or domestic relations law serving as a representative of low-income families or minors.

''(b) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay eligible loans for any new borrower after the date of enactment of this section, who—

''(A) obtains a Juris Doctorate (JD), and takes at least 1 law school class in family law, juvenile law, domestic relations law, or some other class that the Secretary determines equivalent to any such class pursuant to regulations prescribed by the Secretary; and

''(B) has worked full-time for a State or local government entity, or a nonprofit private entity, as a family law or domestic relations attorney on behalf of low-income individuals in the family or domestic relations court system for 2 consecutive years immediately preceding the year for which the determination was made.

''(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(3) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

''(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(c) LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

''(A) after the third consecutive year of employment described in subparagraph (B) of subsection (b)(1), 20 percent of the total amount of all eligible loans;

''(B) after the fourth consecutive year of such employment, 30 percent of the total amount of all eligible loans; and

''(C) after the fifth consecutive year of such employment, 50 percent of the total amount of all eligible loans.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan made under this part or part D.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

''(4) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment pursuant to this section for such year.

''(e) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(f) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations law.

''(2) COMPETITIVE BASIS.—The grant or contract described in this section shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section—

''(A) has increased the number of highly qualified attorneys;

''(B) has contributed to increased time on the job for family law or domestic relations attorneys, as measured by—

''(i) the length of time family law or domestic relations attorneys receiving loan forgiveness under this section have worked in the family law or domestic relations field; and

''(ii) the length of time family law or domestic relations attorneys continue to work in such field after the attorneys meet the requirements for loan forgiveness under this section;

''(C) has increased the experience and the quality of family law and domestic relations attorneys; and

''(D) has contributed to better family outcomes, as determined after consultation with the Secretary of Health and Human Services and the Attorney General.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2005.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

S. 408

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 ''Ready To Educate All Children Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) An estimated 2,000,000 new teachers will be needed over the next decade.

(2) Under the No Child Left Behind Act of 2001, States must recruit highly qualified teachers by 2006, yet schools in rural areas and high poverty schools have trouble attracting and retaining such teachers.

(3) A 2000 study by the Education Trust reports that high poverty schools are twice as likely not to have teachers certified in the fields in which they teach as schools that are not high poverty schools, which highlights that high poverty schools will need special help to meet the goals of the No Child Left Behind Act of 2001.

(4) If the Nation is to improve student achievement and success in school, the United States must encourage and support the training and development of our Nation's teachers, who are the single most important in-school influence on student learning.

(5) A majority of graduates of schools of education believe that traditional teacher preparation programs left them ill prepared for the challenges and rigors of the classroom.

(6) Fewer than 36 percent of new teachers feel very well prepared to implement curriculum and performance standards.

(7) Highly qualified teachers are more effective in impacting student academic achievement because such teachers have high verbal abilities, high content knowledge, and an enhanced ability to know how to teach the content using appropriate pedagogical strategies.

(8) The difference in annual student achievement growth between having an effective and ineffective teacher can be more than 1 grade level of achievement in academic performance.

(9) Studies have consistently documented the important connection between a teacher's verbal and cognitive abilities and student achievement.

(10) Research has shown that there is a positive effect on student achievement when students are taught by teachers with a strong subject-matter background.

(b) PURPOSE.—It is the purpose of this Act to provide grants to teacher preparation programs to better prepare teachers to educate all children.

SEC. 3. DEFINITIONS.

In this Act:

(1) BEGINNING TEACHER.—The term ''beginning teacher'' means a highly qualified teacher who has taught for not more than 3 years.

(2) CORE ACADEMIC SUBJECTS.—The term ''core academic subjects'' means—

(A) mathematics;

(B) science;

(C) reading (or language arts) and English;

(D) social studies, including history, civics, political science, government, geography, and economics;

(E) foreign languages; and

(F) fine arts, including music, dance, drama, and the visual arts.

(3) HIGH POVERTY LOCAL EDUCATIONAL AGENCY.—The term ''high poverty local educational agency'' means a local educational agency for which the number of children who are served by the agency, aged 5 though 17, and from families with incomes below the poverty line—

(A) is not less than 40 percent of the number of all children served by the agency; or

(B) is more than 15,000.

(4) HIGH POVERTY SCHOOL.—The term ''high poverty school'' means an elementary school or secondary school that serves a high number or percentage of children from families with incomes below the poverty line.

(5) HIGHLY QUALIFIED.—The term ''highly qualified'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) if such an institution prepares teachers and receives Federal funds, means such an institution that—

(i) is in full compliance with the requirements of section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027); and

(ii) does not have a teacher preparation program identified by a State as low-performing.

(7) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) LOCAL PARTNER.—The term ''local partner'' means a high poverty local educational agency or a high poverty school.

(9) MENTORING.—The term ''mentoring'' means activities that consist of structured guidance and regular and ongoing support for beginning teachers.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(11) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to institutions of higher education to establish a partnership with a local partner to—

(1) establish a clinically-based elementary school or secondary school teacher training program; or

(2) enhance such institution's clinically-based elementary school or secondary school teacher training program.

(b) APPLICATION.—

(1) IN GENERAL.—An institution of higher education that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) DEVELOPMENT.—The institution of higher education shall develop the application in collaboration with 1 or more local partners.

(3) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

(A) a description of any shortages in the State, where the institution of higher education is located, of highly qualified teachers in high poverty schools in core academic subjects;

(B) an assessment of the needs of beginning teachers in high poverty schools to be effective in the classroom that is—

(i) developed with the involvement of the local partner; and

(ii) based on—

(I) student achievement data in core academic subjects; and

(II) other indicators of the need to fully prepare beginning teachers;

(C) a description of how the institution of higher education will use funds made available pursuant to a grant awarded under this Act to—

(i) improve the quality of the teaching force; and

(ii) decrease the use of out-of-field placement of teachers;

(D) a description of how the institution of higher education will align activities assisted under this Act with challenging State academic content standards and student academic achievement standards, and State assessments, by setting numerical, annual improvement goals;

(E) a plan, developed with the extensive participation of the local partner, for addressing long-term teacher recruitment, retention, professional development, and mentoring needs;

(F) a description of how the institution of higher education will assist local educational agencies in implementing effective and sustained mentoring and other professional development activities for beginning teachers;

(G) a description of how the institution of higher education will work with individuals who successfully complete a teacher education program to become certified or licensed; and

(H) a description of how the institution of higher education will prepare teachers to succeed in the classroom.

(c) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve an application submitted pursuant to subsection (a) if the application meets the requirements of this section and holds reasonable promise of achieving the purpose of this Act.

(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

(3) DURATION OF GRANTS.—The Secretary is authorized to make grants under this section for a period of 5 years. At the end of the 5-year period, the grant recipient may apply for an additional grant under this section.

(d) USES OF FUNDS.—

(1) MANDATORY USES.—An institution of higher education that receives a grant under this section shall use the grant funds to—

(A) establish a partnership with a local partner to establish, or enhance an existing, clinically-based elementary school or secondary school teacher training program to better train teachers for challenges in the classroom;

(B) facilitate a partnership among departments of the institution to ensure that future teachers are prepared to teach; and

(C) implement a project-based assessment that facilitates the program evaluation developed under subsection (f) and that assesses the impact of the activities undertaken with grant funds awarded under this Act on achieving the purpose of this Act, as well as on institutional policies and practices.

(2) ADDITIONAL ACTIVITIES.—An institution of higher education that receives a grant under this section shall use the grant funds for not less than 3 of the following activities:

(A) The enhancement of high caliber teaching, including—

(i) enabling faculty to spend additional time in smaller class settings teaching students pursuing teaching degrees;

(ii) providing—

(I) summer school teaching opportunities for students pursuing teaching degrees;

(II) additional salary for faculty members who serve as advisors to students pursuing teaching degrees; or

(III) stipends for students pursuing teaching degrees.

(B) Opportunities to develop new pedagogical approaches to teaching, including a focus on content knowledge in academic areas such as mathematics, science, foreign language development, history, political science, and special education.

(C) Creation of multidisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction.

(D) Expansion of innovative mentoring or tutoring programs proven to enhance recruitment of students pursuing teaching degrees or persistence in obtaining a teaching degree.

(E) Improvement of undergraduate science, mathematics, engineering, and technology education for nonmajors, including teacher education majors.

(e) MATCHING FUNDS.—Each institution of higher education that receives a grant under this section shall demonstrate a financial commitment to such institution's school of education by contributing, either directly or through private contributions, non-Federal matching funds equal to 20 percent of the amount of the grant.

(f) ASSESSMENT, EVALUATION, AND DISSEMINATION OF INFORMATION.—

(1) PROGRAM EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall award not less than 1 grant or contract to an independent evaluative organization to—

(A) develop metrics for measuring the impact of the activities authorized under this section on—

(i) the number of students enrolled in education classes;

(ii) academic achievement of students pursuing teaching degrees, including quantifiable measurements of students' mastery of content and skills, such as students' grade point averages;

(iii) persistence in completing a teaching degree, including students who transfer from departments of education to programs in other academic disciplines; and

(iv) placement during the 2 years after degree completion in public schools and an evaluation of the teachers' performance;

(B) conduct an evaluation of the impacts of the activities authorized under this section, including a comparison of the funded projects to identify best practices with respect to achieving the purpose of this Act.

(2) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate, biannually, information on the activities and the results of the projects assisted under this section, including best practices, to institutions of higher education that receive a grant under this section and other interested institutions of higher education.

(g) STUDENT LOAN ELIGIBILITY.—Notwithstanding any other provision of law, a student who participates in a clinically-based teacher training program funded under this Act shall be eligible for student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) during such student's fifth year of a program of study for obtaining a teaching degree, if the fifth year of the program of study is required under such clinically-based program in order for students to obtain the teaching degree.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $200,000,000 for each of fiscal years 2004 through 2009.

S. 409

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Approximately 3,000,000 reports of child abuse and neglect must be investigated each year.

(2) Approximately 1,000,000 of these reports are confirmed and require ongoing intervention.

(3) On any given day in the United States, more than 500,000 children are being served outside their homes by the child welfare system.

(4) These children are served in more than 150,000 foster homes and more than 5,000 residential programs.

(5) The child welfare workforce crisis has developed as the result of the following 3 major factors:

(A) Overall low levels of unemployment and the resulting increase in competition for workers in all sectors of the economy.

(B) The increasing numbers of children and families needing service coupled with the decreasing numbers of workers in the employment pool.

(C) The relatively low pay and difficult working conditions that exist in many child welfare agencies.

(6) The vacancy rate in State child welfare agencies is 8.1 percent, and 14.3 percent for private agencies.

(7) The overall turnover rate in child welfare agencies has doubled since 1991, to 13.9 percent in public agencies and to 46.5 percent in private agencies.

(8) The child welfare workforce crisis is real and is already compromising the ability of the child welfare system to effectively provide essential services to its children and families. In addition, analysis of trends indicates that the situation will worsen over the next decade. It is clear that steps must be taken now to encourage more workers to enter the child welfare services field and to improve the salaries, working conditions, and training of workers who provide these critically important services.

SEC. 2. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

(a) GUARANTEED STUDENT LOANS.—Part B of title IV of the Higher Education Act of 1965 is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

"(a) PURPOSE.—It is the purpose of this section—

"(1) to bring more highly trained individuals into the child welfare profession; and

"(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

"(b) DEFINITIONS.—In this section:

"(1) CHILD WELFARE SERVICES.—The term 'child welfare services' has the meaning given the term in section 425 of the Social Security Act.

"(2) CHILD WELFARE AGENCY.—The term 'child welfare agency' means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) STATE.—The term 'State' has the meaning given the term in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

"(c) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part or part D (excluding loans made under sections 428B and 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, who—

"(A) obtains a bachelor's or master's degree in social work;

"(B) obtains employment in public or private child welfare services; and

"(C) has worked full time as a social worker for 2 consecutive years preceding the year for which the determination is made.

"(2) AWARD BASIS; PRIORITY.—

"(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(3) OUTREACH.—The Secretary shall post a notice on a Department Internet web site regarding the availability of loan repayment under this section, and shall notify institutions of higher education regarding the availability of loan repayment under this section.

"(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(d) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

"(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

"(B) after the fourth consecutive year of such employment, 30 percent of the total amount of such loans; and

"(C) after the fifth consecutive year of such employment, 50 percent of the total amount of such loans.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) SPECIAL RULE.—In the case of a student borrower not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree described in subsection (c)(1)(A), the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of 2 academic years in returning to an institution of higher education for the purpose of obtaining such a degree. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

"(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(e) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(f) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONDITIONS.—An eligible individual may apply for loan repayment under this

section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(g) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of child welfare services.

''(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall determine—

''(A) whether the loan forgiveness program has increased child welfare workers' education in the areas covered by loan forgiveness;

''(B) whether the loan forgiveness program has contributed to increased time on the job for child welfare workers as measured by—

''(i) the length of time child welfare workers receiving loan forgiveness have worked in the child welfare field; and

''(ii) the length of time such workers continue to work in such field after the workers meet the requirements for loan forgiveness under this section; and

''(C) whether the loan forgiveness program has increased the experience and the quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2005.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

By Mr. EDWARDS:

S. 410. A bill to establish the Homeland Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

Mr. EDWARDS. Mr. President, I have previously given a statement and a speech on the floor of the Senate with regard to Mr. Estrada's nomination. I voted against him in the Judiciary Committee. The concerns I had included his not answering questions that were put to him, serious questions, in my judgment—issues about his record and his temperament.

Today, I wish to talk about homeland security. First, I will talk about the serious shortcomings in the administration's response, and then I will talk about six bills I have introduced in this Congress to improve our homeland security, including a bill today to overhaul the way we do intelligence work here at home.

The first responsibility of any government is to protect its people. Yet we live in a time when Americans feel extraordinary insecurity. We are at an elevated level of threat warning. The CIA Director says al-Qaida is ''resuming the offensive.'' The FBI Director says there are ''al-Qaida cells in the United States that we have not yet been able to identify.''

In other words, al-Qaida cells are operating here, but we do not know who they are, where they are, or what they are doing.

Americans are buying plastic sheeting and duct tape in record amounts. While they are doing everything they can to protect themselves, they have a right to know that those of us in Government are doing everything we can to protect them, their homes, their families, and their children. This is a dangerous time.

But a dangerous time calls for an honest response: This President is failing the test on homeland security. Homeland security has yielded to chemical companies that are holding back commonsense steps to secure chemical plants against horrific explosions. Homeland security is yielding to bureaucratic inertia that is defending old and outworn ways of fighting terror.

Today there are huge holes in our borders—one guard for every 5 miles on the Canadian border. There are huge holes at our ports—we are still inspecting only a fraction of all shipments into the United States, shipments that could carry nuclear or biological weapons. There are huge holes in our hometowns—where cops and firefighters do not have the equipment or the training that they need.

For all these holes, this President has vetoed billions for homeland security, he is withholding funds that first responders need today, and he has proposed funding homeland security this year at a level that even Republican experts like Warren Rudman say is totally inadequate.

We cannot cover the holes in our borders with plastic sheeting. Our cops and firefighters need reinforcements and new gear, not canned goods.

In 2000, the President's team talked about the dangers of a hollow military. At a time when the greatest dangers we face are here at home, this administration risks creating a hollow homeland defense.

This is happening for a very simple reason. The bare minimum of homeland security improvements we need—$10 billion more this year—costs less than half of President Bush's tax cut just for 226,000 millionaires.

I believe it is time to say to this President: Mr. President, please put our security first. Please set aside $20 billion in tax breaks for 226,000 millionaires, and put homeland security for 290 million Americans first.

Let me talk a little bit about my work on homeland security since Congress came back into session. Back in December, I laid out a comprehensive plan for strengthening our domestic security, from stopping ID fraud to sharing more information with local police to improving our cybersecurity. And in the 6 weeks Congress has been in session so far, I have introduced six bills to strengthen our homeland security. Each of these bills would make a concrete, tangible difference in people's lives.

Two bills are focused on empowering people to play a greater role in homeland security.

First, until this week, most Americans have no better idea how to respond to a terrorist attack than on September 11. Now the administration has begun giving out useful information, but we still don't have enough. We are not being told, for example, how to respond to chemical or biological attacks. In addition, there is still a serious question whether people will get the information they need when they need it, particularly when they are sleeping. Obviously TV and radio won't help if you are asleep. So I have a bill, which I wrote with Senator Fritz Hollings, that will create an emergency warning system to reach everyone—for example, using special phone rings that could wake people up in the middle of the night.

Second, we want to encourage more people to contribute. People want to serve, but they feel like they haven't been asked. We should ask. One way is through the Neighborhood Watch program. Neighborhood Watches help prevent both terrorism and ordinary crime. We are going to increase support for these, encourage folks to get involved, with the goal—the realistic goal—of tripling the number of neighborhood watches.

Next, I have introduced two bills focused on hardening vulnerable targets—in other words, taking those targets we know terrorists want to attack, and transforming them so they will be less vulnerable.

One bill is to do research to enhance building security, to improve the quality of private security guards and make buildings more resistant to attack. We know that at the Oklahoma City bombing, 85 percent of the lives might have been saved if the building had been built with better materials, in a better way. We are still learning about the World Trade Center collapse. We know we need better construction and better security around buildings across America.

A fourth bill would require the Government to improve its cybersecurity. A few weeks ago, we had an attack that crippled a lot of Government computer systems. There are simple tests we could be doing to block computer attacks that we are not doing: to ''patch'' holes in the systems. We need to make that happen.

Fifth, I have introduced a bill to help local law enforcement by requiring the Government to give security clearances to more police officers, firefighters, and health officials. They need information to keep us safe, but too often they are not getting it. This bill would help make sure they do.

Finally, there is the bill I have introduced today, and that I want to talk about in some detail. This bill will make fundamental changes in the way

we protect Americans against international terrorists operating within our borders. This bill takes away from the FBI the responsibility to collect intelligence on foreign terrorist groups operating in America. And this bill gives that responsibility to a new Homeland Intelligence Agency. I believe this agency will do a better job protecting our safety and our basic freedoms. Let me briefly explain why.

There is no question that the FBI is full of dedicated professionals who are patriots, who serve their country with courage and conviction, who do all of us proud.

But there is also no question that the FBI made many serious mistakes before September 11. There was the Phoenix memorandum, a memorandum about suspicious behavior at flight schools that the FBI did not follow up on. There was the Moussaoui case, where the FBI had in its possession a computer full of critical information, yet did not access the information there. There were even two hijackers who the FBI knew were threats but did not track and stop.

It is true all this was before September 11. The other day, Director Mueller told me that my criticisms understated the extent of the FBI's reforms. Well, I respect Director Mueller, and I look forward to continuing to talk with him about FBI reform. I have only the best wishes for his reform efforts.

At the same time, it would be hard to understate the seriousness of the problems we have seen.

This is not just my view; it is the view of every objective panel to look at this issue. These panels have raised serious questions about the FBI's response to terrorism, and in some instances, about the FBI's capacity to respond to terrorism.

The Markle Task Force commented: ''. . . there is a resistance ingrained in the FBI ranks to sharing counter-terrorism information . . . the FBI has not prioritized intelligence analysis in the areas of counter-terrorism.''

The Joint Congressional Inquiry noted: The FBI has a ''history of repeated shortcomings within its current responsibility for domestic intelligence. . . .''

The Brookings Institution went further, stating that ''there are strong reasons to question whether the FBI is the right agency to conduct domestic intelligence collection and analysis.''

And finally, the Gilmore Commission recently said: ''the Bureau's long standing tradition and organizational culture persuade us that, even with the best of intentions, the FBI cannot soon be made over into an organization dedicated to detecting and preventing attacks rather than one dedicated to punishing them.''

I believe the Gilmore Commission reached the right conclusion.

Part of the problem is bureaucratic resistance at the FBI. The FBI is full of superb public servants. But the reality is that the FBI is also a bureaucracy, and it is the nature of a bureaucracy to resist change. That is just the reality. It was only in November that the New York Times reported the FBI's No. 2 official was ''amazed and astounded'' by the FBI's sluggish response to the terrorist threat.

Beyond the problem of bureaucratic resistance, there is a more fundamental problem with the FBI. That problem is the conflict at the base of the FBI's mission, which is a conflict between law enforcement and intelligence. These are fundamentally different functions.

Law enforcement is about building criminal cases and putting people in jail. Intelligence isn't about building a case; it is about gathering information and putting it together into a bigger picture.

The FBI has never been built for intelligence. It has always been an agency that hires people who want to be law enforcement officers, trains them to be law enforcement officers, and promotes them for succeeding as law enforcement officers.

Cases have been run by field offices with little of the central coordination that is essential to combat national networks of terrorists. The FBI has regularly kept intelligence within the agency's walls rather than sharing it with other key players.

Now, the FBI says all this is changing. But with all due respect, the FBI's reforms are too little and too late. They are not enough, and because of the nature of the FBI, they cannot ever be enough.

That is why I propose today to create a Homeland Intelligence Agency, one that would be responsible for collecting foreign intelligence inside the United States, analyzing that intelligence, and getting it to the policymakers or first responders who need it. This entity isn't in the new Department of Homeland Security. It isn't in the newly announced ''Terrorist Threat Integration Center.'' That's just about analysis. This is about collection, gathering the intelligence information to begin with.

I believe this agency will do a better job fighting terrorism because its sole focus will be intelligence gathering. The inherent conflict between law enforcement and intelligence will not get in the way of its work.

I also believe it will do a better job protecting our civil liberties. While we will not give the new agency any new authorities, we will place new checks on its ability to collect information about innocent people. Time and again, we have seen this administration overreach when it comes to civil liberties. That should stop, and this proposal will help stop it.

We will require judicial approval before the most secretive and invasive investigations of religious and political groups. We will require greater public reporting and more internal auditing. We will establish a new and independent office of civil liberties within the new agency that is dedicated to protecting the constitutional rights of innocent Americans. So at the end of the day, we will help to fulfill America's promise—that we are safe and free at the same time.

I believe this bill is an important step to making America safer, and I look forward to working on it with colleagues on both sides of the aisle in getting this legislation passed.

By Mr. BINGAMAN:

S. 411. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the ''Southwest Bridge Research Center''; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Madam President, I rise to introduce legislation that I believe will go a long way in helping to improve the safety and durability of the Nation's highway bridges. Today, with great pleasure I am introducing the Southwest Bridge Research Center Establishment Act of 2003.

The purpose of this bill is to authorize the Secretary of Transportation to establish a new University Transportation Center focused on the safety of highway bridges. The new Southwest Bridge Research Center is a cooperative effort between New Mexico State University and the Oklahoma Transportation Center, comprising the University of Oklahoma and Oklahoma State University. The new center will lead the Nation in the research and development of technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and training in methods of bridge inspection.

Our highway network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. Transportation via cars, buses, and trucks plays a central role in our basic quality of life. Much of the food we eat, the clothes we wear, the materials for our homes and offices, comes to us over the 4 million miles of our road network.

One critical element of our highway network is the highway bridges that span streams, rivers, and canyons of our cities and rural areas. Bridges also help traffic flow smoothly by carrying one road over another.

Most highway bridges are easy to overlook. Notable exceptions are New England's covered bridges, the well-known Golden Gate Bridge, and the spectacular Rio Grande Gorge Bridge near Taos, New Mexico. The fact is, according to the Federal Highway Administration, we have about 590,000 highway bridges in this country that are more than 20-feet long. The total bridge-deck area of these 590,000 bridges is an amazing 120 square miles, or slightly smaller in area than the entire city limits of Albuquerque, New Mexico, roughly twice the size of the entire District of Columbia, or five times the area of New York's Manhattan Island. The State of Texas leads

the Nation with over 48,000 bridges, about ten percent of the total. Ohio is second with about 28,000 highway bridges.

A little known, and disturbing fact about these 590,000 highway bridges is that nearly 84,000, or 14 percent, are considered to be structurally deficient according to the most recent statistics from the FHWA. The percent of structurally deficient bridges varies widely among the 50 States. For example, this chart shows some of the States with some of the highest percentage of deficient bridges.

State	Number of bridges	Number of structurally deficient bridges	Percent of structurally deficient bridges (in percent)
Oklahoma	22,708	7,605	33.5
Missouri	23,604	6,083	25.8
Rhode Island	749	187	25.0
Pennsylvania	22,092	5,418	24.5
South Dakota	6,001	1,398	23.3
Mississippi	16,825	3,694	22.0
Iowa	25,030	5,036	20.1
North Dakota	4,517	871	19.3
Michigan	10,631	2,012	18.9
Louisiana	13,426	2,425	18.1
Alabama	15,641	2,677	17.1
North Carolina	16,991	2,513	14.8
Kansas	25,638	3,465	13.5
Ohio	27,952	3,304	11.8

Source: FHWA National Bridge Inventory (NBI) System, December 2001.

Structurally deficient bridges are a particular concern in rural areas of our country. According to FHWA's 2002 edition of its Conditions and Performance Report to Congress, 16 percent of rural bridges are structurally deficient compared to only 10 percent of urban bridges. The report estimates the average cost required to maintain the existing 590,000 highway bridges is $7.3 billion per year.

Another surprising fact about our Nation's highway bridges is their age. About one-third of all highway bridges are more than 50 years old, and an amazing 10,000 bridges are at least 100 years old. About 4,000 of these century-old bridges are currently rated as structurally deficient.

I do believe the number of deficient bridges in this country should be a concern to all Senators. Ensuring that States and local communities have the funds they need to help correct these deficient bridges will be one of my priorities when Congress reauthorizes TEA–21. However, because there may not be sufficient Federal and State funding to address all of the deficient bridges, it will be important to identify the bridges that are most in need of replacement or rehabilitation.

To ensure the most efficient use of limited resources, Congress should also address the need for new technologies to help States monitor the condition of the Nation's 590,000 highway bridges and determine priorities for repair or replacement. Such monitoring technologies, or ''smart bridges,'' should be quick, efficient, and not damage the bridge in any way. I am very pleased that New Mexico State University is one of the Nation's pioneers in the development of non-destructive methods of determining the physical condition of highway bridges. Such smart bridges can record and transmit information on their current structural condition as well as on the traffic crossing them.

In 1998, NMSU installed 67 fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces. This award-winning project was the first application of fiber-optic sensors to highway bridges. More recently, in 2000, sensors were incorporated directly in a concrete bridge during construction to monitor the curing of the concrete; the bridge crosses the Rio Puerco on Interstate 40, west of Albuquerque. NMSU has an actual 40-foot ''bridge'' in a laboratory on campus to allow studies of instrumentation and data collection.

I ask unanimous consent that two articles describing NMSU's accomplishments on smart bridge technology be printed in the Record, exhibits one and two.

NMSU is also a leader in other areas of bridge inspection. It has provided training for bridge inspectors for over 30 years. It has also developed expertise in using a virtual reality approach to document a bridge's physical condition.

At the same time, Oklahoma State University leads the Nation in the development of the Geothermal Smart Bridge System, which uses energy stored in the earth itself to help keep bridges free of ice and snow. OSU is also performing cutting edge research on high-performance structural materials frequently used in bridges including concrete, steel, and timber.

At the University of Oklahoma, a multidisciplinary team of researchers is working to develop a ''smart'' vehicle-bridge system that is expected to reduce the impact of moving trucks on bridge structures, thereby increasing the lifespan of highway bridges. The UO team is also expert in the development of high-performance concrete and of sensors for non-destructive testing.

Of course, the Oklahoma Transportation Center was also heavily involved last year in the rebuilding of the Interstate 40 bridge over the Arkansas River near Webbers Falls, OK, after it collapsed when struck by a barge. The bridge was reopened to traffic only 64 days after the accident.

This is just a glimpse at the high quality bridge research at these three universities. All three institutions are widely recognized as national leaders in all aspects of bridge research and technology. I believe it is fully appropriate for these three nationally recognized universities to collaborate in operating the Southwest Bridge Research Center.

The bill I am introducing today authorizes the Secretary of Transportation to establish and operate the Southwest Bridge Research Center at New Mexico State University in collaboration with the Oklahoma Transportation Center. I do believe the three universities have earned this honor. In fact, in some ways, Congress has already recognized their fine work of the three centers. For example, the University of Oklahoma was allotted $3.5 million in TEA–21 for research work on intelligent stiffeners for bridge stress reduction and Oklahoma State received $3.5 million for work on the geothermal heat pump smart bridge program.

I am pleased to have also played a part. At my request, Congress provided $600,000 in 2001 for bridge research at New Mexico State University and an additional $250,000 in the current fiscal year.

The specific purpose of the Southwest Bridge Research Center will be to contribute to improving the performance of the nation's highway bridges. The center will emphasize five goals: 1. Increasing the number of skilled individuals entering the field of transportation; 2. improving the monitoring of the structural health of highway bridges; 3. developing innovative technologies for testing and assessment of bridges; 4. developing technologies and procedures for ensuring bridge safety, reliability, and security; and 5. providing training in the methods of bridge inspection and evaluation.

Building on the three universities' research work, the Southwest Bridge Research Center will develop a strong educational component, including degree opportunities in bridge engineering at both the undergraduate and graduate levels. In addition, the center will have a cooperative certificate program for training and professional development. Distance education technology and computer-based learning will allow programs to be offered at any of the universities.

The bill provides $3 million in funding from the Highway Trust Fund to operate the center.

New Mexico State University and the Oklahoma Transportation Center have applied their vast talents, tools, and techniques to solving technological problems with highway bridges for over 30 years. The team is well established and maintains cutting-edge expertise. The members of the team are recognized and respected at the national and international levels through accomplishments in bridge testing, monitoring, and evaluation.

I ask all senators to support the designation of a new Southwest Bridge Research Center. I look forward to working this year with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this bill into the full 6–year reauthorization of the transportation bill.

I ask unanimous consent that a letter of support from the three universities and a letter from Rhonda Faught, the Secretary of New Mexico's State Highway and Transportation Department be printed in the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the Washington Post, May 18, 1998]

SENSORS BRIDGE GAP IN COMMUNICATION ABOUT REPAIR NEEDS

(By Louis Jacobson)

LAS CRUCES, NM.—Hardly anyone in this burgeoning southwestern city realizes it, but right behind the Las Cruces Days Inn is a state-of-the-art experimental bridge. It isn't very exciting to look at—in fact, a motorist whizzing under Interstate 10 probably wouldn't notice anything unusual. But the experiment's sponsors—including the Federal Highway Administration, the National Science Foundation and state highway departments—hope that it will eventually revolutionize the way the Untied States maintains its half-million aging highway bridges.

Undergirding the Las Cruces ''smart bridge'' is a series of special sensors. It's not unusual for a bridge to be strung with mechanical sensors to measure structural stresses, particularly when a bridge is older and at higher risk of long-term fatigue. But the Las Cruces sensors are embedded in fiber-optic cables that—once the experiment is fully underway—will be able to transmit their readings to bridge officials in real time. In other words, weary bridges will soon be able to telephone their weakened conditions directly to the highway authorities so that bridge engineers can be dispatched to head off catastrophe.

''We're looking at a very large bridge stock in the U.S. that's in need of maintenance,'' says Rola Idriss, the civil engineer at New Mexico State University who is monitoring the I–10 experiment. ''Our idea was, how can we better inspect our bridges, how can we better evaluate them and how can we save money and time? The basic idea was to monitor them from far away.''

The fiber-optic cables used in the experiment were designed by the Naval Research Laboratory. First, laser beams etch the cables' cores with five-millimeter-long internal gauges, spaced about two to three meters apart. Once the cable is strung under the bridge and attached with epoxy, engineers program the system so that light beams careen down the cable at regular intervals. The degree of the light beams' bend directly correlates with the degree of bridge stress. If the results exceed a pre-calibrated bench mark, officials will be alerted to check for weakness exactly where they need to. The gauges can also be used to report general traffic patters, aiding transportation planners as well as bridge inspectors.

So far, the fiber-optic gauges have remained fastened better than normal wire gauges have, Idriss says. More important, the fiber simultaneously serves as a data collector and transmitter. ''It was a very elegant way to get away from the traditional method of using wires and installation,'' Idriss says. ''You just hook it to a computer and then let it cell phone the information home. The beauty of it is that you don't have to be on the bridge. I could monitor a bridge in Washington if I wanted to.''

Though the bridge in Las Cruces—which Idriss describes as an ordinary interstate bridge—was built in the 1970s, it has already displayed some metal fatigue (a fact that was known even before the smart bridge experiment was concocted). ''It's not unusual to have that kind of fatigue, but the bridge is not very old, so you want to know much more about what's happening,'' she says. ''Now, we need to expand the capability of the system by collecting from many more sensors. It currently has 30, but we'd like to double that at least.''

Idriss—who grew up in a family of engineers in Beirut and later became the first woman to earn a civil engineering PhD from New Mexico State—acknowledges that both technical and economic challenges remain. Her sensors cost about $50 to $100 each, including the cost of the cable itself. The benefits, she says, would come from freeing bridge inspectors from many of their routine and time-consuming duties. At the same time, highway departments could use their new data to repair bridges more precisely and cost-efficiently than today's information sources allow. ''If a fiber-optic gauge system costs $30,000,'' she says, ''that's still far less than a typical new bridge, which costs millions.''

Even if that price tag eventually drops, highway officials who aren't involved in the experiment suggest that the system will be most appropriate for the minority of bridges that officials already fret about.

''It seems like this system would be best for bridges that need special attention,'' says David Hensing, deputy executive director of the American Association of State Highway and Transportation Officials. ''It's probably more expensive than is necessary for 90 percent of America's bridges. But for the other 5 or 10 percent, that kind of instrumentation will get more years of life out of the bridge and lead to more timely corrective action.''

Bob Reilly, director of cooperative research programs at the federal Transportation Research Board, which is part of the National Research Council, concurs. ''I could image it would be a very useful thing in rare cases, but my guess is that it's not worth it for all bridges,'' he says.

Richard Livingston, the Federal Highway Administration official who is supplying Idriss with equipment and grant money, suggests three types of bridges that are likeliest to benefit: bridges that are already thought to be structurally deficient, critical urban bridges that carry economically vital traffic flows and newer bridge designs with which engineers have little long-term experience.

California transportation officials have expressed interest in installing fiber-optic gauges in critical seismic zones. Closer to home, the Washington area's Woodrow Wilson Bridge—a clogged and vital drawbridge on the Capital Beltway—could be among the first to serve as a test site, if Congress authorizes funding to do so.

''It would be able to help us schedule maintenance activities in a more cost-effective way,'' says Louis Triandafilou, a Baltimore-based Federal Highway Administration official who has been trying to broker the Wilson Bridge deal. ''The Wilson Bridge is a good one to test because it's a drawbridge and because it has a very high traffic count, especially truck traffic, so you can get information on how the bridge is affected by fatigue and repetitive stress.''

Given that it often takes four or five professionals a full week to inspect just one bridge—and considering the big back-log of bridges to inspect, including some whose crucial parts aren't easy to reach—the experiment's advocates say that the benefits of remote sensing can be substantial. ''The real problem is that no one has ever done a cost-benefit analysis,'' Livington says. ''It has increased cost, but it may also have increased benefits.''

EXHIBIT 2

[From the Public Roads magazine, Nov./Dec., 2002]

A DECADE OF ACHIEVEMENT

(By Richard A. Livingston, Milton Mills, and Morton S. Oskard)

Installation of sensor systems in bridges is increasingly recognized as important for obtaining information on strains, temperature, moisture, and other variables. The information collected from such smart bridges can be used to confirm design calculations, detect damage, and count traffic, among other functions.

An example of the sensor systems developed by the Advanced Research program is the fiber-optic strain gauge based on Bragg gratings. These gratings consist of alternating zones of different indexes of refraction. The spacing of the layers determines a specific wavelength of light that will be reflected. The technology is the same as that used in the broadband fiber-optic telecommunications systems now being installed across the country.

Since the fiber-optic sensor operates with light waves rather than electrons, it has several advantages over conventional electronic strain gauges: ruggedness, absence of drift, and immunity to electromagnetic noise. It permits as many as 100 gauges to be put on a single fiber as thin as a human hair. The installation of the gauges is simplified, the cabling requirement is reduced, and the cost-per-sensor is lowered.

Possible applications may require networks on the order of 1,000 sensors, or 1 kilosensor. Working under an interagency agreement with the Naval Research Laboratory, which has developed many fiber-optic sensors, the Advanced Research program has demonstrated several applications of sensor networks for structural monitoring.

The first application, co-funded with the National Science Foundation (NSF), resulted in the installation of a system of 67 calibrated fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces, NM. This work was carried out by New Mexico State University, with Dr. Rola Idriss as the principal investigator.

''The research has shown the fiber-optic sensors to be a powerful nondestructive evaluation tool,'' says Idriss. ''Whether retrofitted to an existing structure or built into a new smart bridge, they can yield a wealth of information about the structure and the traffic crossing it.''

The installation has generated several types of information under random traffic loading, including girder deflections, fundamental vibration frequencies, vehicle speed data, and traffic flow on an hourly basis. To date, the Las Cruces project has achieved notable success in its primary purpose of investigating practical issues in the full-scale application and regular operation of fiber-optic sensors on highway structures. The project has been widely covered in the media and received several awards.

New Mexico State University applied the sensors to the construction of a new concrete bridge in a project co-funded by Advanced Research, NSF, and the New Mexico State Highway and Transportation Department (NMSHTD). The mix design and curing conditions now being used to make high-performance concrete structures may produce unexpectedly high temperatures and stresses during the casting of girders, possibly leading to cracking and major structural failure. Obtaining information on the internal conditions is difficult with conventional temperature or strain gauges because of their fragility.

Forty fiber-optic long-gauge deformation and temperature sensors were embedded in the concrete girders of the Rio Puerco Bridge during casting. These sensors monitored the prestress forces applied to the steel strands in the precast concrete components during and after the steam curing period. One finding was that some design codes considerably overestimate the actual losses. NMSHTD now is planning to use sensors routinely in the construction of concrete bridges in the future. ''Building the sensors into new bridges,'' says Idriss, ''enables us to evaluate new high-performance materials and new designs. It also establishes a baseline for long-term monitoring.''

Several companies now offer Bragg fiber-optic sensor systems on a commercial basis. Two States (Hawaii and New Mexico) have received funding from the FHWA Innovative Bridge Research and Construction Program. In addition, several other States are considering installation of these systems on new or existing bridges. Fiber-optic systems also have been chosen as the method for measuring expansion in concrete girders under the lithium treatment evaluation program. All these developments indicate that fiber-optic sensor systems have been transferred successfully from Advanced Research to other FHWA programs.

COLLEGE OF ENGINEERING,
OFFICE OF THE DEAN, NEW MEXICO STATE UNIVERSITY,
Las Cruces, NM, January 8, 2003.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: We are writing to express our support for your bill to establish a bridge research center (brc) as a cooperative effort of New Mexico State University and the Oklahoma Transportation Center (Oklahoma State University and the University of Oklahoma). NMSU and OTC desire to work together in a spirit of cooperation as a University Transportation Center. We are bonded together in a desire to provide bridge research leadership for our respective states and the nation.

The purpose of the Bridge Research Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges. The BRC will emphasize the following:

1. Increase the number of highly skilled individuals entering the field of transportation.
2. Improve the monitoring of the structural health over the life of bridges.
3. Develop innovative technologies for bridge testing and monitoring.
4. Develop technologies and procedures for ensuring bridge safety, reliability and security.
5. Provide training in the methods for bridge inspection and evaluation.

The objective of the BRC is to carry out several programs and activities. Included will be basic and applied research with products judged by peers or other experts to advance the body of knowledge for bridges. An educational program that includes multidisciplinary course work and participation in bridge research. Finally, an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

NMSU and OTC have applied their talents, tools and techniques to solving technological problems with bridges for over 30 years. Our team is well established and maintains cutting-edge expertise. Our team members are recognized and respected at the national and international levels through major accomplishments in bridge testing, monitoring and evaluation.

New Mexico State University has agreed to provide the administrative leadership for the BRC. The research activity of the BRC will be approximately equally divided between New Mexico and Oklahoma.

By the signatures of the representatives of each institution, we pledge our support and commitment to the partnership known as the Bridge Research Center.

GORMAN GILBERT,
Civil and Environmental Engineering, Oklahoma State University.

THOMAS L. LANDERS,
Associated Dean, University of Oklahoma.

KENNETH R. WHITE,
Interim Dean of Engineering, New Mexico State University.

NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT,
Santa Fe, NM, January 27, 2003.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to express my support for your bill to establish a Bridge Research Center as a cooperative effort of New Mexico State University and the Oklahoma Transportation Center (Oklahoma State University and the University of Oklahoma). NMSU and OTC desire to provide bridge research leadership for our Nation. The areas of leadership include research and development of techniques and technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and curricula to train persons in the methods for bridge inspection and evaluation as one part of increasing the number of highly skilled individuals entering the field of transportation.

I believe it is important for the Bridge Research Center to be established as a University Transportation Center. The New Mexico State Highway and Transportation Department, through our Research Bureau, will work with New Mexico State University to ensure a match for the New Mexico portion of the Bridge Research Center funds.

I appreciate your continued leadership on behalf of transportation in New Mexico and our Nation.

Sincerely,

RHONDA G. FAUGHT,
Cabinet Secretary.

S. 411

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 ''Southwest Bridge Research Center Establishment Act of 2003''.

SEC. 2. BRIDGE RESEARCH CENTER.

Section 5505 of title 49, United States Code, is amended by adding at the end the following:

''(k) SOUTHWEST BRIDGE RESEARCH CENTER.—

''(1) IN GENERAL.—In addition to the university transportation centers receiving grants under subsections (a) and (b), the Secretary shall provide grants to New Mexico State University, in collaboration with the Oklahoma Transportation Center, to establish and operate a university transportation center to be known as the 'Southwest Bridge Research Center' (referred to in this subsection as the 'Center').

''(2) PURPOSE.—The purpose of the Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges, with an emphasis on—

''(A) increasing the number of highly skilled individuals entering the field of transportation;

''(B) improving the monitoring of structural health over the life of bridges;

''(C) developing innovative technologies for bridge testing and assessment;

''(D) developing technologies and procedures for ensuring bridge safety, reliability, and security; and

''(E) providing training in the methods for bridge inspection and evaluation.

''(3) OBJECTIVES.—The Center shall carry out the following programs and activities:

''(A) Basic and applied research, the products of which shall be judged by peers or other experts in the field to advance the body of knowledge in transportation.

''(B) An education program that includes multidisciplinary course work and participation in research.

''(C) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

''(4) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this subsection, the institution specified in paragraph (1) shall enter into an agreement with the Secretary to ensure that, for each fiscal year after establishment of the Center, the institution will fund research activities relating to transportation in an amount that is at least equal to the average annual amount of funds expended for the activities for the 2 fiscal years preceding the fiscal year in which the grant is received.

''(5) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall be 50 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out using funds from a grant provided under this subsection may include funds provided to the recipient under any of sections 503, 504(b), and 505 of title 23.

''(C) ONGOING PROGRAMS.—After establishment of the Center, the institution specified in paragraph (1) shall obligate for each fiscal year not less than $200,000 in regularly budgeted institutional funds to support ongoing transportation research and education programs.

''(6) PROGRAM COORDINATION.—

''(A) COORDINATION.—The Secretary shall—

''(i) coordinate the research, education, training, and technology transfer activities carried out by the Center;

''(ii) disseminate the results of that research; and

''(iii) establish and operate a clearinghouse for information derived from that research.

''(B) ANNUAL REVIEW AND EVALUATION.—At least annually, and in accordance with the plan developed under section 508 of title 23, the Secretary shall review and evaluate each program carried out by the Center using funds from a grant provided under this subsection.

''(7) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this subsection shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

''(8) AMOUNT OF GRANT.—For each of fiscal years 2004 through 2009, the Secretary shall provide a grant in the amount of $3,000,000 to the institution specified in paragraph (1) to carry out this subsection.

''(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 2004 through 2009.''.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mr. SCHUMER):

S. 412. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Finance.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 412

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Local Emergency Health Services Reimbursement Act of 2003''.

SEC. 2. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 4723 of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended to read as follows:

''SEC. 4723. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

''(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $1,450,000,000 for each of fiscal years 2004 through 2008, for the purpose of making allotments under this section to States described in paragraph (1) or (2) of subsection (b). Funds appropriated under the preceding sentence shall remain available until expended.

''(b) STATE ALLOTMENTS.—

''(1) BASED ON PERCENTAGE OF UNDOCUMENTED ALIENS.—

''(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for each fiscal year, the Secretary shall use $957,000,000 of such amount to make allotments for each such fiscal year in accordance with subparagraph (B).

''(B) FORMULA.—The amount of the allotment for each State for a fiscal year shall be equal to the product of—

''(i) the total amount available for allotments under this paragraph for the fiscal year; and

''(ii) the percentage of undocumented aliens residing in the State with respect to the total number of such aliens residing in all States, as determined by the Statistics Division of the Immigration and Naturalization Service, as of January 2003, based on the 2000 decennial census.

''(2) BASED ON NUMBER OF UNDOCUMENTED ALIEN APPREHENSION STATES.—

''(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall use $493,000,000 of such amount to make allotments for each such fiscal year for each of the 6 States with the highest number of undocumented alien apprehensions for such fiscal year.

''(B) DETERMINATION OF ALLOTMENTS.—The amount of the allotment for each State described in subparagraph (A) for a fiscal year shall bear the same ratio to the total amount available for allotments under this paragraph for the fiscal year as the ratio of the number of undocumented alien apprehensions in the State in the fiscal year bears to the total of such numbers for all such States for such fiscal year.

''(C) DATA.—For purposes of this paragraph, the highest number of undocumented alien apprehensions for a fiscal year shall be based on the 4 most recent quarterly apprehension rates for undocumented aliens in such States, as reported by the Immigration and Naturalization Service.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State that is described in both of paragraphs (1) and (2) from receiving an allotment under both paragraphs for a fiscal year.

''(c) USE OF FUNDS.—

''(1) AUTHORITY TO MAKE PAYMENTS.—From the allotments made for a State under subsection (b) for a fiscal year, the Secretary shall pay directly to local governments, hospitals, or other providers located in the State (including providers of services received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization) that provide uncompensated emergency health services furnished to undocumented aliens during that fiscal year, and to the State, such amounts (subject to the total amount available from such allotments) as the local governments, hospitals, providers, or State demonstrate were incurred for the provision of such services during that fiscal year.

''(2) LIMITATION ON STATE USE OF FUNDS.—Funds paid to a State from allotments made under subsection (b) for a fiscal year may only be used for making payments to local governments, hospitals, or other providers for costs incurred in providing emergency health services to undocumented aliens or for State costs incurred with respect to the provision of emergency health services to such aliens.

''(3) INCLUSION OF COSTS INCURRED WITH RESPECT TO CERTAIN ALIENS.—Uncompensated emergency health services furnished to aliens who have been allowed to enter the United States for the sole purpose of receiving emergency health services may be included in the determination of costs incurred by a State, local government, hospital, or other provider with respect to the provision of such services.

''(d) APPLICATIONS; ADVANCE PAYMENTS; REALLOTMENT OF UNUSED FUNDS.—

''(1) DEADLINE FOR ESTABLISHMENT OF APPLICATION PROCESS.—

''(A) IN GENERAL.—Not later than July 31, 2003, the Secretary shall establish a process under which States, local governments, hospitals, or other providers located in the State may apply for payments from allotments made under subsection (b) for a fiscal year for uncompensated emergency health services furnished to undocumented aliens during that fiscal year.

''(B) INCLUSION OF MEASURES TO COMBAT FRAUD.—The Secretary shall include in the process established under subparagraph (A) measures to ensure that fraudulent payments are not made from the allotments determined under subsection (b) or from amounts reallotted under paragraph (3).

''(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The process established under paragraph (1) shall allow for making payments under this section for each quarter of a fiscal year on the basis of advance estimates of expenditures submitted by applicants for such payments and such other investigation as the Secretary may find necessary, and for making reductions or increases in the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

''(3) REALLOTMENT OF UNUSED FUNDS.—

''(A) IN GENERAL.—With respect to allotments made under subsection (b) for a fiscal year, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be expended during that fiscal year or the succeeding fiscal year shall be available for reallotment during the second succeeding fiscal year, on such date as the Secretary may determine, to other States with allotments under that subsection that the Secretary determines will use such excess amounts during that second succeeding fiscal year.

''(B) DETERMINATION OF REALLOTMENTS.—Reallotments under subparagraph (A) shall be made in the same manner as allotments are determined under paragraphs (1) and (2) of subsection (b) but only with respect to those States that the Secretary determines qualify for a reallotment for a fiscal year under that subparagraph.

''(C) TREATMENT.—Any amount reallotted under subparagraph (A) to a State is deemed to be part of its allotment under subsection (b) for the fiscal year in which the reallotment occurs.

''(e) DEFINITIONS.—In this section:

''(1) HOSPITAL.—The term 'hospital' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)).

''(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

''(3) PROVIDER.—The term 'provider' includes a physician, any other health care professional licensed under State law, and any other entity that furnishes emergency health services, including ambulance services.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) STATE.—The term 'State' means the 50 States and the District of Columbia.

''(f) ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts provided under this section.''.

By. Mr. NICKLES:

S. 413. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, I rise today to introduce a bill and to speak about a litigation crisis affecting both the overall well-being of our nation and our ability to stimulate economic recovery. I'm speaking of the out-of-control explosion of asbestos litigation.

Asbestos litigation has become a disease in our economy. It threatens to drive scores of companies into bankruptcy. It discourages investment in companies under suit. It drives stock value down. It diverts funds away from expansion and growth. It results in job loss and, in short, it has become an obstacle to economic recovery.

The cost of asbestos litigation and burden on business has been devastating. Over 8,400 companies have been named as defendants in suits. At least $54 billion has been paid on more than 6000,000 claims. U.S. Insurers have paid over $22 billion. Insurers outside U.S. have paid $8–12. Defendant companies have already expended between $20–24 billion in claims and transaction costs associated with asbestos litigation.

The total cost of asbestos litigation could reach between $200–265 billion. This is revenue not invested in the economy, not invested in new jobs.

Some companies are hit with multiple suits involving thousands of plaintiffs. The weight of claims and settlements has resulted in an alarming increase in Chapter 11 bankruptcies. Over sixty companies have

filed Chapter 11 bankruptcy due to asbestos claims. This trend toward bankruptcy has had an alarming domino effect. As companies declare Chapter 11 reorganization, the litigation burden shifts to other defendant companies only encouraging them to declare bankruptcy as well.

At least 5 major companies have each spent more than $1 billion. Thirty-eight of the nations top 100 contractors to the DoD are now asbestos defendants. This crisis threatens to impact our national security industry at the worst possible time in our history. But it also prevents us from aggressively stimulating the economy. The bottom-line is: the cost of litigation and/or bankruptcy siphons away critical business revenue needed for growth and the creation of new jobs. What is frightening, is that only about half the number of potential claimants have come forward thus far. If left unchecked, we have only seen the tip of this crisis.

It's not only business that suffers. Employees of defendant companies suffer a great deal from a damaging ripple effect. The Rand Institute of Civil Justice estimates that 100,000 jobs were not created as a result of asbestos litigation. Bankruptcies related to asbestos litigation have led to 52,000–60,000 people losing their jobs, according to a SEBAGO study. It is estimated that each displaced worker will lose, on average, $25,000–$50,000 in wages before finding a job, or in reduced salary following finding a new job.

It does not stop there. Approximately 42 percent of displaced manufacturing workers participate in retraining programs, costing about $2,000–$3,000 per worker. Local communities also bear the brunt of job reductions due to asbestos-related lay-offs. It is estimated that there have been between $.6 and $2.1 billion in additional indirect local costs and loss. On average, there are eight additional jobs lost locally for every initial job lost. Additional multiplier effects include lowered property values, population decline and lost Federal and State tax revenue.

Those employees fortunate enough not to lose their jobs in asbestos-related cut-backs, also suffer due to the weakened position of their employer. Studies show that reduced stock value in defendant companies results in a 25 percent reduction in employees' 401(k) plan value. The average worker loses, on average $8,300 in pension devaluation.

This is a situation that has been exploited by the non-injured. Over 65 percent of plaintiffs, estimates as high as 90 percent, have no medical injury, but have filed suit on the basis that they ''may'' develop illness in the future. To date, most claims have been paid to non-injured claimants. Some plaintiffs' attorneys are signing up thousands of individual plaintiffs onto suits where there may be no evidence of injury or no evidence of exposure to asbestos products. The effect is that the largest portion of the claim pool is being paid to non-injured claimants. As a result, this adversely affects the ability of truly injured plaintiffs to collect damages. Claimants with malignant injuries are being lost in the stampede of those not injured. There is not only less money for those who really need it, the courts are swamped with a flood of questionable claims. It is not surprising that the U.S. Supreme Court has twice called out for Congress to find a solution.

Congress must indeed act. We must find a solution that both protects the economy and the legal rights of those truly injured by asbestos or who will develop asbestos-related injuries in the future. That is why today I introduce a bill that will not only introduce criteria to reassert some control over an out-of-control litigation process, but will come to the assistance of those truly injured and who need help. It is also intended to put a halt to the severe damage asbestos litigation has been wrecking on our economy, so that we can get on with the process of economic recovery.

My bill, entitled the Asbestos Claims Criteria and Compensation Act of 2003, establishes medical criteria that a claimant must meet prior to filing a suit. It will also toll the statute of limitations, so that those who develop an asbestos-related disease years down the road will still retain their right of legal action. It also will limit abusive venue shopping, but provides an exception of venue choice for those terminally-ill and facing a shortened life expectancy.

In conclusion, I believe this bill offers a reasonable approach to resolving this serious problem. I believe it offers a solid bipartisan approach that many of my colleagues on both sides of the aisle will come to support. If ever we hope to stimulate our economy into recovery and achieve sustained growth, we must also address and eliminate those factors that tend to drag the economy in the opposite direction. Asbestos litigation is one of those inhibitors of the economy, and this bill is a good step toward recovery. I encourage my colleagues to lend their support to this bill and I thank you, Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 413

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 ''Asbestos Claims Criteria and Compensation Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Physical impairment.
Sec. 5. Procedures; removal.
Sec. 6. Statute of limitations; two-disease rule.
Sec. 7. Miscellaneous provisions.
Sec. 8. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;

(2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;

(3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;

(4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;

(5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as ''an elephantine mass'' of cases that ''defies customary judicial administration and calls for national legislation,'' Ortiz v. Fibreboard Corporation, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would—

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the ''ABA Standard for Non-Malignant Asbestos-Related Disease Claims'' dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who—

(A) have been exposed to asbestos;

(B) may have some physical sign of exposure; and

(C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick—

(A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and

(B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of

defendant companies and each displaced worker will, on average, lose between $25,000 and $50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will—

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to—

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES.—It is the purpose of this Act to—

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT.—The term ''AMA Guides to the Evaluation of Permanent Impairment'' means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) ASBESTOS.—The term ''asbestos'' includes all minerals defined as ''asbestos'' under section 1910 of title 29 of the Code of Federal Regulations.

(3) ASBESTOS CLAIM.—The term ''asbestos claim''—

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOSIS.—The term ''asbestosis'' means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) CERTIFIED B-READER.—The term ''certified B-reader'' means an individual qualified as a ''final'' or ''B-reader'' under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) CIVIL ACTION.—The term ''civil action''—

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) EXPOSED PERSON.—The term ''exposed person'' means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1.—The term ''FEV1'' means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO SCALE.—The term ''ILO Scale'' means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the International Labour Office.

(11) NONMALIGNANT CONDITION.—The term ''nonmalignant condition'' means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''pathological evidence of asbestosis'' means a statement by a Board-certified pathologist that—

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) PREDICTED LOWER LIMIT OF NORMAL.—The term ''predicted lower limit of normal'' for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) RADIOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''radiological evidence of asbestosis'' means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) RADIOLOGICAL EVIDENCE OF DIFFUSE PLEURAL THICKENING.—The term ''radiological evidence of diffuse pleural thickening'' means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(17) VETERANS' BENEFITS PROGRAM.—The term ''veterans' benefits program'' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW.—The term ''workers' compensation law''—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or an insurance carrier of that employer, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

SEC. 4. PHYSICAL IMPAIRMENT.

(a) IMPAIRMENT ESSENTIAL ELEMENT OF CLAIM.—Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT.—

(1) IN GENERAL.—No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) REQUIREMENTS OF PRIMA FACIE SHOWING.—A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) PERMANENT RESPIRATORY IMPAIRMENT RATING.—A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) DIAGNOSIS.—A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) SUBSTANTIAL CONTRIBUTING FACTOR.—A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either—

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader at least 2/1 on the ILO scale.

(c) COMPLIANCE WITH TECHNICAL STANDARDS.—

(1) IN GENERAL.—Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with—

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) ADJUSTMENTS.—No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) NO PRESUMPTION AT TRIAL.—Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

SEC. 5. PROCEDURES; REMOVAL.

(a) CONSOLIDATION.—A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) VENUE.—

(1) IN GENERAL.—A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(2) INAPPLICABILITY.—Paragraph (1) shall not apply to a claim that—

(A) is based upon an exposed person's cancer; and

(B) is filed by an exposed person who is diagnosed with fatal mesothelioma or other asbestos-related cancer by a qualified physician, resulting in a short life expectancy of less than 3 years after the date on which the claim is filed.

(c) PRELIMINARY PROCEEDINGS.—The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

(d) REMOVAL.—

(1) IN GENERAL.—If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) JURISDICTION OVER REMOVED ACTIONS.—The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) REMOVAL BY ANY DEFENDANT.—A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) REMAND.—The district court shall remand any civil action removed solely under this subsection, unless the court finds that—

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.

SEC. 6. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.

(a) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) TWO-DISEASE RULE.—An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) GENERAL RELEASES FROM LIABILITY PROHIBITED.—No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) CONSTRUCTION WITH OTHER LAWS.—This Act shall not be construed to—

(1) affect the scope or operation of any workers' compensation law or veterans' benefit program;

(2) affect the exclusive remedy or subrogation provisions of any such law; or

(3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY.—The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,594,172.

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $6,328,829.

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,698,836.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. The Committee on Armed Services is authorized from March 1, 2003, until otherwise provided by law, to expend not to exceed $10,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, foreign armed forces, and intergovernmental organizations.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges or copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 58—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING JUNE 1, 2003, AS ''NATIONAL CITIZEN SOLDIER WEEK''

Mr. ALLEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 58

Whereas members of the National Guard and the other reserve components of the Armed Forces perform a vital role in the defense of the United States;

Whereas members of the National Guard and the other reserve components of the Armed Forces make significant personal sacrifices in performing military service when called to active duty; and

Whereas there are over 100,000 members of the National Guard and the other reserve components of the Armed Forces serving on active duty: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CITIZEN SOLDIER WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning June 1, 2003, as ''National Citizen Soldier Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning June 1, 2003, as ''National Citizen Soldier Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 59—CONGRATULATING THE UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM FOR WINNING THE 2002 NCAA DIVISION I NATIONAL CHAMPIONSHIP

Mr. WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20–4–1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2–1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest-seeded team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement; and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment; and

(2) directs the Secretary of the Senate to make available copies of this resolution to the University of Portland for appropriate display and to transmit a copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING THE SUPPORT FOR THE CELEBRATION IN 2004 OF THE 150TH ANNIVERSARY OF THE GRAND EXCURSION OF 1854

Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. KOHL, Mr. COLEMAN, Mr. FEINGOLD, and Mr. HARKIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the ''Grand Excursion of 1854'';

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

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

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854.

Mr. GRASSLEY. Mr. President, I am pleased to submit a resolution, with my colleagues representing the Upper Mississippi River, expressing our support for the celebration in 2004 of the 150th Anniversary of the Grand Excursion.

In 1854, the Chicago and Rock Island Railroad became the first railroad to reach from the East Coast to the Mississippi River. To celebrate, Henry Farnam, a contractor for the railroad, organized an excursion for friends, family, and stockholders. Word about this event spread quickly and a group of 1,200 people, including former President Millard Fillmore, traveled by steamboat from Rock Island, IL to St. Paul, MN.

This grand excursion turned into an opportunity to show influential persons of the day the remarkable beauty, numerous resources, and the unlimited opportunities that the Mississippi River and the West could provide. This excursion brought millions of dollars of investment to the area and positioned the Upper Mississippi region as a dominant force in the development of the nation in the 19th century.

Once again, the Grand Excursion is an opportunity to highlight the recreational, commercial, and environmental opportunities the river provides, as well as celebrate the renaissance of the Upper Mississippi River region. Over 50 communities, 23 regional organizations, and 4 states are joining together to make this celebration a reality.

For the past 10–15 years, communities in Iowa, Wisconsin, and Minnesota have been working together to reclaim their relationship with the Mississippi River and reestablish vibrant riverfront communities. Planning for the celebration has been a catalyst for over $5 billion in capital improvements and environmental initiatives along the river.

In Iowa, communities such as the Quad Cities, Dubuque, and Clinton have all rallied together to make their riverfronts engines for economic development. The Quad Cities are the kick-off site for the Grand Flotilla taking

place in June of 2004. Dubuque is the home of the National Mississippi River Museum and Aquarium, as well as the home dock of the Audubon Ark. All of the participating Iowa cities have welcoming marinas, main streets, and fun events planned for the celebration. I am honored to be a partner with these dynamic communities.

Through the Grand Excursion 2004, hundreds of thousands of citizens will experience America's River, a matchless national treasure, through community festivities, educational events, enhanced recreation opportunities, and cultural programs. Those who are unable to participate first-hand in the celebrations will be able to experience the excitement through a first-class website and educational Exploration Trunks that will be provided with curriculum to classrooms around the country.

I hope that you will join me in supporting this resolution of America's celebration of the Upper Mississippi River: Grand Excursion 2004.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED IN HONOR OF DANIEL ''CHAPPIE'' JAMES, THE NATION'S FIRST AFRICAN-AMERICAN FOUR-STAR GENERAL

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 6

Whereas General Daniel ''Chappie'' James was a dedicated patriot fighting to defend the United States against foreign enemies while breaching the walls of segregation that existed at the time within the United States Armed Forces;

Whereas General James learned to fly while attending the Tuskegee Institute in Tuskegee, Alabama;

Whereas General James was commissioned in the United States Army Air Corps in January 1943;

Whereas General James was a member and trainer of the famed Tuskegee Airmen, the all-black fighter squadron that successfully executed over 200 dangerous missions escorting American bombers over Europe in World War II without losing a single bomber;

Whereas General James bravely flew 101 combat missions over Korea;

Whereas General James courageously and valiantly flew 78 missions into North Vietnam, including leading the Bolo MiG sweep which destroyed seven North Vietnamese MiG-21s, the highest total kill of any one Air Force mission during the Vietnam War;

Whereas General James, as a brigadier general, was named Deputy Assistant Secretary of Defense for Public Affairs in 1970;

Whereas General James was promoted to the rank of General and Commander-in-Chief of the North American Aerospace Defense Command (NORAD) in 1975 to become the first African-American four-star general in any of the United States Armed Forces; and

Whereas the issuance of a postage stamp recognizing General James' service and commitment to the United States as well as equality for all Americans will broaden the Nation's knowledge of his achievements and those of the Tuskegee Airmen, his contributions toward destroying racial divisions, and his status as a role model for Americans of all ethnic and racial backgrounds: Now, therefore, be it

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

(1) it is the sense of Congress that a postage stamp should be issued by the United States Postal Service in honor of General Daniel ''Chappie'' James; and

(2) Congress directs the Secretary of the Senate to transmit a copy of this concurrent resolution to the Postmaster General and the Citizens' Stamp Advisory Committee.

Ms. LANDRIEU. Madam President, I rise today in celebration of Black History Month and a true American hero, General Daniel ''Chappie'' James, Jr. To commemorate Daniel ''Chappie'' James' life, I submit a resolution, today, to create a postage stamp in his honor. General James was a patriot for his country and broke down racial walls in the Armed Forces for all people of color. Not only was General James the first African American four-star general in the Air Force, but he was the first African American four-star general in any service. Regrettably, too few Americans know of his heroism and contributions to the United States.

General James dedicated his career to the defense of the United States and improving the plight of Blacks in the military. ''Chappie'' James learned to fly as a student at the Tuskegee Institute in Alabama. In 1943 he was commissioned in the segregated U.S. Army Air Corps. He was a member and trainer of the famed Tuskegee Airmen. Due to harsh prejudice, White officers doubted Blacks could be competent pilots, but the Tuskegee Airmen answered all critics by remarkably executing over 200 dangerous escort missions for American bombers during World War II without losing a single bomber. Following World War II, General James flew 179 fighter missions over Korea and North Vietnam. He commanded the Bolo MiG sweep over North Vietnam which destroyed seven North Vietnamese MiG–21s—the highest total kill of any one Air Force mission during the Vietnam War.

Throughout his life in the Air Force, Chappie James continued to break the color barrier. It was not an easy task, as it was fraught with road blocks. Nevertheless, General James pressed on to become a Brigadier General and the Deputy Assistant Secretary of Defense for Public Affairs in 1970. In 1975, Daniel James achieved the rank of General and was named chief-of-staff of the North American Aerospace Defense Command.

General James never forgot the struggles he faced as a Black man in the United States military, but his love for America never wavered. General James sought to right the wrongs he encountered, not run from them. In summation of his 35 years in the Air Corps and Air Force, he said, ''I've fought in three wars and three more wouldn't be too many to defend my country. I love America and as she has weaknesses or ills, I'll hold her hand.'' General James spent a life-time in service to his country and curing her of her weakness and ills. We should aspire to the same and continue his fight for equality.

To commemorate General James' life, I am submitting a resolution, today, to create a postage stamp in his honor. I hope my colleagues will support this measure and join me paying tribute to a great American.

SENATE CONCURRENT RESOLUTION 7—EXPRESSING THE SENSE OF CONGRESS THAT THE SHARP ESCALATION OF ANTI-SEMITIC VIOLENCE WITHIN MANY PARTICIPATING STATES OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IS OF PROFOUND CONCERN AND EFFORTS SHOULD BE UNDERTAKEN TO PREVENT FUTURE OCCURRENCES

Mr. CAMPBELL (for himself, Mr. SMITH, and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the expressions of anti-Semitism experienced throughout the region encompassing the participating States of the Organization for Security and Cooperation in Europe (OSCE) have included physical assaults, with some instances involving weapons or stones, arson of synagogues, and desecration of Jewish cultural sites, such as cemeteries and statues;

Whereas vicious propaganda and violence in many OSCE States against Jews, foreigners, and others portrayed as alien have reached alarming levels, in part due to the dangerous promotion of aggressive nationalism by political figures and others;

Whereas violence and other manifestations of xenophobia and discrimination can never be justified by political issues or international developments;

Whereas the Copenhagen Concluding Document adopted by the OSCE in 1990 was the first international agreement to condemn anti-Semitic acts, and the OSCE participating States pledged to ''clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia, and discrimination against anyone as well as persecution on religious and ideological grounds'';

Whereas the OSCE Parliamentary Assembly at its meeting in Berlin in July 2002, unanimously adopted a resolution that, among other things, called upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions, and judicial proceedings;

Whereas Decision No. 6 adopted by the OSCE Ministerial Council at its Tenth Meeting held in Porto, Portugal in December 2002 (the ''Porto Ministerial Declaration'') condemned ''the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom'';

Whereas the Porto Ministerial Declaration also urged ''the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism, and xenophobia''; and

Whereas on December 10, 2002, at the Washington Parliamentary Forum on Confronting and Combating anti-Semitism in the OSCE Region, representatives of the United States Congress and the German Parliament agreed to denounce all forms of anti-Semitism and agreed that ''anti-Semitic bigotry must have no place in our democratic societies'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) officials of the executive branch and Members of Congress should raise the issue of anti-Semitism in their bilateral contacts with other countries and at multilateral fora, including meetings of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) and the Twelfth Annual Session of the OSCE Parliamentary Assembly to be convened in July 2003;

(2) participating States of the OSCE should unequivocally condemn anti-Semitism (including violence against Jews and Jewish cultural sites), racial and ethnic hatred, xenophobia, and discrimination, as well as persecution on religious grounds whenever it occurs;

(3) participating States of the OSCE should ensure effective law enforcement by local and national authorities to prevent and counter criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including maintaining mechanisms for the thorough investigation and prosecution of such acts;

(4) participating States of the OSCE should promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal;

(5) legislators in all OSCE participating States should play a leading role in combating anti-Semitism and ensure that the resolution adopted at the 2002 meeting of the OSCE Parliamentary Assembly in Berlin is followed up by a series of concrete actions at the national level; and

(6) the OSCE should organize a separately designated human dimension event on anti-Semitism as early as possible in 2003, consistent with the Porto Ministerial Declaration adopted by the OSCE at the Tenth Meeting of the OSCE Ministerial Council in December 2002.

Mr. CAMPBELL. Mr. President, I am pleased to submit Senate Concurrent Resolution 7, expressing the sense and concern of the Congress regarding the recent spike in anti-Semitic violence that occurred in many participating States of the 55-nation Organization for Security and Cooperation in Europe, OSCE. It is incumbent upon us to send a clear message that these malicious acts are a serious concern to the United States Senate and American people and that we will not be silent in the face of this disturbing trend.

The anti-Semitic violence we witnessed in 2002, which stretched the width and breadth of the OSCE region, is a wake-up call that this old evil still lives today. Coupled with a resurgence of aggressive nationalism and an increase in neo-Nazi ''skin head'' activity, myself, and other Commissioners on the Helsinki Commission, have diligently urged the leaders of OSCE participating States to confront and combat the evil of anti-Semitism. Attacks on members of the Jewish community and their institutions have ranged from shootings, fire bombings, and physical assaults in places as different as London, Paris, Berlin and Kiev. Vandals have struck in Brussels, Marseilles, Bratislava, and Athens. Anti-Semitic propaganda has been spread in Moscow, Minsk and elsewhere as hatemongers have tapped into technology, including the internet, to spread their venom. Yet while we witnessed a significant rise in violence last year in Europe, acts of vandalism have also occurred in the United States, so with encouraging our colleagues in other parliaments to act, we must be mindful that no country is immune.

As OSCE participating States, all member nations, including the United States, have pledged to unequivocally condemn anti-Semitism and take effective measures to protect individuals from anti-Semitic violence. Through the OSCE, which was the first multilateral institution to speak out against anti-Semitism, all of today's member states share in that heritage. Thankfully, many OSCE states that I mentioned have responded appropriately, vigorously investigating the perpetrators and pursuing criminal prosecution. In short, manifestations of anti-Semitism must not be tolerated, period, regardless of the source.

As Co-Chairman of the Commission on Security and Cooperation in Europe, I can report that the OSCE Proto Ministerial Council, through the persistent efforts of the United States, addresses the phenomenon of anti-Semitism and called for the convening of a meeting specifically focused on this timely issue. I introduce this resolution to put the United States Senate on record and send an unequivocal message that anit-Semitism must be confronted, and it must be confronted now. If anti-Semitism is ignored and allowed to grow, our societies and our civilizations will suffer. As the resolution sets forth, elected and appointed leaders should meet the challenge of anti-Semitic violence through public condemnation, making clear their societies have no room for such attacks against members of the Jewish community of their institutions.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 27 at 3:00 p.m. in Room SD–366.

The purpose of this hearing is to receive testimony on S. 246, a bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; S. 32, a bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; S. 203, a bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining; S. 278, a bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, D.C. 20510–6150.

For further information, please contact: Dick Bouts (202–224–7545) or Jared Stubbs (202–224–7556).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 13, 2003, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 13, 2003, at 9:30 a.m. on USOC reforms.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 13, 2003, at 2:30 p.m. on infrastructure needs of minority serving institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 13 at 10:00 a.m. to consider the President's proposed FY 2004 Budget for the Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 13 at 2:30 p.m. to receive testimony regarding oil supply and prices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 13, 2003, at 10:00 a.m., to hear testimony on Enron: The Joint Committee on Taxation's Investigative Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 13, 2003, at 10:30 a.m., to conduct its organization meeting and to conduct a hearing on those Senate Committees that have presented budgets above guidelines for the 108th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, February 13, 2003 at 9:30 a.m. to conduct a hearing regarding oversight of the Nuclear Regulatory Commission.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL CORRECTION IN THE ENROLLMENT OF H.J. RES. 2

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 35.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, 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 (H. Con. Res. 35) was agreed to.

CONDITIONAL RECESS OR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 41, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 41) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 41) was agreed to, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14, 2003, Saturday, February 15, 2003, or any day from Monday, February 17, 2003, through Friday, February 21, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 31, reported by the Banking Committee, and all the nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nominations be printed in the RECORD, and that the Senate then resume legislative session, with all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

SECURITIES AND EXCHANGE COMMISSION

William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE C–PN

PN199 Foreign Service nominations (157) beginning Russell J. Nicely, and ending George Adams Moore, Jr., which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN200 Foreign Service nominations (243) beginning Nicholas R. Kuchova, and ending Richard W. Johnston, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

NOMINATION OF WILLIAM H. DONALDSON

Mr. SARBANES. Madam President, I rise to express my support for the nomination of William H. Donaldson to be the Chairman of the United States Securities and Exchange Commission.

In my view, Mr. Donaldson will bring considerable relevant experience to the position of SEC Chairman. He founded and managed a major investment company, Donaldson, Lufkin & Jenrette, and served as Chairman and CEO of the New York Stock Exchange. He was Chairman, President and CEO of a multi-billion dollar public company, Aetena, Inc., and served as the first Dean and a Professor at the Yale School of Management. His background demonstrates that he is qualified for this position.

Mr. Donaldson will face a daunting task as the new SEC Chairman. He must join with his fellow Commissioners to appoint the Chairman of the Public Company Accounting Oversight Board. He must address the challenge of restoring confidence to the capital markets. And I very much hope that will move immediately to implement full pay parity of salary and benefits for the SEC staff.

I am pleased that, in his appearance before the Senate Banking Committee, Mr. Donaldson recognized the importance and immediate challenge of implementing the new accounting responsibility and investor protection legislation which the Congress passed last year. He testified that he ''will vigorously enforce the Sarbanes-Oxley Act and the rules and regulations already put forth by the SEC.'' He said, ''I will demand accountability from all responsible parties. I will aggressively enforce civil penalties and work cooperatively with the state and federal law enforcement agencies and the President's corporate fraud task force to bring those who break the law to justice.'' He went on to pledge to call on

corporate America and Wall Street to restore the principles of honesty and integrity to their proper place.

Mr. Donaldson also indicated a strong concern for the welfare of the SEC employees. He pledged to address issues of staff morale and union relations at the Agency.

I am hopeful that Mr. Donaldson will effectively manage the SEC and effectively enforce the Federal securities laws. I hope that he will bring about a new era of respect for the Agency and confidence in the U.S. securities markets.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 151

Mr. FRIST. Madam President, I ask unanimous consent that at 3:30 p.m. on Monday, February 24, the Senate proceed to the consideration of Calendar No. 7, S. 151, PROTECT Act; that there be 2 hours equally divided between the chairman and ranking member of the Judiciary Committee or their designees; that no amendments be in order; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the matter, without any further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DO-NOT-CALL IMPLEMENTATION ACT

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to H.R. 395, which is being held at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Madam President, I am pleased that the Senate will pass H.R. 395, the Do-Not-Call Implementation Act, which was overwhelmingly approved by the House of Representatives yesterday.

All of us have been plagued by unwanted solicitations by telemarketers. Recently, the Federal Trade Commission did something about this and proposed regulations to create a national do no call registry that consumers can sign up for to avoid unwanted solicitations.

H.R. 395 authorizes the Federal Trade Commission, FTC, to collect offsetting fees from telemarketers to implement and enforce the registry as part of the Telemarketing Sales Rule. The legislation would authorize the FTC to collect these fees from telemarketers for Fiscal Years 2003 through 2007, and to move forward this year on setting up this much-needed registry. The legislation also directs the Federal Communications Commission to conclude its own relemaking regarding telemarketing calls which, given the FTC's lack of jurisdiction over certain industries, is an important component in creating an effective and comprehensive do not call option for consumers.

A one-stop option for consumers is overdue. In 1991, the Telephone Consumer Protection Act directed the Federal Communications Commission, FCC, to conduct a rulemaking to protect the privacy rights of residential telephone subscribers. The FCC could have enacted a national registry at that time, but chose instead of require telemarketers to maintain their own individual do not call lists. This means that at present, most consumers must contact, individually, every telemarketer who they do not want to call them. This far less than consumer-friendly regime has spurred more than twenty-five States to create their own do-not-call registries. I understand that many of these states support a national registry because maintenance of their lists is often burdensome, costly, and difficult to enforce. A national registry will not preempt these state laws. Rather, States will work in partnership with the national registry by sharing information and enforcement abilities. Harmonizing the FTC regulations with those of the FCC and the states, as I hope will soon occur, will give consumers and businesses alike a much more user-friendly system.

I recognize the importance of telemarketing to our economy and particularly to new competitors' market entry. Consumers, nevertheless, should be given a choice to opt out of receiving commercial solicitations, and the national do-not-call list proposed by the FTC gives them this option. The FTC has endeavored to balance the interests of consumers against the interest businesses have in communicating with existing customers and attracting new ones.

I commend the Federal Trade Commissioners and the FTC staff for their work on this issue, and thank my colleagues for supporting this measure.

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 395) was read the third time and passed.

CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 1, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 1) regarding consent to assemble outside the seat of government.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 1) was agreed to.

WELCOMING SUPPORT OF EUROPEAN NATIONS FOR THE ENFORCEMENT OF U.N. SECURITY COUNCIL RESOLUTION 1441

Mr. FRIST. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 4 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 4) welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Council Resolution 1441.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. Madam President, after leading the U.S. congressional delegation to the Munich Conference on Security Policy last weekend, Senator LIEBERMAN and I introduced this resolution to thank 18 Europeans for standing with us in demanding that Security Council resolutions against Iraq be enforced. Contrary to what you may read in the press, and despite shrill objections from Paris and Berlin, most European governments believe Iraq must be held to account for its defiance of Security Council Resolution 1441. France and Germany are isolated within Europe in their approach to enforcing, or in their case failing to enforce, Security Council resolutions regarding Iraq.

Recent actions by Paris and Berlin in the most important international fora—the Security Council, the North Atlantic Council, and the European Union—raise serious doubts among nations on both sides of the Atlantic about their commitment to multilateral diplomacy and cause real damage to those institutions.

The French and German objection, for reasons of calculated self-interest—a very flawed calculation, I fear—to a routine request to the North Atlantic Council to upgrade Turkey's defenses

against the military threat from Iraq was a terrible injury to an Alliance that has served their broader interests well. For over three weeks, the United States, with fourteen of our eighteen European allies in the North Atlantic Council, has supported this necessary action, but has confronted a new unilateralism conceived in Paris and Berlin, a unilateralism that exposed the sneering in those capitals about the impulsive cowboy in the White House for the vacuous posturing and obvious misdirection it is.

Whatever NATO decides, Franco-German unilateralism will have a lasting impact on trans-Atlantic security calculations. If this minority French-German obstruction is not overcome, France and Germany will have to answer to those who argue that Iraq could be to NATO what Abyssinia was to the League of Nations.

The United Nations Security Council risks that same fate should it fail to hold Iraq accountable for its defiance. Patient American and British diplomacy at the U.N. delivered a unanimous vote in favor of Council Resolution 1441. France played a key role in negotiating the resolution and knew what they were voting for, Germany was fully aware of the debate as it prepared to assume the Council presidency in January. Americans, and many Europeans, were therefore astonished when France and Germany announced in advance of further consideration of the problem of Iraq that under no circumstances would they support enforcing the resolution's terms against Iraq.

The behavior of France and Germany has set back European unity and created a divided front that makes Iraq's peaceful disarmament less likely. Nations across Europe that have recently expressed a different view of multilateral obligations, including some of our oldest allies and our newest friends, expose the myth that France and Germany speak for Europe.

The majority of Europe's democracies have spoken, and their message could not be clearer. Most European governments support the Security Council's clear mandate to require Iraq's full disarmament and do not shrink from the grave responsibilities such a commitment entails. Most European government understand clearly that if the Security Council fails to enforce its demands of Iraq, the Council risks impotence and irrelevance. In short, most European governments behave like allies that are willing to meet their responsibilities to uphold international peace and security in defense of our common values.

As the foreign ministers of Romania, Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia, Croatia, Albania, and Macedonia have declared, ''the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the U.N. Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.''

As the leaders of Britain, Spain, Italy, Poland, Hungary, the Czech Republic, Denmark, and Portugal have written, ''Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.''

We thank this European majority for standing with us.

I ask unanimous consent that two pieces of supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED WE STAND

The real bond between the U.S. and Europe is the values we share: democracy, individual freedom, human rights and the rule of law. These values crossed the Atlantic with those who sailed from Europe to help create the United States of America. Today they are under greater threat than ever.

The attacks of Sept. 11 showed just how far terrorists—the enemies of our common values—are prepared to go to destroy them. Those outrages were an attack on all of us. In standing firm in defense off these principles, the governments and people of the U.S. and Europe have amply demonstrated the strength of their convictions. Today more than ever, the trans-Atlantic bond is a guarantee of our freedom.

We in Europe have a relationship with the U.S. which has stood the test of time. Thanks in large part to American bravery, generosity and farsightedness, Europe was set free from the two forms of tyranny that devastated our continent in the 20th century: Nazism and communism. Thanks, too, to the continued cooperation between Europe and the U.S. we have managed to guarantee peace and freedom on our continent. The trans-Atlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security.

In today's world, more than ever before, it is vital that we preserve that unity and cohesion. We know that success in the day-to-day battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the U.N. All of us are bound by Security Council Resolution 1441, which was adopted unanimously. We Europeans have since reiterated our backing for Resolution 1441, our wish to pursue the U.N. route, and our support for the Secretary Council at the Prague NATO Summit and the Copenhagen European Council.

In doing so, we sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction. We must remain united in insisting that his regime be disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences. It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly this week the U.N. weapons inspectors have confirmed that his long-established pattern of deception, denial and noncompliance with U.N. Security Council resolutions is continuing.

Europe has no quarrel with the Iraqi people. Indeed, they are the first victims of Iraq's current brutal regime. Our goal is to safeguard world peace and security by ensuring that this regime gives up its weapons of mass destruction. Our governments have a common responsibility to face this threat. Failure to do so would be nothing less than negligent to our own citizens and to the wider world.

The U.N. Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result. We are confident that the Security Council will face up to its responsibilities.

STATEMENT OF THE VILNIUS GROUP COUNTRIES

Earlier today, the United States presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive UN inspectors, and its links to international terrorism.

Our countries understand the dangers posed by tyranny and the special responsibility of democracies to defend our shared values. The trans-Atlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.

We have actively supported the international efforts to achieve a peaceful disarmament of Iraq. However, it has now become clear that Iraq is in material breach of U.N. Security Council Resolutions, including U.S. Resolution 1441, passed unanimously on November 8, 2002. As our governments said on the occasion of the NATO Summit in Prague: ''We support the goal of the international community for full disarmament of Iraq as stipulated in the U.N. Security Council Resolution 1441. In the event of non-compliance with the terms of this resolution, we are prepared to contribute to an international coalition to enforce its provisions and the disarmament of Iraq.''

The clear and present danger posed by the Saddam Hussein's regime requires a united response from the community of democracies. We call upon the U.N. Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.

Mr. FRIST. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 4) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 4

Whereas on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15–0, giving Iraq ''a final opportunity to comply with its disarmament obligations'';

Whereas on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, ''We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council.'';

Whereas the North Atlantic Council stated, ''NATO Allies stand united in their commitment to take effective action to assist and support the efforts of the United Nations to ensure full and immediate compliance by Iraq, without conditions or restrictions, with United Nations Security Council Resolution 1441. We recall that the Security Council in this resolution has warned Iraq that it will face serious consequences as a result of its continued violation of its obligations.'';

Whereas, on January 30, 2003, the Prime Ministers of Denmark, Italy, Hungary, Poland, Portugal, Spain, and the United Kingdom, and the President of the Czech Republic (''The Eight''), issued a declaration regarding Security Council Resolution 1441;

Whereas in their declaration, The Eight stated, ''The transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security. . . . The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously.'';

Whereas The Eight stated, ''Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. . . . Our governments have a common responsibility to face this threat. . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.'';

Whereas on February 5, 2003, the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia (''The Ten'') issued a declaration regarding Security Council Resolution 1441;

Whereas in their declaration, The Ten stated, ''[T]he United States [has] presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive United Nations inspectors, and its links to international terrorism. . . . The transatlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.''; and

Whereas The Ten stated, ''[I]t has now become clear that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441. . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.'': Now, therefore, be it

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

(1) the expression of support from Albania, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Lithuania, Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and the United Kingdom for Iraq's full compliance with Security Council Resolution 1441; and

(2) their expression of solidarity with the United States in calling for the demands of the Security Council to be met with regard to Iraq's full disarmament.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 19, which is at the desk.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 19) recognizing 92nd birthday of Ronald Reagan.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 19) was read the third time and passed.

The preamble was agreed to.

DISCHARGE AND REFERRAL OF S. RES. 55

Mr. FRIST. Madam President, I ask unanimous consent that the Small Business Committee be discharged from further action on S. Res. 55 and that the matter be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM FOR WINNING THE 2002 NCAA DIVISION I NATIONAL CHAMPIONSHIP

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 59, which was introduced earlier today by Senators WYDEN and SMITH.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 59) congratulating the University of Portland Women's Soccer Team for winning the 2002 NCAA Division I National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. Madam President, I offer this resolution with Senator SMITH to congratulate the University of Portland women's soccer team for winning the 2002 NCAA Division I National Championship.

This championship team achieved a lot of firsts. The women's soccer team is the first to bring home a national championship in any sport for the University of Portland. As the eighth seed in the NCAA tournament, the University of Portland Pilots were the lowest seeded team to ever win the national title in the women's national championship 21 year history. Sophomore player Christine Sinclair made a first by setting an NCAA tournament record with 21 points on 10 goals and 1 assist. The Pilots' road to victory included defeating 7 nationally ranked opponents, including the reigning champion, Santa Clara University.

I am proud of these young women and their tremendous accomplishment. In this day when Title IX of the Education Amendments is under challenge, we cannot forget that women like those of the University of Portland champion soccer team are direct beneficiaries of Title IX. Title IX has provided girls and women with equal opportunities in athletics. Before Title IX was enacted in 1972, only one in 17 high school girls played team sports—now that number is one in 2.5. Title IX has helped our Nation develop fantastic athletes like the young women I am here to congratulate. We must continue to encourage these athletes, and provide them with our full support.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 59

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20–4–1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program,

leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2–1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest-seeded team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement; and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment; and

(2) directs the Secretary of the Senate to make available copies of this resolution to the University of Portland for appropriate display and to transmit a copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

EXTENSIONS OF REMARKS

IN HONOR OF DINA MATOS MCGREEVEY, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the outstanding accomplishments of Mrs. Dina Matos McGreevey, who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

The First Lady of New Jersey, Mrs. Matos McGreevey has been an exceptional member of her community and a true leader for New Jersey. Currently the executive director of the Columbus Hospital Foundation in Newark, Mrs. Matos McGreevey has worked to create programs such as the Senior Health Improvement Program, which provides free educational programs and screening for New Jersey seniors. As a member of the Portuguese American Congress of New Jersey and former president of the Portuguese American Congress—Continuing Political Committee, she organized voter registration drives and assisted thousands to become American citizens and registered voters.

Dina Matos McGreevey continues to demonstrate her compassion for improving New Jersey's communities. She is currently a trustee of the Ironbound Association, the Salvation Army Ironbound Boys' and Girls' Clubs and Senior Center Advisory Board, and the Women's Auxiliary of Columbus Hospital. Mrs. Matos McGreevey is also a participant in United Way's Celebrity Reading Program and is an honorary chair of the Special Olympics Complex Committee, the Drumthwacket Foundation, the Bernard W. Gimble Multiple Sclerosis Comprehensive Care Center Annual Fundraiser, and D.A.R.E.

Mrs. Matos McGreevey has served as commissioner of the Planning Board of the City of Elizabeth and treasurer of the Portuguese American Scholarship Foundation and the Northern New Jersey Maternal/Child Health Consortium's Planning Committee, and has been a member of the New Jersey Health Care Public Relations and Marketing Association. She is a fellow of the United Way of Essex and West Hudson Project Leadership Class of 1999.

Dina Matos McGreevey and Governor James E. McGreevey are the proud parents of Jacqueline Matos McGreevey.

Today, I ask my colleagues to join me in honoring Mrs. Dina Matos McGreevey for her exemplary service and dedication to the people and state of New Jersey.

THE GOOD SAMARITAN TAX ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, today I am pleased to join my colleague from Georgia, JOHN LEWIS, in introducing the "Good Samaritan Tax Act", a bill that has been introduced in three previous Congresses. Former Congressman Tony Hall (OH), now our Ambassador to the United Nations Agencies for Food and Agriculture, who originally initiated this proposal, was a cosponsor of the prior bills and the leading advocate for feeding the less fortunate.

The purpose of the bill is to help meet the demand for food for the needy. The end of the economic boom has increased the need for additional resources to feed the hungry. In fact, as more and more citizens are removed from the welfare rolls, or lose their jobs, many turn to food banks for help.

The bill would increase the incentives for restaurants, farms and other businesses in the food industry to donate food to food banks, homeless shelters and other charitable organizations. The Internal Revenue Code actually discourages contributions because of the uncertainty regarding the tax treatment of donations of food as compared to donations of other inventory. The bill has been designed to correct that deficiency.

We believe this bill would remove the uncertainty and provide the necessary incentive for businesses to increase their food donations. This would be accomplished by adding a provision to Section 170(e) of the Code that would indicate that the fair market value of donated food is determined, (1) without regard to internal policies, lack of market, or similar circumstances, whether the food cannot or will not be sold, and (2) if applicable, by taking into account the price at which similar products are sold by the taxpayer at the time of contribution. These have been points of controversy with the Internal Revenue Service, causing uncertainty as well as disincentives to incur the administrative and other costs necessary for the proper handling and preservation of food being donated. In addition, Section 170(e) would be amended to include businesses in addition to C corporations, as the current law provides.

We hope our colleagues will join us in cosponsoring this legislation.

CONDEMNING ANTI-SEMITISM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to introduce, along with my colleague Representative CARDIN, Representative WOLF, Representative HOYER, Representative LANTOS, Representative WAMP, Representative SLAUGHTER, Representative ADERHOLT and Representative HASTINGS, this resolution expressing the sense of the Congress that the sharp escalation of anti-Semitism, including violence, throughout the region of the Organization for Security and Cooperation in Europe, OSCE, is of serious concern to the U.S. Congress and the American people. We should make a concerted effort in our respective countries to end this disturbing trend.

Anti-Semitism is a disease that has bedeviled previous generations of Jews throughout the centuries and formed a black spot on human history. As the 20th century witnessed the nadir of extreme violence against the Jewish community and their institutions, we must take extraordinary steps to ensure this plague does not infect the 21st century to contaminate future generations. Yet our work is cut out for us, as this past year Europe witnessed a profound increase in vandalism against Jewish cemeteries, synagogues and cultural property, as well as mob assaults, fire bombings and gunfire. This year already a Jewish rabbi was stabbed twice in his Paris synagogue by an assailant. Thankfully, he was released from the hospital the same day. Certainly our own country is not immune, as acts of vandalism and violence continue to sporadically occur. As these incidents made graphically clear, silence is not an option when we are witnesses to insensitivity and violence.

The Helsinki Commission, which I co-chair and on which Mr. CARDIN serves has taken the lead in voicing concern and working for real change. On May 22, 2002, the Commission held a hearing to raise specific attention to the growing problem of anti-Semitic violence in the OSCE region. From that hearing a number of initiatives emerged. At the OSCE Parliamentary Assembly Annual Session in Berlin last July, I introduced and successfully secured unanimous approval of a resolution denouncing anti-Semitism and calling for all OSCE governments to do more. Mr. Speaker, for the RECORD, I submit the text of the OSCE PA resolution.

In addition, the U.S. delegation co-sponsored an unprecedented special session with the German delegation to further discuss the alarming trend with our fellow parliamentarians. In December, the Commission co-hosted here in Washington a parliamentary forum on anti-Semitism with German parliamentarians, also attended by a prominent member of the Senate of Canada, Jerry Grafstein. At the conclusion of this event, myself and the German co-chair, Gert Weisskirchen, signed a letter of intent highlighting specific areas for further work and pledging to enlist the support of other parliamentarians from OSCE participating States. I have submitted a copy of the letter of intent, for the RECORD.

Mr. Speaker, I am pleased to introduce this resolution, and I am eager for the House to go on record in support, making sure both the Congress and our government are doing everything possible to see an end to this

scourge. I am especially pleased that the resolution calls for all OSCE participating States to ensure effective law enforcement and prosecution of individuals perpetrating anti-Semitic violence, as well as urging the parliaments of all participating States to take concrete legislative action at the national level. In sum, I look forward to working with my colleagues to continue our steadfast efforts to see an end to anti-Semitic violence.

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to ''unequivocally condemn'' anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's ''comprehensive approach'' to security, calls for ''improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms'', and urges participating States to address ''acute problems'', such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to ''counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism'';

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a nondiscriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;

10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;

11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

LETTER OF INTENT

AN ACTION PROGRAM: CONFRONTING AND COMBATING ANTI-SEMITISM IN THE OSCE REGION

As members of the German Bundestag and U.S. Congress and participants in the OSCE Parliamentary Assembly, we wish to express our deep concern regarding the significant increase in the number of anti-Semitic incidents in many countries of the OSCE. We condemn anti-Semitism in all its forms. Anti-Semitic bigotry must have no place in our democratic societies and needs to be actively opposed by all 55 participating States of the OSCE, including by members of Parliament. The sorry lessons of the past have demonstrated that the virus of anti-Semitism, when not successfully resisted, will lead to terrible tragedy for the Jewish people, and promote prejudice and intolerance towards other minority groups.

We affirm our commitment to work together closely to fight anti-Semitism and encourage colleagues in our respective legislatures, and in the legislative bodies of other OSCE participating States, to develop a series of specific measures to counter anti-Semitic actions and attitudes. In executing our action plan we will make full use of all appropriate OSCE institutions and instruments. Actions that we intend to pursue are the following:

A. Persuade other Parliaments in OSCE participating States to adopt resolutions condemning anti-Semitism as the U.S Congress and the German Bundestag have already done.

B. Energize governments and other elected officials at all levels in OSCE participating States to condemn forcefully and publicly anti-Semitic acts, when they occur.

C. Encourage all OSCE countries to enact appropriate criminal legislation to punish anti-Semitic acts and ensure that such laws are vigorously enforced.

D. Call upon governments in OSCE participating States, if they have not already done so, to adhere to international instruments which, by addressing the problem of discrimination, may counter anti-Semitic attitudes and actions.

E. Promote educational efforts throughout the OSCE region to counter anti-Semitic stereotypes and attitudes among younger people and help identify the necessary resources to accomplish this goal. Encourage teachers, social workers and members of the clergy to focus on anti-Semitic attitudes and behavior of younger people and support the development of curricula for teacher training.

F. Consider what concrete actions may be possible within the OSCE to discourage the proliferation of anti-Semitic, neo-Nazi and other racist material over the Internet, while preserving the right to freedom of expression.

G. Encourage religious leaders in OSCE participating States to work more closely together and consider the past experiences of certain religious institutions in dealing with the experience of the Holocaust.

H. Create an OSCE parliamentarian-based ''Coalition of the Willing'' to address anti-Semitic propaganda that appears to be increasing rapidly in a number of OSCE partner countries. Explore the possibility of using the OSCE's partnership with the southern and eastern Mediterranean countries for promoting this goal. We pledge to meet again in conjunction with the February 2003 Winter Session of the OSCE Parliamentary Assembly in Vienna to evaluate progress and seek the active support and cooperation of our parliamentary colleagues from other countries. On this occasion, we will also determine how we can best utilize the July 2003 Rotterdam Annual Session of the OSCE Parliamentary Assembly to further our common goal of combating anti-Semitism throughout the OSCE region.

Signed in Washington, D.C. on December 10, 2002.

CHRISTOPHER H. SMITH,
Member of Congress.
GERT WEISSKIRCHEN,
Member, German Bundestag.

INTRODUCTION OF THE PRIVACY PROTECTION CLARIFICATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MALONEY. Mr. Speaker, I rise today in support of legislation that I am reintroducing with my colleague, Representative JUDY BIGGERT of Illinois, the Privacy Protection Clarification Act. This legislation resolves the controversy as to whether attorneys at law, who are subject to strict codes of professional conduct, should be subject to the privacy section of the Gramm-Leach-Bliley Act (GLBA). The Biggert-Maloney legislation recognizes that the practice of law and the business of financial services are wholly different and that GLBA should be clarified to recognize this distinction.

With passage of GLBA in 1999, Congress took an important step in ensuring that consumer privacy is protected as financial institutions continue to merge and as the economy grows increasingly digital. As a member of the then Banking Committee, I was proud to play a role in requiring that financial services companies supply their customers with privacy policies and allow customers the right to opt-out of information sharing with third-parties.

Unfortunately, GLBA has caused significant confusion for the legal community. On February 11, 2002, 1 joined 12 of my bipartisan colleagues on the Financial Services Committee in writing to the Federal Trade Commission (FTC) to ask that it grant attorneys an exemption to the GLBA privacy provisions. As we wrote at the time, ''Attorneys are already bound by a duty of confidentiality, enforceable under the laws of all 50 states, that prevents misuse of client information and provides a higher degree of privacy protection than GLBA.'' After a thorough review the FTC determined that it does not presently have the authority to grant the exemption we requested.

The privacy protections in Title V of GLBA were a response to specific cases where consumers' private, personal financial information was mined without their consent in an effort to

market products. Where Title V is an appropriate response to such cases, it is inappropriate to apply it to most lawyers whose clients already expect that all their disclosures are confidential, covered by state codes of ethics and attorney-client privilege.

For example, the Legal Aid Society of New York City had to translate its privacy notice into many different languages to serve its ethnically diverse clientele. It also had to devote an inordinate amount of time to dealing with confused clients who could not understand why they were getting privacy notices from their lawyers when information they share with their lawyers is presumed to be confidential. I fear this could have a chilling effect on the willingness of individuals to share critical information with their attorneys. The confusion these privacy notices are causing in New York is unnecessary given that there is express language forbidding the sharing of client information in the New York state ethics code for lawyers.

The recently filed amicus brief at the U.S. District Court of the District of Columbia by 19 state and local bar associations further lays out some of the ways that the Act conflicts with the practice of law, the rights of clients and the duties of attorneys. The brief was drafted by the former President of the American Law Institute, Professor Geoffrey Hazard.

To quote from the amicus brief: ''Not only does the GLBA provide less broad and less beneficial privacy protection than do existing state ethics rules governing lawyers, there are contradictions and discrepancies in the concepts of confidentiality and in the responsibilities of the 'service providers' under GLBA as applied to practicing lawyers. These disconnections make clear that the application of both privacy regimes to lawyers is unworkable. . .'' The stringent enforceable codes of professional conduct that attorneys are under contain opt-in requirements tailored to the profession. Their clients must affirmatively agree to the attorney revealing any personal information about that client.

I join Representative BIGGERT in introducing this legislation today, because it is my intention to target this limited area where the interpretation of GLBA can be improved by a legislative fix. The FTC's standing interpretation of Title V of the Act is causing confusion that is detrimental to the attorney-client relationship. It is appropriate for Congress to intervene. I have met with numerous constituents from New York City on this issue and am convinced that attorneys should not fall under the existing language.

I look forward to continuing to work to safeguard the privacy of my constituents during this Congress. This legislation is limited and strictly targeted. As for the larger privacy issues—the American public deserves more privacy protections, not fewer. When this body passed the GLBA provisions, we never considered its impact upon the practice of law because we had not intended it to apply to lawyers. Now that we see the confusion, expense and conflict that this act has wrought upon the legal community, we must act to clarify our original intent.

IN HONOR OF NELLIE POU, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Assemblywoman Nellie Pou of New Jersey who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

Currently deputy speaker of the New Jersey Legislature, Ms. Pou has led an impressive career and has quickly emerged as a leader in the New Jersey Assembly. She is the first woman and first Hispanic to represent the 35th Assembly District of New Jersey, and was named assistant minority leader after only three years in office. An active member of the legislature, Ms. Pou has authored a number of successful bills that reflect her commitment to health advocacy, child safety, and disabled and senior citizens. She has focused her efforts to improve education by reducing class-size and has secured funding to ensure the continuation of critical school programs across the state.

Assemblywoman Pou played a leading role in ensuring the 2000 Census was accurately reported and that New Jersey would not be underrepresented in the amount of federal aid it received. She was also a strong advocate for redrawing the legislative districts to fairly represent census results.

Ms. Pou holds an impressive record of service in government and working for the state of New Jersey. Before serving in the Assembly, Ms. Pou worked for more than 22 years in county and municipal government, and served as director of the Paterson Department of Human Services for 12 years.

Since being elected to the Assembly in 1997, she has served on two critical committees, the Assembly Budget Committee and the Assembly Appropriations Committee, which together oversee the development of the annual state budget. Ms. Pou has also served on the Assembly Housing Committee and the Task Force on School Facilities Construction Oversight. She is a member of the Women's Democratic Caucus, the Assembly Advisory Council on Women, and the New Jersey Task Force on Child Abuse and Neglect.

Currently serving her third term in office, Assemblywoman Pou is vice chair of the Assembly Appropriations Committee and a member of the Assembly Health and Human Services Committee, in addition to her appointment as deputy speaker.

Assemblywoman Pou is the mother of two children, Edwin and Taina.

Today, I ask my colleagues to join me in honoring Nellie Pou for her outstanding leadership and service to her district and the state of New Jersey.

INTRODUCING UNITED STATES-KOREA NORMALIZATION RESOLUTION OF 2003

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the United States-Korea Normalization Resolution of 2003.

Sixty years ago American troops fought in a United Nations ''police action'' on the Korean Peninsula. More than 50,000 Americans lost their lives. Sixty years later, some 37,000 U.S. troops remain in South Korea, facing a North Korean army of nearly a million persons. After 60 years, we can no longer afford this commitment.

The U.S. defense guarantee of South Korea costs more than $3 billion per year in direct costs and approximately $12 billion per year in total costs. Total U.S. aid to South Korea has exceeded $14 billion since the war.

But South Korea of today is not the Korea of 1950. Today's South Korea is a modem, industrialized, economic powerhouse; it has a gross domestic product more than 40 times that of communist North Korea. It has a military more than 700,000 persons strong. Nor is it at all clear that the continued U.S. military presence is necessary—or desired.

Not long ago, incoming South Korean President Roh Moo-huyn, recognizing that the current tension is primarily between the United States and North Korea, actually offered to serve as a mediator between the two countries. It is an astonishing move considering that it is the United States that provides South Korea a security guarantee against the North.

Additionally, it is becoming more obvious every day that with the man on the South Korean street, the United States military presence in their country is not desired and in fact viewed as a threat.

We cannot afford to continue guaranteeing South Korea's borders when we cannot defend our own borders and when our military is stretched to the breaking point. We cannot continue subsidizing South Korea's military when it is clear that South Korea has the wherewithal to pay its own way. We cannot afford to keep our troops in South Korea when it is increasingly clear that they are actually having a destabilizing effect and may be hindering a North-South rapprochement.

That is why I am introducing the United States-Korea Normalization Resolution, which expresses the sense of Congress that, 60 years after the Korean War, the U.S. security guarantee to South Korea should end, as should the stationing of American troops in South Korea.

I hope my colleagues will join me by supporting and co-sponsoring this legislation.

A BILL TO CLARIFY THE TAX TREATMENT OF CERTAIN ENVIRONMENTAL ESCROW ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from California,

Mr. BECERRA, together with my colleague, Mr. BOEHLERT from New York in reintroducing a bill intended to clarify the tax treatment of certain environmental escrow accounts. This bill was first introduced in the 107th Congress.

The provisions in the bill would encourage prompt and efficient settlements with the Environmental Protection Agency ("EPA") for the clean-up of hazardous waste sites. Currently, there is some uncertainty in the tax treatment of certain ''settlement funds'' that are, in effect, controlled by the EPA, in their role of resolving claims under Comprehensive Environmental Response, Compensation and Liability Act of 1980 (''CERCLA''). This uncertainty may prevent taxpayers from entering into prompt settlements with the EPA for the cleanup of Superfund hazardous waste sites and reduce the ultimate amount to funds available for cleanup of such sites.

The EPA has recognized this problem and has recently written to the Department of the Treasury expressing support for clarification that these ''funds will, for Federal income tax purposes, be treated as beneficially owned by the United States government and therefore not subject to Federal income tax if certain conditions are met.'' I include in the record, a copy of the EPA letter dated February 7, 2003

Our bill follows the recommendations of the EPA on this important issue. Under our bill, if certain conditions are met, the EPA (U.S. government) will be considered the beneficial owner of funds set aside in an environmental settlement fund account. These conditions include the fund being: (1) established pursuant to a consent decree; (2) created for the receipt of settlement payments for the sole purpose of resolving claims under CERCLA; (3) controlled (in terms of expenditures of contributions and earnings thereon) by the government or an agency or instrumentality thereof; and (4) upon termination, disbursed to the government or an agency or instrumentality thereof (e.g., the EPA). If such conditions are met, the EPA will be considered the beneficial owner of the escrow account for tax purposes and the account will not be considered a grantor trust for purposes of Sections 468B, and 671–677 of the Internal Revenue Code. These escrow accounts, which are established under court consent decrees, are a necessary tool to enable the EPA to carry out its responsibilities and resolve or satisfy claims under CERCLA. Under these types of consent decrees, the EPA should be considered the owner of such funds for Federal tax purposes.

Due to the current uncertainty as to the proper Federal income tax treatment of such government-controlled funds, taxpayers may be hesitant to promptly resolve their claims under CERCLA by contributing to the settlement funds. One of the underlying purposes of CERCLA is to ensure prompt and efficient cleanup of Superfund hazardous waste sites. This goal is being frustrated by the existing uncertainty in the tax laws. The bill resolves these uncertainties and expedites the cleanup of Superfund hazardous waste sites by treating these escrow accounts as being beneficially owned by the U.S. government and not subject to tax.

We urge our colleagues to join us in cosponsoring this legislation.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 7, 2003.

MS. PAMELA F. OLSON,
Assistant Secretary—Tax Policy, Department of the Treasury, Washington, DC

DEAR MS. OLSON: I am writing to express support by the Environmental Protection Agency (''EPA'') for clarification of the tax treatment of certain environmental cleanup ''settlement funds'' under IRC section 468B. The clarification would provide that such funds will, for Federal income tax purposes, be treated as beneficially owned by the U.S. government and therefore not subject to Federal income tax if certain conditions are met. As General Counsel to the agency, I am not offering an opinion on the legal issue or any other fiscal or tax policy aspects to this proposal. We defer to the Treasury Department on these issues. However, after consultation with our office of Enforcement and Compliance Assurance, I offer this letter to provide our views based on the environmental issues involved, that I hope will assist you in your review of this issue.

The cleanup of Superfund hazardous waste sites is sometimes funded by environmental ''settlement funds'' or escrow accounts. These escrow accounts are established in consent decrees between the EPA and the settling parties under the jurisdiction of a federal district court. They are a tool to enable the EPA to carry out its responsibilities and resolve its claims against private parties under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (''CERCLA'').

While the escrow accounts are funded by the settling parties (defendants), some of these consent decrees require that the EPA approve expenditures of such funds (including the payment of costs and reimbursements), and provide that any remaining funds after termination will be paid to the EPA.

We have been briefed by some taxpayers' representatives that, under current law, there is uncertainty as to the proper Federal income tax treatment of such government-controlled funds. One of the underlying purposes of CERCLA is to ensure prompt and efficient cleanup of Superfund hazardous waste sites. Uncertainty in the tax treatment of certain ''settlement funds'' may prevent taxpayers from entering into prompt settlements with the EPA for the cleanup of Superfund hazardous waste sites.

We would support appropriation conditions to ensure that escrow accounts are properly structured and safeguarded, such as conditions requiring that the funds are: (1) established pursuant to a consent decree; (2) created for the receipt of settlement payments for the sole purpose of resolving claims under CERCLA; (3) controlled (in terms of expenditures of contributions and earnings thereon) by the federal government; (4) upon termination, disbursed to the government (e.g., the EPA); and (5) structured so that the government may be treated as beneficial owner for these purpose only, and not for other purposes such that the government has responsibility or liability for activities of the accounts or at their managers.

Thank you for considering our views of the environmental consequences of this issue.

Sincerely,

ROBERT E. FABRICAN,
General Counsel.

A SPEECH BY THE HONORABLE SEAN O'KEEFE, ADMINISTRATOR OF NASA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to bring the words of NASA's Administrator Sean O'Keefe to the attention of the Members of the House. Speaking at the National Cathedral in a memorial service February 6, 2003, for the crew of STS–107, Mr. O'Keefe provided us with words of comfort that should be shared with all.

SEAN O'KEEFE: To be an astronaut is to accept a lofty calling. The seven daring souls who we grieve for today represented the best of the human spirit. They did their chosen calling proud and they had a special grace. Today we pay tribute to the Columbia astronauts for what they did for us in carrying on the great tradition of the select few we call astronauts.

For over 40 years these remarkable men and women who we've all come to know proudly wearing their orange space suits and blue flight jackets have played one of history's most unique diplomatic roles, acting in peace for all mankind, they serve as our good will ambassadors to the universe.

Every time we send humans into space, our astronauts look up to the starry firmament seeking to extend our horizons throughout the vast expanse of God's creation. Our explorers go forward into the unknown with hope and faith. As Commander Rick Husband said, ''There is no way that you can look at the stars, at the Earth, at the moon, and not come to realize there is a God out there who has a plan and who has laid out the universe.''

In this magnificent cathedral, a portion of the lunar surface brought back to Earth by moonwalkers Neil Armstrong and Buzz Aldrin is encased in a precious stain glass window. As we worship today in celebration of seven wonderful lives, this glorious window reminds us that the exploration of space will go on propelled by the human urge to strive, to seek, to find, and not yield, and by our common faith in our Creator.

Our astronauts also have another role. By pursuing research to improve people's lives and expand our understanding of the natural world, these brave individuals help pioneer the future in ways undreamed by our ancestors. This was the noble work that joyfully motivated our seven courageous Columbia crew when they ascended to the heavens three weeks ago.

Now some day due to our astronauts dedicated space research, we may find better means of fighting cancer, of life-saving drugs, helping our parents and grandparents stay healthy throughout their lives. We will always thank the crew of Columbia STS–107 mission for their passionate commitment to this cause.

Now, of course our astronauts count on all the talented men and women of the NASA family represented here today. To help advance these ambitious research objectives, they're amazing people. Public servants who make up the NASA family. Everyday our scientists, engineers, safety and support folks come to work at all of our centers, thankful for the opportunity to engage in such exciting meaningful work on behalf of the American people, It is through their efforts that we are making tangible progress in our quest to improve aviation safety and efficiency, promote medical discoveries, probe more

deeply into the universe, explore the planets and better understand the dynamics of Earth's climate system.

And while this is a difficult period for the men and women of the NASA family, we will persevere. The support we've received from the astronauts' families, from the President, from the Vice President, and from the nation has been of tremendous strength. We will not let you down.

Throughout this period of mourning, the brave families of the Columbia crew have been rocks of courage and dignity, providing much comfort to the nation and it's inspiration to us all.

Dave Brown's parents, Paul and Dorothy, along with their—his brother, Dave, are here with us today leading, I'm told, a very impressive contingent of the Brown family; as are John and Ian Clark, Laurel Clark's family; and Master Sergeant Jimmy Danielle, Mike Anderson's brother-in-law. To you and to all the families of the Columbia astronauts, we thank you for your incredible fortitude.

To honor the legacy of the Columbia astronauts, we have made a solid commitment to their families to find the cause of the accident, correct whatever problems we may find, and safely move forward with our work. Motivated by our mission goals of understanding and protecting the home planet, exploring the universe and searching for life, and inspiring the next generation of explorers, we will make good on this commitment.

The last element of our mission, to inspire the next generation of explorers is very important to NASA. It is a passion of ours. And because of the memory of the gallant 107 crew has done so much to inspire our youth, our shining hope for the future, to carry forth a torch of exploration and discovery, we are forever grateful to the Columbia astronauts.

As you might imagine, NASA has received a tremendous outpouring of condolences of the loss of the Columbia crew from people throughout the world. It struck us often of folks who pointed out the unique role that holds in many ways the astronauts have on our young and young at heart. One gracious letter came to us from Rosemary Callahan, the fifth grade teacher in Arlington, Virginia's St. Charles School. She wrote her letter after her students had thoughtfully taken time to write their own letters of condolence, and we thank them for their heartfelt gesture. In representing her students, we're honored to have Rosemary here with us today.

I'd like to read to you from her letter, which was written on Monday. ''Today on the chalkboard I wrote the definition of a hero. 'A person admired for bravery, great deeds or noble qualities.' In the wake of the tragedy of Columbia and its astronauts, seven people have come to light as modern-day heroes. But they were heroes, people of great character and depth, long before Saturday. When profiled in the media, they were recognized for their spirit, for intellect, with a desire to learn and give to others, well-rounded people who could function together as a team. People who grabbed at life for the great and simple things. Indeed, they were the best,''

Rosemary concluded these words by writing, ''Our children continue to need heroes. Real heroes. May your beloved astronauts continue to inspire all as you move forward. Your hearts are heavy now, but in time God grant you a light heart again.''

In this time of enormous sadness, these words from the Book of Revelation are most comforting: ''And God will wipe away every tear from their eyes.'' The writer speaks of those who are at rest with God. These words also have significance for us who are still here on our earthly pilgrimage. ''God will wipe away the tears from our eyes.''

Our hope is not ultimately a hope grounded in the progress of human achievement, as remarkable as that may be, rather it is a hope grounded in the Creator who calls Rick, Willie, Michael, Kalpana, David, Laurel, Ilan and each of us by name. May he have the faith to lift our eyes towards the heavens as they did and find their God's peace.

May God bless the crew of STS–107 and may he lighten the hearts of their families and all who mourn for these valiant heroes.

RECOGNIZING BRUNO BARTOLUCCI FOR HIS OUTSTANDING SERVICE TO THE WINE INDUSTRY AND THE PEOPLE OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Bruno Bartolucci, owner of Bartolucci Vineyards in Napa Valley California, for his outstanding contributions to America's wine industry and his community.

Born in San Francisco, the son of an immigrant garbage man, Bruno Bartolucci learned early on that hard work was not something to shy away from. Mr. Bartolucci's father relocated the family to a farm in Napa Valley in the 1930's and, though he was young, Mr. Bartolucci was responsible for tending to the chickens, gathering eggs, picking fruit and doing extensive maintenance. When the Bartoluccis began growing grapes, his workload became so extensive that during harvest season he only attended high school every other day.

Mr. Speaker, nearly 70 years have passed since Bruno Bartolucci first worked his father's vineyard. Since that time, Mr. Bartolucci's tremendous work ethic and personal commitment to excellence have made Bartolucci Vineyard famous for the quality of its grapes and renowned for its Cabernet Sauvignon.

Recently, America's wine business has experienced tremendous expansion. While it is gratifying to see such a robust industry, an unintended side effect of this growth has been the detachment of vineyard owners from their fields. This, however, is not the case at Bartolucci Vineyards.

Individuals visiting Mr. Bartolucci must walk into the fields to speak with him. It is there, amidst the perfectly aligned grape rows and surrounded by workers, that he can be found working in his classic green jumpsuit which sports the wears of his trade. At age 80, he still prunes grapes, supervises picking, fixes machines and maintains the beautiful garden.

Mr. Bartolucci's dedication to work is only overshadowed by the size of his heart. When he is not at work, Mr. Bartolucci can be found doing a wide variety of community service. Whether donating to charitable organizations or cooking dinner for the Sons of Italy, Mr. Bartolucci never ceases finding ways to serve our community's needs.

Mr. Speaker, Mr. Bartolucci is the standard to which all Americans should be compared. His commitment to farming and the community is rooted deeper than Napa Valley's famous vines. For these reasons and countless others, it is most appropriate that we honor Mr. Bruno Bartolucci today.

INTRODUCTION OF BELARUS DEMOCRACY ACT OF 2003

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing the Belarus Democracy Act of 2003, which is intended to help promote democratic development, human rights and the rule of law in the Republic of Belarus, as well as encourage the consolidation and strengthening of Belarus' sovereignty and independence. I am joined by Congressmen HOYER, HOEFFEL and Congresswoman SLAUGHTER, as original cosponsors.

When measured against other European countries, the state of human rights in Belarus is abysmal—it has the worst record of any European state.

Through an illegitimate 1996 referendum, Alexander Lukashenka usurped power, while suppressing the duly-elected legislature and the judiciary. His regime has repeatedly violated basic freedoms of speech, expression, assembly, association and religion. The democratic opposition, nongovernmental organizations and independent media have all faced harassment. Just within the last few months, we have seen a number of events reflecting the negative trend line: the passage of a repressive law on religion which bans religious activity by groups not registered with the government and forbids most religious meetings on private property; the bulldozing of a newly-built church; the incarceration of leading independent journalists; and the continued harassment, as well as physical attacks on the political opposition, independent media and nongovernmental organizations—in short, anyone who, through their promotion of democracy, would stand in the way of the Belarusian dictator. Moreover, we have seen no progress on the investigation of the disappearances of political opponents—perhaps not surprisingly, as credible evidence points at the involvement of the Lukashenka regime in their murders. Furthermore, growing evidence also indicates Belarus has been supplying military training and weapons to Iraq, in violation of UN sanctions.

Despite efforts by the U.S. Government, non-governmental organizations, the Organization for Security and Cooperation in Europe (OSCE) and other European organizations, the regime of Alexander Lukashenka continues its hold onto power with impunity and to the detriment of the Belarusian people.

One of the primary purposes of this bill is to demonstrate U.S. support for those struggling to promote democracy and respect for human rights in Belarus despite the formidable pressures they face from the anti-democratic regime. The bill authorizes increases in assistance for democracy building activities such as support for non-governmental organizations, independent media including radio and television broadcasting to Belarus, and international exchanges. The bill also encourages free and fair parliamentary elections, conducted in a manner consistent with international standards—in sharp contrast to recent parliamentary and presidential elections in Belarus which flaunted democratic standards. As a result of these elections, Belarus has the distinction of lacking legitimate presidential

and parliamentary leadership, which contributes to that country's self-imposed isolation.

In addition, this bill would impose sanctions against the Lukashenka regime, and deny highranking officials of the regime entry into the United States. Strategic exports to the Belarusian Government would be prohibited, as well as U.S. Government financing, except for humanitarian goods and agricultural or medical products. The U.S. Executive Directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs.

The bill would require reports from the President concerning the sale or delivery of weapons or weapons-related technologies from Belarus to rogue states.

Mr. Speaker, finally, it is my hope that this bill would help put an end to the pattern of clear, gross and uncorrected violations of OSCE commitments by the Lukashenka regime and will serve as a catalyst to facilitate Belaras' integration into democratic Europe in which democratic principles and human rights are respected and the rule of law is paramount. The Belarusian people deserve our support as they work to overcome the legacy of the past and develop a genuinely independent, democratic country based on the rule of law and democratic institutions.

TRIBUTE TO THE WEBSTER HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Webster Schroeder High School Men's Varsity Football Team for winning the Class AA New York State Football Championship and for their outstanding efforts throughout this past season.

With great patience, courage, and dedication the Webster Warriors came together this season to capture the New York State Title, 28–7 against the Shenendehowa High School Football Team. The Webster Warriors, ranked eighth in Eastern Region Football, have continued their 19 game winning streak, the third longest in the state, with a perfect 13–0 season.

Through teamwork and determination the Warriors have established themselves as fierce competitors in AA Football. The team has stayed focused on its goals and has not let anyone stand in its way towards reigning at the top of the division.

On behalf of the people of the 25th District of New York, it is my honor to congratulate the Webster Schroeder High School Football Team and their coaching staff on their Class AA State Football Championship. With these remarks, I would like to recognize the following players and staff. Andrew Fichera, Mike Smith, Justin Costanza, Mike Kaplun, Ray Jones, Joe Aquilina, Dave Serinis, RJ Kelly, Eddie Paffendorf, John Piccone, Jack Mooney, Mike Mahoney, Janney Appell, Dave Dodge, Lee Williams, Mike Stenclik, Carl Garritano, Phil Galletto, Geremy Powers, Mitch Pawluk, Mike Ruggieri, Steve Caezza, Mike Hughes, Marco Falletta, Joe Nacca, Jim Mikolajko, Chris Joyce, Greg Pitts, Khyle Petrie, Andrew Hughes, Bryan Lehrer, Ryan Johnson, Aaron Frank, Craig Avalone, Jimmy Johnson, Brandon Mack, Rob Herman, Melood Abugasea, Mike Yokopovich, Chris Massaro, Mark Dyroff, Steve Jonas, Dave Burgess, Joe Powell, Chris McClurg, Brian Caston, Justin Schifano, Russ Corona, Steve Hollis, Jeff Bucciarelli, Evan McConnell, Chad Costanza, Brian Mack, Billy Bulmahn, Mark Chavoustie, Head Coach Anthony Bianchi, and Assistants Jim Bellucco, Dave Howlett, Chris Urban, Jim Cleveland, Jim Fichera, and Vito Torregiano.

IN HONOR OF HECTOR M. CORCHADO, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Councilman Hector Corchado who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

A longtime resident of Newark, Councilman Corchado has proven himself to be an effective and dedicated member of his community. Elected to the City Council in 2002, Mr. Corchado began his career in the Newark Police Department over 14 years ago, where he served as a detective and sergeant in the Community Affairs Division. A natural leader in the Police Department, he went on to become deputy mayor of Newark before serving on the City Council.

Committed to improving the lives of Newark citizens, Mr. Corchado has been extensively involved with community organizations throughout Newark: he has organized neighborhood clean-up projects, coordinated Block Associations to work with other community groups, and assisted small businesses and churches with smart-growth development. While with the Newark Police, he developed a system now used to track and identify gang activity. He also helped draft legislation to ensure fair participation of local contractors and businesses in Newark.

Councilman Corchado has participated in the Leadership Newark Program and served as a member to the Essex County Commission on Unity.

Today, I ask my colleagues to join me in honoring Hictor Corchado for his dedicated service to his community and for his unwavering commitment to improving the lives of his fellow citizens.

THE ARTISTS' CONTRIBUTION TO AMERICAN HERITAGE ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Maryland, Mr. CARDIN, together with a bipartisan group of our colleagues, in introducing the ''Artists' Contribution to American Heritage Act of 2003.'' The bill would alleviate an unfairness in the tax law as it applies to charitable donations of property by the taxpayer/creator and significantly enhance the ability of museums and public libraries to acquire important original works by artists, writers and composers, and ensure the preservation of these works for future generations. The proposed legislation is the same as we introduced in the 106th and 107th Congresses, except for advancing the effective date by a year.

Since 1969, the law has provided that the creator of the artistic property is only allowed a charitable deduction equal to the cost of materials that went into the property. For example, an established artist who donates a painting to the local museum is allowed a deduction for the cost of the canvas, brushes and paint, etc. used to produce the painting. Of course, these amounts are de minimus. There is no real tax incentive to contribute such works of art for the public to enjoy. In fact, the tax law works in the other direction. It makes more financial sense to the creator to sell his or her work. If a collector or art buff buys a painting that appreciates over time, because the artist becomes well established or was a known and collected artist when the painting was purchased, the collector is allowed a deduction for fair market value when the painting is contributed to the local museum. This is the fairness issue.

Before 1969, the artists/taxpayers received the same treatment—the deduction was based on fair market value. The law was changed, primarily because of the perception that some taxpayers were taking advantage of the law through less than accurate valuations of their charitable gifts. After the law was changed in 1969, gifts of donor generated art work (paintings, manuscripts, compositions, artistic and historically significant correspondence and papers) to qualifying charitable organizations and governmental entities dropped significantly. Creators were more likely to sell their works than to contribute them. The situation has not improved over the years.

There have been significant changes in the valuation process since 1969. All taxpayers making charitable contributions of art work (other than donor generated art work) are required to: (a) provide and/or retain relevant information as to the value of the gift, (b) provide appraisals by qualified appraisers or, in some cases, (c) subject them to review by the IRS's Art Advisory Panel, depending on the dollar amount of the contribution. These changes would apply to creator-donated property under our proposal.

In addition to the valuation safeguards already in the law, our proposal would add additional protections to prevent abuse. These include the following: (a) limiting the value of the deduction to the amount of income the creator received from similar property and/or similar activities, (b) providing that the deduction can only be claimed in the year of contribution, i.e. the carry over rules do not apply, (c) limiting the deduction to property created at least 18 months before the contribution, (d) limiting the deduction to gifts related to the purpose of the institution which receives it, and (e) excluding contributions of property (letters, memos, etc.) created by taxpayers in their role as employees or officers of an organization.

The benefit to the nation when artists are encouraged to contribute their work during their lifetime cannot be overemphasized. It allows the public, historians, scholars and others

to learn from the artist his/her aesthetic aims for the work; how it was intended to be displayed, performed or interpreted; and what influences affected the artist.

Our proposal represents an important step in providing some tax incentive, with needed safeguards, for the creators and moves toward putting them on the same footing as collectors who contribute similar property. It could make the difference in a decision by the creator/donor to contribute some of their created work to a museum or public library. That way important works are preserved and we all benefit. We urge our colleagues to join us in cosponsoring this legislation.

INTRODUCTION OF THE MORTGAGE AND RENTAL ASSISTANCE REAUTHORIZATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MALONEY. Mr. Speaker, I rise in support of legislation that I am reintroducing with my colleague, JOSE SERRANO of New York. Following the terrorist attack on September 11, 2001, individuals who required temporary housing assistance relied upon the Mortgage and Rental Assistance program (MRA), included in the Stafford Act, for aid. Under the MRA program, which can be used for both natural and non-natural disasters, they may have been eligible for grants to repair homes to a habitable condition, or to obtain mortgage or rental payment assistance to prevent foreclosures or evictions.

The Disaster Mitigation Act of 2000 amended the Stafford Act to end the program in May 2002. Without this program, thousands of people affected by future major disasters, including hurricanes, earthquakes, and terrorist acts, may be unable to obtain any assistance to address their housing needs.

This legislation reauthorizes this program so that it will be available in the future. Although there were clear problems with FEMA's implementation of the MRA program in New York after 9/11, progress has been made to ensure that FEMA assists all the individuals who have experienced these types of housing problems because of the terrorist attack. With the program finally running the way it should, we must take the necessary steps now to guarantee that anyone affected by future disasters will have the aid that they need.

DO-NOT-CALL IMPLEMENTATION ACT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday February 12, 2003

Mr. PAUL. Madam Speaker, as someone who has, my share of insolicited telemarketing calls, I sympahize fully with the concerns of the sponsors of the Do-Not-Call Implementation Act (HR 395). However, I would remind those who support federal intervention to ''put a stop'' to telemarketing on the basis of its annoyance, that the Constitution prohibits the federal government from interfering in the areas of advertising and communications.

In addition to exceeding Congress' constitutional authority, legislation to regulate telemarketing would allow the government to intrude further into our personal lives. Our country's founders recognized the genius of severely limiting the role of government and reserving to the people extensive liberties, including the freedom to handle problems like this on the local level and through private institutions. The fact that the privately-run Direct Marketing Association is operating its own ''do-not-call'' list is evidence that consumers need not rely upon the national government to address the problems associated with telemarketers. Furthermore, many state public utility commissions have imposed regulations on telemarketers. Further regulation at the federal level will only result in a greater loss of liberty. Therefore, I urge my colleagues to take the constitutional course and oppose the Do-No-Call Implementation Act.

RECOGNITION OF SUSAN B. ANTHONY'S BIRTHDAY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. EMERSON. Mr. Speaker, when we hear the term ''women's rights'' we must think of the early suffragette Susan B. Anthony who fought to establish equality for women. But few people equate this woman with the plight of the unborn.

I'd like to take the opportunity, on this 183rd year following her birth, to commemorate the woman who fought to bring equality to women, African Americans, and unborn children.

Long before pro-choice advocates took the term ''women's rights'' for their own cause, Susan B. Anthony and the early suffragists were advocating ''women's rights.'' Among the women's rights demanded by the suffragists was the right of a mother to give birth to her child. In fact, Anthony has been quoted as stating that abortion destroys a woman's life, wronging her greatly. For Anthony, women's rights and the rights of unborn children are partners in the same cause.

Let us recognize in the voice of Susan B. Anthony the truth that abortion is a great wrong. Mothers who choose to have an abortion both extinguish the light of their unborn child and inflict almost certain emotional damage upon themselves. There is no reason for this needless pain and suffering to go on.

RECOGNIZING THE CENTENNIAL CELEBRATION OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS, NAPA, CALIFORNIA CHAPTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor the Benevolent and Protective Order of the Elks, Napa Chapter, for providing 100 years of outstanding community service throughout the Napa Valley in my home state of California.

Over the past century, every comer of our community has benefited from the contributions made from the distinguished membership of the Napa Elks Lodge #832. From its stage productions that entertained an entire community throughout the early 1900's to the charitable contributions it has provided families needing shelter, food and education, the Napa Elks Lodge has been a cornerstone of our community.

When the youth of our area need help in funding school programs or financial assistance to attend college, the Napa's Elks Lodge is always there with a helping hand. The same holds true for assisting community organizations that help our most vulnerable neighbors. Last year alone, dedicated Elks members raised over $8,000 for the Napa Emergency Women's Services, Children or Parents Emergency Services, Youth Programs and Job Rehabilitation. Every year it awards over $20,000 in college scholarships to graduating high school seniors.

Mr. Speaker, during this past century the Napa Elks Lodge has been more than a tremendous service organization. Its members have provided daily examples of personal and social responsibility as well as advocating the Elks principles of justice, fidelity, charity and the spirit of American patriotism. Kelly Lamm, who will become the next Exalted Ruler, exemplifies the progression of this outstanding organization. A past board member of the local women's bar association and long-time volunteer with the Big Brothers/Big Sisters Program, Ms. Lamm's commitment to service is a model of the true Elks character. She will soon be accepting the reigns from Exalted Leader Bret Meltzer who has provided outstanding leadership in guiding the Lodge to its recent successes.

Mr. Speaker, the Elks represent a dedicated and meaningful fabric of our community. As they are the standard by which other service organizations should compare themselves, it is most appropriate that we honor them on their centennial celebration.

ENVIRONMENTAL HEALTH RESEARCH ACT OF 2003

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of the Environmental Health Research Act of 2003.

Arctic polar bears show high concentrations of certain synthetic compounds in their tissues. Whales in the world's oceans carry PCBs and other contaminants at concentrations that cause developmental defects in humans.

U.S. streams and groundwater show widespread contamination with chemicals, dioxins, and antibiotics. Alligators in Florida's lakes suffer from reproductive problems that appear to be associated with chronic chemical contamination. New studies have made a persuasive case that contaminants were in part or wholly responsible for the loss of the lake trout and herring in the Great Lakes many decades ago.

Rates of infertility, the incidence of testicular cancer in young men, Parkinson's disease, autism, endometriosis, childhood diabetes, and asthma have risen dramatically since 1970.

Is there a connection between all of these events? There is reason to believe there might be, but the truth is we simply don't know enough to conclude one way or the other.

There is mounting evidence from the scientific community that exposure to certain environmental toxins, even at low doses, may cause adverse effects on development, growth, reproduction, metabolism, and other hormone-dependent processes in humans. Research interest is growing dramatically as our fear also grows that the pesticides, medicinal drugs, plant hormones, and industrial compounds that we confront every day may be causing many of our health ailments.

In its Report on Human Exposure to Environmental Chemicals released two weeks ago, the Centers for Disease Control and Prevention (CDC) found disturbing exposure levels in individuals. The report calls for further research into this area to find out whether or not the levels CDC measured in its study lead to health problems.

Today, I am proud to introduce the Environmental Health Research Act. This bill would authorize the National Institute of Environmental Health Sciences to provide grants to either public or non-profit private groups to develop and operate six centers that would conduct research into women's environmental health, and to establish a comprehensive research program on the impact and occurrence of hormone disrupting chemicals as they affect human, ecological, and wildlife health.

This bill is enormously important, and long overdue. To date, federal research on hormone disruption and environmental toxins has been scattershot and underfunded. The research program authorized through this legislation will enable NIEHS to gather solid data about the dangers posed by some chemicals and the mechanisms through which they act. With this information in hand, we can make sensible, informed decisions and policies about our own and our children's health and well-being.

I urge my colleagues to join me in supporting the Hormone Disruption Research Act. We owe it to future generations to pursue this scientific research, which has implications for every one of us.

THE 85TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 85th anniversary of Lithuanian independence and the 13th anniversary of freedom from Soviet occupation. In Southfield, Michigan, the Lithuanian-American Community of Michigan will be gathering on Sunday, February 16, 2003 at Divine Providence Lithuanian Catholic Church to celebrate this historic event.

In February 1918, Lithuania declared its independence from Czarist Russia. During this period, Lithuanians were free to follow their cultural traditions and express their national identity. The Molotov-Ribbentrop pact of 1939 caused Lithuania to spend the next five decades under Soviet domination, forced to deny their heritage, their language and their traditions.

Despite the military might and repressive acts of the Soviets, the Lithuanians never lost touch with their roots and never lost their will. Lithuania's re-established independence in 1990 served as a testament to the courage, endurance and strength of the Lithuanian people. I was fortunate enough to be in Lithuania as its people celebrated the regaining of its independence.

In the 13 short years since the re-establishment of its independence, Lithuania has made extraordinary advances in restoring democracy, ensuring human rights, securing the rule of law, developing a free market economy, and cultivating friendly relations with neighboring countries. Such achievements should be an inspiration to people everywhere.

Mr. Speaker, I unite with Lithuanian-Americans and Lithuanians around the world in celebrating their independence day.

INTRODUCTION OF THE PRIVACY PROTECTION CLARIFICATION ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to join my colleague, Mrs. MALONEY of New York, in introducing The Privacy Protection Clarification Act.

Gramm-Leach-Bliley was landmark legislation that for the first time permitted companies to engage in banking, insurance and securities transactions simultaneously. While considering these new freedoms for entities to operate across business lines, Congress also wanted to ensure that consumer privacy would not be placed at risk.

Title V sought to address this issue by giving regulators latitude to enforce privacy provisions among financial institutions. Unfortunately, in interpreting the language of the law, some confusion has arisen over what, specifically, those ''financial institutions'' might be.

Well, in seeking to clarify the confusion, the Federal Trade Commission concluded that ''financial institutions'' include any business that ''significantly engages in financial activities.'' What's the definition of ''significantly''? Well, it could be as little as once a year. And what's a financial activity? There are four: debt collecting, financial advisory activities, tax planning preparation and advising, and leasing real or personal property.

Okay, that's fair enough. But in writing its regulations in this way, the Federal Trade Commission appears to have unintentionally swept under its umbrella the one group of professionals that already is governed by the strictest possible confidentiality or privacy regulations.

What group is this? It's attorneys.

Attorneys already are bound by a duty of confidentiality, enforceable under the laws of all 50 states, that prevents misuse of client information and provides a higher degree of privacy than Gramm-Leach-Bliley. For example, lawyers in my home state, Illinois, are prohibited from releasing confidential information. Our code reads, ''except in certain specified circumstances, a lawyer shall not, during or after termination of the professional relationship with the client, use or reveal a confidence or secret of the client known to the lawyer unless the client consents after disclosure.''

And Illinois is no exception. All 50 states have equally restrictive language. In all 50 states, lawyers who violate these laws face disbarment and/or other penalties that are much more onerous than those for a violation of Title V under Gramm-Leach-Bliley.

Do attorneys ''significantly engage in financial activities'' as defined by the FTC? Yes, some attorneys do give tax-planning advice. Others may handle debt collection cases.

Still others may take up cases related to the other two named ''financial activities'' providing financial advice or leasing real or personal property.

Yet in order to comply with the privacy provisions under Gramm-Leach-Bliley, these attorneys now run the risk of violating the client-confidentiality restrictions placed on their profession.

Why is that? Well, under the FTC interpretation, every attorney who engages in any of the four defined ''financial activities'' for a non-corporate client must mail to that client a privacy notice—every year, for as long as he or she is in practice. And what does that privacy notice convey? Well, it informs clients that they may direct their attorney not to share their personal information with other entities—the so-called ''opt-out'' provision of Gramm-Leach-Bliley. Yet the attorney-client confidentiality relationship is, by nature, an, opt-in'' protection.

In short, for attorneys, the very act of disclosing a privacy policy can create a confidentiality violation.

This was not the intent of Congress. It was not our intent to regulate attorney-client relations. Our intent was to regulate the growing use and sale of consumers' personal information for marketing, profiling and other commercial purposes by banks, thrifts, securities firms, insurance companies, credit unions, and other bona fide financial institutions.

At the end of the day, our bill will make the intention of the Gramm-Leach-Bliley Act crystal clear. The scope of the law was not intended to include law firms and sole practicing lawyers.

I urge my colleagues to support this legislation.

RECOGNIZING THE COURAGE AND SACRIFICE OF UNITED STATES ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT AND CALLING FOR A FULL ACCOUNTING OF THOSE WHO REMAIN UNACCOUNTED FOR

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PITTS. Madam Speaker, those of us who have served our country in war understand in our hearts what every American understands in his head. We understand what it says—carved in stone—on the Korean War

Memorial down at the other end of the National Mall. We understand that FREEDOM IS NOT FREE.

For more than two centuries, Americans have sacrificed in war for their families, for their communities, and for their nation. Many thousands have died. But of those who did not die, few have gone through what our friend and colleague SAM JOHNSON went through in Vietnam. For many long years he suffered torture, imprisonment, and solitary confinement. They worked on him relentlessly to break his spirit. But the spirit of SAM JOHNSON could not be broken. He stood up to his captors with dignity and with grace. He refused to betray his country. And he refused to give up on his God.

I believe SAM would tell you, if you asked, that it was the Lord in heaven who saw him through those dark days in the Hanoi Hilton. But his reliance on our Creator does not make him less of a hero or less of a man. It makes him one of the greatest living heroes in the United States of America. And it makes him an example to us all.

The Sam Johnsons of this world are few and far between. But somehow, this country seems to find one when one is needed.

Another hero worthy of being recognized is Captain Edward Davis from the U.S. Navy, retired. Captain Davis, a constituent of mine, also served our country during the Vietnam War and was a Prisoner of War from 1965 to 1972.

Captain Davis served in VA–152. His decorations include three Silver Star medals, the Legion of Merit with Combat Citation, four Bronze Stars with valor device, five Air Medals, two Purple Hearts and three Navy Commendation medals. He retired from the Navy in 1987.

His service to America should be remembered. I am honored to have him reside in my congressional district.

I pray that next time around, whether it's in Iraq or somewhere else, the enemies of freedom will once again find themselves looking in the face of someone like SAM JOHNSON or Ed Davis, someone who is living proof that what this country stands for is right, and just, and good.

IN HONOR OF DANIEL HUMBERTO JARA, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Daniel Humberto Jara, who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

The president and founder of the Statewide Hispanic Chamber of Commerce of New Jersey, Mr. Jara oversees a network of business partnerships that represent over forty thousand businesses throughout New Jersey and Philadelphia. He has attained national acclaim for his leadership and role in the Hispanic business community, and Hispanic Business Magazine listed him as one of the 100 most influential Hispanics in the nation. The Statewide Hispanic Chamber of Commerce of New Jersey was rated first out of the top 50 chambers by Business New Jersey in 1998 and 1999.

In 1992, Mr. Jara was appointed to chair the National Hispanic Legislative Forum and in 1993 he chaired the National Convention of the United States Hispanic Chamber of Commerce. He was elected to serve as vice chairman of the Board of the United States Hispanic Chamber of Commerce.

Prior to founding the Statewide Hispanic Chamber of Commerce of New Jersey, Mr. Jara was president of the Greater Paterson Hispanic Chamber of Commerce for two consecutive terms, served on Governor Whitman's Advisory Council on Minority Business Development, and the Governors Study Commission on Discrimination in State Employment and Contracting.

Mr. Jara has received the Hispanic Achievement Award from Hispanic Magazine and the Lifetime Achievement Award by the New Jersey Policy Research Organization. He has also been an active advocate for the disabled community and has been recognized by the Association of Hispanic Handicapped of New Jersey for his exemplary contributions.

Mr. Jara obtained his bachelor's degree in Economics and master's degree in Finance and Business Administration from Rutgers University, where he was president of the Rutgers Newark Program Board and the head of a number of Hispanic student organizations. He is an honorary member of the Rutgers Leadership Recognition Society.

Today, I ask my colleagues to join me in honoring Daniel Humberto Jara for his leadership in the Hispanic business community and his contributions to the state of New Jersey.

INTRODUCTION OF THE HIGHER EDUCATION ACCREDITING AGENCY RESPONSIBILITY ACT OF 2003

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PETRI. Mr. Speaker, today, I am introducing legislation, the Higher Education Accrediting Agency Responsibility Act of 2003, that will remove the requirement that institutions of higher education be accredited in order to be eligible for federal funds. The system of accreditation of colleges and universities that has developed in the United States does not serve its avowed purpose of ensuring that institutions of higher education have good academic programs and standards, and it fails to provide hardly any benefit at all to our higher education system. Additionally, more effective and less costly mechanisms are already in place to protect students. For example, no institution can receive federal funds until the Department of Education certifies its financial and administrative capacity, and institutions also must meet various state licensing and oversight requirements related to quality.

Accreditation these days has little to do with academic rigor or educational outcomes; rather, it serves only to show that a school has the right set of inputs, and virtually every college and university in the nation is able to comply with these standards. Because federal law makes eligibility to receive federal student loan funds conditional upon retaining accredited status from an accrediting association recognized by the Department of Education, schools have a rather large incentive to maintain their accreditation status. This places an enormous amount of influence in the hands of the accrediting agencies, which oftentimes force schools to reallocate resources or even adopt policies at odds with a school's individual mission in order to comply with accreditation requirements and recommendations.

As we continue to pursue policies of accountability for our education institutions and strive to do our part in making higher education affordable for more Americans, we must examine ways that the accreditation process can be changed to play a more useful role—one that provides meaningful information about a school to students and parents. I believe the Higher Education Accrediting Agency Responsibility Act of 2003 is the necessary first step to achieve this goal.

A TRIBUTE TO ST. LOUIS CHILDREN'S HOSPITAL

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to St. Louis Children's Hospital. I am extremely honored to commend them for their dedication and commitment to the well-being of precious children in need of medical attention. They were recently ranked 6th in the nation among the top 10 Best Children's Hospitals in America by Child Magazine. The hospital's devotion to ensuring that children are receiving high quality and appropriate medical, nursing and mental health care, earned them the privilege of a five-star customer service award for patient satisfaction. They placed fourth for their excellent neonatology/neonatal intensive care unit (NICU).

St. Louis Children's Hospital is highly devoted to improving the health of children and providing the highest quality care. This hospital has the country's largest full-service pediatric cerebral palsy program and the world's largest pediatric lung transplant program in the world. The doctors at St. Louis Children's Hospital performed 70 pediatric transplants in 2001, more than any other hospital surveyed.

St. Louis Children's Hospital diligently researches to generate scientific information that provides insight to the cause, treatment and prevention of childhood disease. In addition, such studies provide essential knowledge for improving the general health of all children. The hospital has conducted more than 500 peer-reviewed clinical trials, including the largest and longest childhood asthma study.

Mr. Speaker, St. Louis Children's Hospital has provided specialized care for children for over 120 years. Their health care professionals are both skilled and compassionate with all patients and their families. They are well-deserved of our honor and I urge my colleagues to join me in commending them for the commitment and remarkable care they provide to the children of the greater St. Louis region.

DO-NOT-CALL IMPLEMENTATION ACT

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. ESHOO. Madam Speaker, with the consideration of H.R. 395, the Do-Not-Call Implementation Act, we're finally directing our attention to an issue that has affected our constituents for some time . . . telemarketing.

Telemarketing is big business. There are more than 16 billion telemarketing calls made each year which generate nearly $300 billion in sales and employ 6 million people. But consumers have grown weary of interruptions coming from an unwanted sales call at dinnertime, while they're sleeping, or just barely waking up. They've repeatedly asked for a way to avoid these calls.

Twenty-seven states have responded by establishing do-not-call lists and more than 12 million households have already signed up.

At last we have a federal response . . . a national do-not-call list. I commend the Federal Trade Commission for making this useful tool available to the consumers of our nation.

Implementation of the list has an estimated cost of $16 million. This money is well-spent but it's extremely important that the FTC's proposal is implemented in the most efficient manner.

Effective implementation requires harmonization with state laws, as well as a cooperative effort with the Federal Communications Commission which is in the process of reviewing its ten-year-old telemarketing rules.

One area that may need refinement is the FTC's exemption for pre-existing business relationships. The current FTC rules place an 18–month limitation on prior relationships but some industries, such as software and information product manufacturers, may have upgrades that occur outside this time frame.

A longer time frame may be necessary so that the Do-Not-Call list doesn't have an arbitrary impact on consumers and small businesses. Only a consistent framework, not a patchwork of varying rules, will accomplish our goal of increasing consumer confidence and protection.

I'm proud to be a cosponsor of H.R. 395 and look forward to quick enactment of the FTC's Do-Not-Call list. I urge all my colleagues to vote for it to hasten its implementation for the American consumer.

TRIBUTE TO THE AQUINAS HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Aquinas High School Mens Varsity Football Team for winning the Class A New York State Football Championship on December 2, 2002. This has been the second consecutive season that Aquinas has clinched the Class A Title.

Through hard work and dedication the Aquinas team has come together this season and continued their reign at the top of their division. From September to the State Championship, they were ranked number one in their league, ending their season 12–1. The Lil' Irish have set the bar high for both their league and across the state. Aquinas, led by Coach David Neiman, has been established as a unified, passionate, and courageous team. Capturing three State Titles in the last five years, they have stayed focused on their goals, and despite fierce competition, have not let anyone stand in the way of yet another winning season.

On behalf of the people of the 25th District of New York, it is my honor to congratulate the Aquinas High School Football Team and their coaching staff on their Class A State Football Championship. With these remarks, I would like to recognize the following players and staff: John Brennan, Arel Gorgon, Ian Goodbarlet, Ed Baron, Calvin Hall, Jon Houck, Linell Greene, Mark Zeppis, Ryan Brennan, Ryan Rozzi, Chris Kelly, Lou Ricci, Dave D'Aurello, Chris MacDonald, Dan Zegarelli, Jon Sirianni, Nick Rovisa, Josh Kacprzak, Ricky DiFranco, Dom Borrelli, Vaughn Brooks, Mark Smith, Bill Amering, Sal Rosso, Jason O'Mara, Chris Vincelli, Joe Testa, Billy Wagner, Andy Laughlin, Chris Citano, Mike Yankowski, Mark Stolke, Matt Stolte, Mike Guey, Tom Neilson, Dan Poors, Andy Brooks, Matt Querola, Joss Rodriguez, Rick Cheffee, Nate Adams, Chris Rivera, Reed Rothschild, Pat Duffy, Matt Flecher, David Cassell, Dan Magil, Matt Thompson, John Contestabile, Donny Moss, Andy Welch, Head Coach David Nieman, Athletic Director Dick Carons, President Mike Daisy, Principal Sally Cardill, Athletic Trainer Mike Cararo, and Assistants Derek Annechino, Bob O'Effore, Mark Magllocco, Pete Haugn, John Marola, John Mintel, and Jack Foote.

HONORING CZECH REPUBLIC PRESIDENT VACLAV HAVEL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HASTINGS of Florida. I rise today in strong support of this resolution commending Vaclav Havel. He served as president of Czechoslovakia from 1989 to 1992 and president of the Czech Republic from 1993 to 2003.

Mr. Havel has lead an interesting and exemplary life. In 1948 his homeland of Czechoslovakia was taken over by the Communist Party. He served in the Czechoslovakian army from 1957 to 1959 and later achieved great esteem as a playwright during the politically tolerant period between 1962 and 1968. This period was quickly brought to a conclusion by the Soviet invasion of 1968.

The era of Soviet control over the Czechoslovakian people was a very difficult period in Mr. Havel's life. This new government banned his plays and arrested him in 1975, 1977 and 1978 for anti-government activities. In 1979, Mr. Havel was given a choice between exile and imprisonment. He chose imprisonment and was therefore in prison until 1983. He was imprisoned for another nine months in 1989 for leading anti-government demonstrations.

Mr. Havel was one of the many people whose hard work led the Communist Party to fall from power in December of 1989. He was elected interim president of Czechoslovakia on December 29, 1989 and was elected to the presidency on July 5, 1990. His main initiatives and reforms during his time in office included abolishing the death penalty, encouraging political tolerance and establishing a democratic government.

Mr. Havel resigned as president of Czechoslovakia on July 20, 1992 in protest of the dissolution of Czechoslovakia into the Czech Republic and Slovakia. He was subsequently elected president of the Czech Republic on January 26, 1993 and reelected president on January 20, 1998. Under his leadership the Czech Republic joined NATO in 1999 and will become a member of the European Union in 2004.

Vaclav Havel should be commended for many reasons. His devotion to freedom and democracy stands as a model for all nations. He has never stopped working hard for human rights and other causes that he believes in strongly. His leadership has carried both Czechoslovakia and the Czech Republic through tumultuous periods in their histories.

INTRODUCING THE CLEAN-UP METH ACT

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. OSE. Mr. Speaker, today I reintroduce The Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production of Methamphetamines Act—or CLEAN-UP Meth Act.

This bill is a bipartisan, comprehensive effort to help local agencies address the growing threat that meth production and use poses.

I am pleased to be joined in this effort by more than 60 original cosponsors that include all three Co-Chairs of the Speaker's Task Force for a Drug Free America, both the Chairman and Ranking Member of the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, the Chairman of the House Judiciary Subcommittee on Crime, the Chairman of the House Agriculture Committee and the House Majority Whip. The cosponsors include Republicans and Democrats, liberals and conservatives, from Hawaii to North Carolina, and in almost every state in between.

In addition, this bill was supported during the 107th Congress by more than two-dozen national, state and local organizations concerned with the impact of Meth on our society. Among the bills supporters are the National Narcotics Officers Association, the National Sheriffs' Association, the National Association of Chain Drug Stores, the National Association of Convenience Stores, the National Fertilizer Institute, the California Association of Highway Patrolmen, the California Narcotics Officers Association, the California Peace Officers Association, the California Police Chiefs Association and the Peace Officers Research Association of California.

As a Californian, I have a heightened awareness of the danger posed by meth. California is the source of more than 80 percent of the meth made and sold in the U.S.

Between 1995 and 1999, the number of meth labs discovered in California shot from

559 to 2,061—nearly a four-fold increase in just five years. In 2001, 199 of the 273—or 84 percent—of all ''super labs'' found in the U.S. were in California. The next most common state was home to just 17 ''super labs.''

My hometown of Sacramento is particularly hit by Meth. Many of you may remember when an out of control trucker deliberately drove his big rig into the side of California's state capitol building. The driver was on meth.

The Sacramento Sheriffs department alone spends more than $1.3 million each year fighting meth—roughly 75 percent of their entire anti-narcotics budget. In 2000 the Sacramento Sheriffs dealt with 27 clan labs, in 2001 that was up to 44.

The CLEAN-UP Meth Act addresses three areas where our state and local officials really need help.

First, the Environment.

The CLEAN-UP Meth Act authorizes $30 million for cleanup and remediation of our federal, state and local parks, forests and farmlands. All too often, the environment is the first victim of a meth lab.

It also authorizes $30 million to train law enforcement and other first responders in how to safely enter and clean-up a lab, as well as how to meet the OSHA requirements for working in such a hazardous environment.

Finally, it authorizes $1 million for the EPA to conduct a study of meth waste's impact on the environment.

It is important to address environmental concerns as 4 pounds of waste are created for every 1 pound of meth. In 2001, 12,013 super labs, labs and waste or dump sites required clean-up and remediation.

Second, Health and Education.

H.R. 3782 will provide $20 million to local schools and education groups to provide anti-drug—and especially anti-meth programs.

An additional $10 million is provided to local health care groups for the treatment of both meth abusers, and those abused by meth producers and users. One quarter of that money is specifically set aside for programs helping children found in the toxic environment of meth labs or abused by meth users.

Finally, the bill authorizes $1 million for the Department of Health and Human Services to conduct a study on the impact of not only meth use, but also meth production on community health. We need to help stop the use of this deadly drug that 9.4 million Americans admitted to having used at least once in 1999 and that in 2000, 7.9 percent of high school seniors said they had tried.

Finally, Law Enforcement.

With meth growing so quickly, many local law enforcement agencies, district attorneys and other members of the law enforcement community are not prepared to deal with its spread into their community. It is all well and good to find the offenders, but you need to know how to catch them—and perhaps most importantly—prosecute them to get them out of the system.

This legislation authorizes an additional $20 million under the COPS program for training of state and local prosecutors as well as sheriffs and police officers in the prosecution of meth law violations. And one quarter of these funds are set aside for rural communities that are often hardest hit but lack the resources to attack this emerging threat. One example of this rapid growth: DEA arrests for meth production and distribution between 1993 and 1999 shot up from 1,944 to 8,618—an increase of more than 400 percent.

Speaking of training, the bill provides $10 million to expand the great Clan Lab training program run by the DEA in Quantico, Virginia. They do a great job down there, and we need to support them.

Regarding criminal penalties, the CLEAN-UP Meth Act tightens criminal laws used to prosecute the promoters of ''raves,'' the for-profit parties aimed at young people that are often the places where our children our first exposed to these dangerous drugs—too often with the full knowledge and consent of the promoter.

In conclusion, no matter what you call it—meth, crank, crystal, or whatever—this drug is an emerging threat across the country. And it threatens not just those who use it, not just those who know someone who use it, but all Americans who drink our water, breathe our air, send their kids to school or work our lands. It hits rural and suburban areas, perhaps even harder than it does our cities. You cannot just sit back and say it is someone else's problem. That is why I am grateful that this Administration, so many of my Republican and Democratic colleagues, and members of the law enforcement community is focused on the emerging meth threat. And why I am pleased to have so many of them supporting our efforts to CLEAN-UP Meth as I reintroduce this important legislation today.

INTRODUCING THE TEACHER RECRUITMENT ACT OF 2003—H.R. 5133

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to re-introduce H.R. 5133, the ''Teacher Recruitment Act of 2003'' to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations.

Rural and small town schools educate a significant number of America's students. Nearly forty percent of America's school-age children attend public schools in rural areas or small towns with populations of less than 25,000. Forty-nine percent of the nation's public schools are located in rural areas and small towns and 41 percent of public school educators teach in rural community schools. Rural school districts are often the largest single employer in their area and rural schools serve as the social, recreational, and cultural foundation of their communities.

Although rural and small schools educate nearly 40 percent of America's students, they receive less than 25 percent of the total federal, state, and local spending on public education. Rural and small schools tend to be located in areas with low property values and few industries, making it more difficult to raise additional revenues. Additionally, because federal grants are awarded based upon student population, rural districts often receive insufficient grant funds to accomplish the stated purpose.

Rural schools face formidable challenges in recruiting and retaining quality teachers. Compared with teachers in central city schools and urban schools, rural teachers tend to be less educated, slightly less experienced, younger, and less likely to belong to a minority group. Chronically low salaries and benefits exacerbate the difficulty in attracting quality teachers to rural and small town schools. For example, in the district that I represent, the U.S. Virgin Islands, teachers have not received a substantial raise in over seven years to offset the rising cost of living. There has been no state subsidized programs towards teacher certification, advance education, or teacher training. Adding to the need to expand the Teacher Loan Forgiveness program is the lack of substantive incentives on the local level to incite teacher recruitment and retention within and outside of the rural communities. Similarly, there are many challenges associated with preparing teachers to work with Native American children and parents, and often teachers have not been properly prepared to address these challenges. Consequently, teachers who are less than qualified are working on American Indian reservations, and the retention of qualified teachers remains a challenge.

If ''The Leave No Child Behind Act'' is truly meant to reform our nation's education, we need to pass legislation that adequately addresses the deficiencies in our educational system. To effectively implement the provisions of ''The Leave No Child Behind Act,'' we must attract and keep quality teachers. The American Federation, which represents of 1.2 million members, has urged the support and passage of amendments to expand eligibility for loan forgiveness to those who are teaching in schools in need of improvement, as defined in ''The No Child Left Behind Act.'' The ''Teacher Recruitment Act of 2003'' would expand the eligibility of individuals to qualify for loan forgiveness for teachers beyond that available under section 428J of the Higher Education Act by providing additional incentives for such individuals to teach in economically disadvantaged or depressed and underserved rural areas. Under this bill, teachers may qualify for up to 100 percent student loan forgiveness. The ''Teacher Recruitment Act of 2003'' is a good step toward the continuing challenge of recruiting and retaining teachers in rural areas and I urge its passage.

TRIBUTE TO LOVEEDAH NADLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. Mrs. Loveedah Nadler, of Lexington, Missouri, has retired from her position as Lafayette County Collector.

Mrs. Nadler, a graduate of Wellington High School, Wellington, MO, joined the County Collector's office on February 2, 1972, working for then-Lafayette County Collector George B. Gordon. However, Mr. Gordon passed away in June, 1974, leaving Mrs. Nadler to train his wife to fill the position until an upcoming election in November of that year. In that election, Warner Bounds was elected to the position and Mrs. Nadler stepped in once again and trained the newly elected official. During Mr. Bounds' third term in 1982, he was struck with health problems leaving, Mrs. Nadler to assume many of the collector's responsibilities.

Mrs. Nadler ran for the office of Lafayette County Collector in 1986 and was elected in November of that year. She ran unopposed for reelection in 1990, 1994, and 1998. In her tenure working in the Office of County Collector, Mrs. Nadler blessed the office with her friendliness, ability, and willingness to work with people. Though her term officially ends on February 28, 2003, her dedication to the Lafayette County Collector's Office will be evident for years to come.

Mr. Speaker, Loveedah Nadler has dedicated 31 years of service to Lafayette County, serving with dedication. As Mrs. Nadler prepares to spend more time with her husband Kenny, her granddaughter, and the rest of her family, I know the Members of the House will join me in wishing her all the best in the days ahead.

ROSES THAT KILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to call my colleagues attention to an article that appeared in the February 13, 2003 issue of the The New York Times. The article was written by Ginger Thompson and appeared under the headline ''Behind Roses' Beauty, Poor and Ill Workers.''

This St. Valentine's day, many of roses Americans will purchase as expressions of love for spouses, parents and others will have been produced in Ecuador. In a 20-year period, Ecuador has become the fourth-largest producer of roses in the world. The Andean Trade Preference Treaty of 1991 provides tariff-free access to American markets.

It, therefore, behooves us, both as Members of Congress and as consumers, to be aware of the conditions under which these roses are produced. As Ms. Thompson's article makes clear, there is reason for serious concern that workers, making as little as $156 a month, are being poisoned as a result of the misuse of pesticides, fungicides, and fumigants. The Ecuadorean rose industry employs 50,000 workers, 70 percent of whom are women.

I commend the following excerpt from the article to the attention of my colleagues and the public and urge you to read the entire article. In our efforts to express affection for a loved-one through the purchase of a flower, I am sure that none of us wants to be a part of the poisoning of another.

[From the New York Times, Feb. 13, 2002]

BEHIND THE BEAUTY, POOR AND ILL WORKERS

(By Ginger Thompson)

Cayambe, Ecuador, February 10—In just five years, Ecuadorean roses, as big and red as the human heart, have become the new status flower in the United States, thanks to the volcanic soil, perfect temperatures and abundant sunlight that help generate $240 million a year and tens of thousands of jobs in this once-impoverished region north of Quito.

This St. Valentine's Day, hundreds of American florists and catalogs are offering the roses of this fertile valley. Calyx & Corolla, for instance, bills it as a place ''where Andean mists and equatorial sun conspire to produce roses that quickly burst into extravagant bloom, then hold their glory long after lesser specimens have begun to droop.''

But roses come with thorns, too. As Ecuador's colorful blooms radiate romance around the world, large growers here have been accused of misusing a toxic mixture of pesticides, fungicides and fumigants to grow and export unblemished pest-free flowers.

As in other industries like garment production, bananas and diamonds, the poor worry about eating first and labor conditions later. They toil here despite headaches and rashes here for the wealthier of the world, who in turn know little of the conditions in which their desires are met.

Doctors and scientists who have worked here say serious health problems have resulted for many of the industry's 50,000 workers, more than 70 percent of them women. Researchers say their work is hampered by lack of access to flower farms because of reluctant growers. But studies that the International Labor Organization published in 1999 and the Catholic University issued here last year showed that women in the industry had more miscarriages than average and that more than 60 percent of all workers suffered headaches, nausea, blurred vision or fatigue.

''No one can speak with conclusive facts in hand about the impact of this industry on the health of the workers, because we have not been able to do the necessary studies,'' said Dr. Bolivar Vera, a health specialist at the Health Environment and Development Foundation in Quito. ''So the companies have been able to wash their hands of the matter.'' . . .

Dr. César Paz-y-Miño, a geneticist at the Catholic University, said several pesticides used on a farm that was the setting for his research in the late 1990's were restricted as health hazards in other countries, including the United States, and labeled as highly toxic by the World Health Organization.

Among the most notorious are captan, aldicarb and fenamiphos. Dr. Paz-y-Miño refused to identify the flower farm under an agreement that he said he had with the owners.

He described the conditions as astonishing and recalled workers' fumigating in street clothes without protective equipment, pesticides stored in poorly sealed containers and fumes wafting over the workers' dining halls. When asked what government agencies monitor worker health and safety, Dr. Paz-y-Miño said, ''There are no such checks.'' . . .

Industry representatives denied that there was a health problem or that unacceptable risks were taken.

''The growers we know are very conscious of environmental issues,'' said Harrison Kennicott, the chief executive of Kennicott Brothers, a wholesaler in Chicago who is a former president of the Society of American Florists, a trade group.

''They go to lengths to get certified environmentally,'' Mr. Kennicott said. ''The growers take care of the people. They provide housing and medical care.

''Our job is to satisfy our customers, who are the florists and retailers who deliver flowers to the public. Our interest is having the best quality product at a competitive price.''

Yet it is hard to erase images of workers like Soledad, 32, and Petrona, 34, both mothers and both looking jaundiced and bony. In interviews after quitting time, they asked not to be fully identified out of fear that they would lose their $156-a-month jobs cutting flowers in greenhouses. The women said they had elementary school educations but did not need high-level science to tell them why their kidneys throbbed at night and heads throbbed in the day.

''There is no respect for the fumigation rules,'' said Petrona, who has worked on flower farms for four years. ''They spray the chemicals even while we are working.''

''My hair has begun to fall out,'' she added, running a hand from the top of her visibly receding hairline down a single scruffy braid. ''I am young, but I feel very old.''

Soledad, who has worked on flower farms for 12 years, slowly turned her head from side to side.

''If I move my head any faster, I feel nauseous,'' she said, and then pulled up her sleeve to show her skeletal limbs. ''I have no appetite.''

When asked whether the farm where they worked had a doctor on duty, the women rolled their eyes.

''He always tells us there is nothing wrong with us and sends us back to work,'' Petrona said. ''He works for the company. He does not help us.'' . . .

TRIBUTE TO CHIEF WARRANT OFFICER MARK S. O'STEEN

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to an American hero, Chief Warrant Officer Mark S. O'Steen, of Ozark, Alabama, in my congressional district. An Army Special Forces helicopter pilot, he recently gave his life in service to our nation during Operation Enduring Freedom in Afghanistan.

On January 30, while piloting a training mission flight in an MH–60 Black Hawk helicopter, Mark O'Steen and three of his comrades lost their lives when their aircraft went down east of Bagram Air Force Base. Their sacrifices were not in vain.

Mark O'Steen was and remains an inspiration to all of us, living his life for God and country. Highly motivated and talented, he followed in the footsteps of his late father and older brothers in pursing a military career.

An excellent athlete, linguist, military pilot, husband, father, and son, Mark O'Steen embodied the best of Alabama and our nation. He was proud of his work and did not let the ever-present risk inherent in military service worry him.

I join our Commander-in-Chief in offering the nation's gratitude for Mark's service and

sacrifice to protect and preserve our freedoms. I also pass along my heartfelt condolences to Mark's family. This nation will be forever grateful to you.

IN HONOR OF MARIANO VEGA, JR., RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Councilman Mariano Vega, Jr., who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

Mr. Vega's career demonstrates his dedication to social service and his compassion for families, children, and the elderly living throughout our community. Before serving on the City Council, he was director of Hudson County Department of Public Resources, chief of Hudson County Division of Social Services, and director of the Jersey City Division of Welfare.

A dedicated educator, Councilman Vega has worked in many capacities as part of his commitment to improving education. A former teacher and counselor, he also served as assistant director of Admissions at Montclair State College in New Jersey, and as acting director for the Equal Opportunity Office at the University of Medicine and Dentistry of New Jersey.

A graduate of Montclair State College, Mr. Vega also studied at Rutgers University School of Social Work, School of Law, and Graduate School of Education; Cornell University School of Industrial and Labor Relations; and has participated in the Leadership Institute on Workforce Development and the Hispanic Leadership Opportunity Program. Mr. Vega was a National Policy Fellow at the former Department of Health, Education and Welfare, which today is known as the U.S. Department of Health and Human Services.

Councilman Vega has served as president of the Jersey City Board of education and Jersey City Borinquen Lions Club and commissioner of the Jersey City Planning Board. He founded the Liberty Soccer Club and International Recreation and Educational Exchange Program, and was a founding member of the Liberty Academy of Visual Arts and the Hispanic Leadership Association.

Today, I ask my colleagues to join me in honoring Mariano Vega, Jr., for his contributions to the City of Newark and the state of New Jersey, and his continued dedication to public service.

HONORING SUSAN B. ANTHONY

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. CUBIN. Mr. Speaker, I rise today to recognize and honor a true pioneer in the fight for women's rights; a woman who 183 years ago this month set out on a life and career that would earn her a place in history—Susan B. Anthony.

She is perhaps best remembered for her struggle to obtain equal rights for all, regardless of age, race, or gender.

To her, life was about the dignity of all people—from the most oppressed of women to the most innocent and defenseless of all, the unborn.

As a pro-life woman, I can very much identify with her deeply held belief in the rights of the unborn. I personally believe that life begins at conception. That means that I want to protect and nurture human life in every stage of development.

Partial birth abortion is not an option. It is a death sentence. It is my hope that this Congress will pass, and the President will sign, a measure outlawing this repulsive procedure.

Susan B. Anthony was truly a compassionate sole and a protector of women and children. I feel it very appropriate to recognize her on this anniversary of her birth.

SUSAN B. ANTHONY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MYRICK. Mr. Speaker, Susan B. Anthony is best remembered as a great women's rights campaigner. On February 15th, her 183rd birthday, we recognize that she was indeed instrumental in helping women achieve the right to vote.

Another piece of her legacy that is often brushed over but equally important is her commitment to the rights of unborn children. Susan B. Anthony believed that all people should be treated equally, and she made no exception for unborn children. She did not see a difference in fighting for women's rights and protecting the right to life for all children.

This is why I am taking this opportunity to honor her birthday today. As we think back on Susan B. Anthony's tireless work to promote the dignity of all life, let us renew our own commitment to fight for equal rights, especially for unborn children who have no voice to fight for themselves.

60TH ANNIVERSARY OF WOMEN IN MARINE CORPS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, I would like to take this opportunity to commemorate the contributions of the thousands of women who have served in the United States Marine Corps throughout history. They celebrate their 60th anniversary today, February 13th, when the first group of women went off to Hunter College in 1943 to train as Women reservists to ''Free a Man to Fight!'' In honor of this anniversary I enter the following proclamation into the official record of today.

Whereas since its inception in 1943 to ''Free a Man to Fight'' under the leadership of Col. Ruth Cheney Streeter, thousands of women have served the Corps in every clime and place and have continued to be an essential part of the United States Marine Corps;

Whereas it should be acknowledged the women who serve a grateful nation are committed to preservation of the freedoms of this Nation and serve today at the forefront of our military in almost every specialty and;

Whereas it should be acknowledged that the first group of women who volunteered to serve their Nation led the way and broke the ground for all the women who serve today and are entitled to a special debt of gratitude and thanks;

Therefore, let it be known that the 60th anniversary of the women who have served in the United States Marine Corps marks a milestone that a grateful Nation acknowledges as those women and the women today and those that follow will continue to pursue a course of action that serves to inspire all freedom loving people in the world. SEMPER FIDELIS!

TRIBUTE TO OUR TROOPS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. UPTON. Mr. Speaker, I rise today to recognize the brave men and women of the 415th Civil Affairs Company of the U.S. Army Reserve in Kalamazoo, Michigan. Often overlooked, our Reservists provide an invaluable service to our country and to our Armed Forces. The 415th Civil Affairs Company has been on continuous deployment for the better part of the last decade, separated from families, careers, and livelihoods. Now, these folks are being deployed to Kosovo to help keep the peace in an uncertain world. Freedom isn't free; it comes at a price—and individuals like these are the ones who bear the cost. I wish them a safe return.

INTRODUCTION OF THE ''PARTIAL-BIRTH ABORTION BAN ACT OF 2003'' REP. STEVE CHABOT

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CHABOT. Mr. Speaker, today, on behalf of a bi-partisan coalition, I have introduced the ''Partial-Birth Abortion Ban Act of 2003.''

The ''Partial-Birth Abortion Ban Act of 2003'' would ban the dangerous and gruesome procedure known as a partial-birth abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant. The great majority of these abortions are performed on unborn infants from the 20th to the 26th week of pregnancy and more often than not on the healthy babies of healthy mothers. The ''Partial-Birth Abortion Ban of 2003'' is similar to the previous bans on partial-birth abortion approved by the House in that an abortionist who violates the ban will be subject to fines or a maximum of two years imprisonment, or both; a civil cause of action

is established for damages against an abortionist who violates the ban; and a doctor cannot be prosecuted under the ban if the abortion was necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and should be prohibited. Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. It is also a medical fact that the unborn infants aborted in this manner are alive until the end of the procedure and fully experience the pain associated with the procedure. As a result, at least 27 states banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

Three years ago in Stenberg v. Carhart, however, the United States Supreme Court struck down Nebraska's partial-birth abortion ban as an ''undue burden'' on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother. The Stenberg Court based its conclusion ''that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure'' for pregnant women who wish to undergo an abortion on the trial court's factual findings about the relative health and safety benefits of partial-birth abortions—findings which were highly disputed. Yet, because of the highly deferential clearly erroneous standard of appellate review applied to lower court factual findings, the Stenberg Court was required to accept these trial court findings.

These factual findings are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of the partial-birth abortion procedure—including evidence received during extensive legislative hearings during the 104th, 105th, and 107th Congresses—which indicates that a partial-birth abortion is never medically necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. In fact, a prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice,'' and that it has ''never been subject to even a minimal amount of the normal medical practice development.''

Thus, there exists substantial record evidence upon which Congress may conclude that the ''Partial-Birth Abortion Ban Act of 2003'' should not contain a ''health'' exception, because to do so would place the health of the very women the exception seeks to serve in jeopardy by allowing a medically unproven and dangerous procedure to go unregulated.

Although the Supreme Court in Stenberg was obligated to accept the district court's findings regarding the relative health and safety benefits of a partial-birth abortion due to the applicable standard of appellate review, Congress possesses an independent constitutional authority upon which it may reach findings of fact that contradict those of the trial court. Under well-settled Supreme Court jurisprudence, these congressional findings will be entitled to great deference by the federal judiciary in ruling on the constitutionality of a partial-birth abortion ban. Thus, the first section of the ''Partial-Birth Abortion Ban Act of 2003'' contains Congress's factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

The ''Partial-Birth Abortion Ban Act of 2003'' does not question the Supreme Court's authority to interpret Roe v. Wade and Planned Parenthood v. Casey. Rather, it challenges the factual conclusion that a partial-birth abortion might, in some circumstances, be the safest abortion procedure for some women. The ''Partial-Birth Abortion Ban Act of 2003'' also responds to the Stenberg Court's second holding, that Nebraska's law placed an undue burden on women seeking abortions because its definition of a ''partial-birth abortion'' could be construed to ban not only partial-birth abortions (also known as ''D & X'' abortions), but also the most common second trimester abortion procedure, dilation and evacuation or ''D & E.'' The ''Partial-Birth Abortion Ban Act of 2003'' includes a new definition of a partial-birth abortion that clearly and precisely confines the prohibited procedure to a D & X abortion.

This bill is not new. This chamber has passed legislation to ban this procedure four times and twice, this chamber voted to override the President's veto of this bill. Now that we have a President who is equally committed to the sanctity of life and who has promised to stand with Congress in its efforts to ban this barbaric and dangerous procedure, it's time for Congress to act to place this bill in front of the President and end this barbaric and dangerous procedure.

INTRODUCTION OF THE ACCIDENTAL SHOOTING PREVENTION ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by 33 of my colleagues in introducing the ''Accidental Shooting Prevention Act'' to address the large number of firearm injuries and deaths that occur when users mistakenly fire guns they believe are not loaded. This sensible bipartisan legislation would require that all semiautomatic firearms manufactured after January 1, 2006, which have removable magazines, be equipped with plainly visible chamber load indicators and magazine disconnect mechanisms.

As with many other consumer products, firearm design can reduce the risk of injury. But unlike other products, gun design decisions have been largely left to manufacturers. Fortunately, firearms manufacturers have already produced many guns with safety devices, such as chamber load indicators and magazine disconnect mechanisms, which can help reduce the risk of accidental injuries.

A chamber load indicator indicates that the gun's firing chamber is loaded with ammunition, but to be effective, a user must be aware of the indicator. Generally, chamber load indicators display the presence of ammunition via a small protrusion somewhere on the handgun. Unfortunately, most chamber load indicators do not clearly indicate their existence to untrained users or observers. We must ensure these indicators are easily visible to all gun users, and my legislation will do just that.

By comparison, a magazine disconnect mechanism is an interlocking device which prevents a firearm from being fired when its ammunition magazine is removed, even if there is a round in the chamber. Interlocks are found on a wide variety of consumer products to reduce injury risks. For example, most new cars have an interlocking device that prevents the automatic transmission shifter from being moved from the ''park'' position unless the brake pedal is depressed. It is common sense that a product as dangerous as a gun should contain a similar safety mechanism.

At the age of sixteen, I was left paralyzed when a police officer's gun accidentally discharged and severed my spine. Although the act was unintentional, I am reminded every day of the tragedies that can occur when firearms are mishandled. Unfortunately, I am not alone in my experience. In 1999, the Centers for Disease Control reported that over 820 people were killed in the United States by accidental discharges of firearms, and many more were injured. Clearly, mistakes can happen even when guns are in the hands of highly-trained weapons experts, which is why safety devices are so critical.

I urge my colleagues to join me and the 33 original co-sponsors of this bill in reducing the risk of unintentional shootings. Please cosponsor this responsible measure, and help make firearms and their storage safer while protecting those unfamiliar with the operation of guns.

NORTH TEXAS MOBILITY IMPROVEMENT ACT OF 2003

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BURGESS. Mr. Speaker, I rise today to introduce the North Texas Mobility Improvement Act of 2003.

Transportation, its related infrastructure, and industry are a vital part of Texas' economic development and a significant contributor to quality of life in the 26th congressional district of Texas. My congressional district includes

the growing northern suburbs of the Dallas-Fort Worth Metroplex, which provides state and local officials with some of our greatest transportation mobility challenges. The increase in traffic over the past three decades is a result of unprecedented population and employment growth experienced in the North Texas region.

The transportation congestion and mobility challenges of Interstate 35 East could minimize economic opportunity and investment in the North American international trade corridor if our country's leaders do not support the development of an efficient, seamless, intermodal trade and transportation system. With congressional passage of several important trade agreements, the heartland of America enters a new era as a geographic crossroad for international trade.

Interstate 35 extends from Laredo, Texas, the busiest U.S. border crossing into Mexico, to Duluth, Minnesota. One third of the highway is in Texas, including the Dallas-Fort Worth Metroplex. Of $57 billion in U.S. trade into Mexico annually, 78 percent moves through Laredo, and much of that on Interstate 35. The North American Superhighway's Coalition estimates it will take $3.4 billion to upgrade Interstate 35 over the next five years. Texas alone would require about $2.87 billion.

I am actively working with local, state, and federal officials to improve international trade transportation on Interstate 35 by widening current lanes and adding frontage roads without sacrificing Texas' ability to meet its regular mobility needs within the state. The North Texas Mobility Improvement Act of 2003 would authorize $2.5 million to widen from four lanes to six lanes those segments of Interstate 35 East between FM Road 2181 and Lake Lewisville in Denton County. The environmental review for this interstate expansion is currently underway by the Texas Department of Transportation.

With ever-increasing demands on our transportation system for both local mobility and international trade transportation improvements, the North Texas Mobility Improvement Act of 2003 would help the Texas Department of Transportation accelerate the widening of the segments both north and south of the existing 6-lane segment in order to alleviate the overburdensome bottlenecking on this vital segment of Interstate 35 East. Mr. Speaker, I strongly support the widening of this portion of Interstate 35 East. The North Texas Mobility Improvement Act of 2003 would provide for the additional needed funding to complete the project and address the immediate needs of my constituents and other North Texas commuters that Interstate 35 East on a daily basis.

INTRODUCTION OF THE CLEARWATER BASIN PROJECT ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. OTTER. Mr. Speaker, I rise before the House today to introduce the Clearwater Basin Project Act, a bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce national forests in Idaho. I am pleased to be joined by Congressman MIKE SIMPSON, a fellow Idahoan, in introducing this legislation.

The Forest Service has not been able to adequately address insect outbreak, catastrophic fire, and other fish and wildlife habitat and ecosystem health issues on the lands it manages within the basin. That is why I am introducing The Clearwater Basin Project Act to provide a better mechanism to address critical resource issues concerning Clearwater and Nez Perce national forest lands. The legislation takes advantage of existing collaboration and stewardship mechanisms to provide a more effective framework for stakeholders to work with the Forest Service to attain some meaningful forest management results on the ground.

In 1996, the state of Idaho established a Federal Land Task Force to design potential pilot projects on federal lands. The task force report identified a broken decision-making process as part of the problem on federal lands. An eight-member working group identified five pilot projects on Idaho's federal lands. The legislation I am introducing today is a product of that process. The Clearwater Basin Project Act implements concepts and addresses needs identified in the Clearwater Basin Collaborative Project that was described in the December 2000 Federal Land Task Force Working Group Report, ''Breaking the Gridlock.'' The aims of the original Clearwater Project and the Act are to provide a better mechanism to address critical resource issues concerning Clearwater and Nez Perce national forest lands within the basin.

This legislation provides an up-to-date, reasonable and realistic approach to implementing a pilot project on national forest lands in the Clearwater Basin. The Act facilitates forest management through consensus-building procedures to expedite identification, scheduling and implementation of specific high-priority forest stewardship activities. The legislation provides a working test of innovative collaborative management, fully within the framework of existing environmental laws.

This legislation requires the Secretary of Agriculture to establish the Clearwater Advisory Panel (CAP), a collaborative group comprised of a broad spectrum of stakeholders in Clearwater Basin national forest management. The CAP is to work with the Forest Service, other agencies and the public to consider and recommend specific high-priority forest stewardship activities to implement over a five-year period within the Basin.

This act does not bypass existing environmental legislation. Rather, it requires the Forest Service and other federal agencies to complete National Environmental Policy Act (NEPA) and other consultation and coordination procedures for each proposed schedule of activities, within one year after the Forest Service issues the public scoping notice for the proposed schedule. The appropriate forest supervisor is required to review the five-year schedule of activities for each forest, then issue a decision document within 30 days regarding whether to approve the schedule recommended by the CAP.

The Act also provides additional authority for stewardship and other contracting to prepare and carry out activities recommended and approved for priority implementation. Also authorized is monitoring to measure the success of the project and to assure accountability and determine what funding and other support is needed for the project to succeed.

It is important to note that nothing in this act (1) transfers ownership or control of any national forest lands from the United States to anyone else; (2) transfers Forest Service national forest decision authority to anyone else; (3) exempts Forest Service decisions or the priority activities from environmental laws, or from administrative appeal and judicial review; or (4) impairs opportunities for participation by any interest group or the general public.

The need for this legislation is greater now then ever. Elk City, a small rural community in my district, is an island in a sea of Forest Service, Bureau of Land Management, and state lands. The town is surrounded by dead and dying timber. However, because of federal regulations there is little or no access to the resource. That is threatening the local mill and placing the city and its residents at risk of catastrophic wildfires. Inaction no longer is an alternative for the Clearwater Basin. We cannot sit idly by and watch the forest bum. We must take action before our precious resource is destroyed and the lives of those dependent upon the resources are changed forever.

EIGHT AMERICAN HEROES FROM THE GREAT STATE OF OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise in honor eight American heroes from the great State of Ohio.

JoAnn Gallitto, Robert S. Kraska, Paul J. Mizerak, Florence I. Ousley, George T. Radigan, Walter L. Ratcliffe, Kathleen C. Sauterer, and Theresa Ann Yakubik are the honorees of the distinguished Franklin A. Polk Public Servants Merit Award presented by the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association as a result of their more than twenty years of faithful service to the bench, bar and public in Cuyahoga County.

JOANN GALLITTO—CLEVELAND HEIGHTS MUNICIPAL COURT

Cleveland Heights Municipal Court Chief Deputy Clerk JoAnn Gallitto is this year's nominee of Judge A. Deane Buchanan. JoAnn has been employed at the Court since 1974, and she has been Chief Deputy Clerk since 1984. Her duties include supervision of the Civil Division of Ohio's largest single judge municipal court, the processing of new cases, judgment execution proceedings, preparation of judgment entries and a myriad of other tasks, including direct contact with the bar and public. A graduate of Shaw High School in East Cleveland, JoAnn is the eldest of 4 children, who credits her upbringing by two hard-working parents in a close, traditional Italian-American family, with instilling in her a level of encouragement and support that has allowed her to succeed personally and professionally. An avid Browns' and Indians' fan, JoAnn looks forward to a Super Bowl trophy in Cleveland sometime soon. While waiting for that event, she enjoys reading and music of the '50's and '60's, particularly that of Dean Martin, whose shows she saw frequently while visiting her favorite vacation destination Las Vegas, the home of two very good friends. JoAnn has a myriad of memories in almost three decades of work. She recalls, from early in her career, the excitement of being a witness at a wedding before her Judge, which was followed

about a week later by the happy couple's filing assault charges against each other. She also relates the story of a lawyer who asked for a continuance of a hearing on the day of the hearing as a result of severe bronchitis; she told the lawyer that he would need to file the continuance in writing, only to be amused later that same day to have the not-so-sick lawyer there to file his continuance. JoAnn is proud to note that she is the second generation of her family to be honored with the Public Servants Merit Award, having followed the example of her Uncle, Richard Gallitto, who was honored in 1982.

ROBERT S. KRASKA—CUYAHOGA COUNTY COURT OF COMMON PLEAS

Robert Steven Kraska is the Assistant Chief Court Reporter at the General Division of the Court of Common Pleas and has been a court reporter there since 1975. Administrative and Presiding Judge Richard McMonagle's nominee, Robert is a 1969 graduate of Garfield Heights High School, who worked in the private sector until his graduation from the Academy of Court Reporting and employment with the Court. Robert, the father of a grown son, was on the All Ohio High School Baseball Team his senior year and enjoys attending games at Jacobs Field. He also fishes and travels to Canada and West Virginia to play slot machines. Robert recalls two incidences clearly, from his many years of court reporting, but he discreetly will not identify either Judge involved. In one, he recalls a lawyer arguing that his client was ''as sober as a Judge,'' which, after looking at the Judge, he corrected ''as sober as the Pope.'' Another time, when a Judge seemed to be a little lost in asking some standard questions of a defendant when taking a criminal plea, Robert tried to help by suggesting that the next question should be ''Are you under the influence of drugs or alcohol?'' to which the Judge replied, ''No, I am not.''

PAUL J. MIZERAK—CLEVELAND MUNICIPAL COURT

Chief Bailiff Paul Joseph Mizerak is Cleveland Municipal Court Administrative Judge Larry Jones' nominee this year. Paul has worked at the Court since 1976, following employment at U.S. Steel and Yellow Trucking. Paul's duties are many. He oversees department supervisors, ensures enforcement of court orders, manages the day-to-day operations of his department (including scheduling, assignments and discipline) and trains all supervisors in his department. Paul graduated from the Cleveland schools and received bachelor's and master's degrees at Cleveland State University. Paul is a hitter, but in a good way. Hitting is part of his life-long commitment to sports and fitness, which includes playing in two men's baseball leagues and visiting Florida each Fall to play in the Roy Hubbs League. He also has trained in the martial arts. He has been married for 15½ years to Maureen and actively participates in the lives of his 13 nieces and nephews.

FLORENCE I. OUSLEY—CUYAHOGA COUNTY PROBATE COURT

Call Probate Court, and find out that Florence I. Ousley communicates. Florence, Probate Court Administrative Judge John Donnelly's nominee this year, has worked for the court for 27 years, the last decade as Telephone Operator. In addition to direct, initial contact with the public, Florence is also the Court's interpreter for deaf visitors seeking Probate Court's assistance. Beginning her public employment some four decades ago as a summer employee of the County Recorder's office, Florence has worked more than the last quarter century at Probate Court. A graduate of Notre Dame Academy, Florence has been a single mom for 27 years and is proud of her three children, Dionne, Holly and Flournoy, all now adults. She has been active in many political activities, but she also finds time to assist the elderly in nursing homes by providing cosmetology services. She also enjoys reading, cooking, listening to music and line dancing! Florence's commitment to public service can be traced to helping her father, former Councilman and Judge Theodore M. Williams. However, that lifetime of achievement by Florence still leaves her with pride about a recent part of her life, her substantial time with her pride and joy, her grandson, Quinn, who, without apologizing to Muhammad Ali, she says is ''The Greatest.''

GEORGE T. RADIGAN—UNITED STATES DISTRICT COURT (N.D.O.)

George T. Radigan, Chief United States District Judge Paul Matia's nominee, has been a probation officer for more than two decades. After a few years' service with the Cuyahoga County Court of Common Pleas, George has, since 1974, been involved in both pre- and post-sentencing probation services, including preparation of sentencing recommendations, supervision of pre-release clients and monitoring of offenders after their release from formal custody. A John Carroll University graduate, George is married to Kathleen and is father to two adult sons. To him, his true blessing is his wonderful family. He has actively participated in parents' groups for his sons' high schools and colleges and also his own college alunmi organization. As he nears the end of his career, he reflects that his service has been a major part of his life, and he hopes that he has helped his clients in a positive manner. He does recall, with clarity, two occasions involving his car, which gave some humor to a serious job. The first occurred when he was visiting a client who was a well-known auto thief. He locked his keys in his car and, reluctantly, asked that client to help him. In a matter of seconds, his car was open, and the client inquired, ''Was that a test, Mr. Radigan''? Second, he was dealing with a wellknown organized crime figure and George was asserting the criminal had violated his probation and requested that he be returned to prison. At that time, the criminal noted ''I think you need a new car.'' Four years later, when the criminal was released, George still had the same car (which he liked), and the client offered to help George out and buy him a new car.

WALTER L. RATCLIFFE—SHAKER HEIGHTS MUNICIPAL COURT

Walter L. Ratcliffe, Shaker Heights Municipal Court Judge K. J. Montgomery's nominee, has capped over two decades of public service as Chief Bailiff of the Court. There, he supervises all the bailiffs, oversees court security and performs duties assigned by his Judge. Walter, a 40–year resident of Shaker Heights, is in his second period with the Shaker Heights Municipal Court. He started his career as a Cuyahoga County Adult Probation Officer, prior to being a Probation Officer and Deputy Bailiff in Shaker Heights. He then served as a Pretrial Service Officer with the United States District Court, before returning to Shaker Heights in his current position in 1994. He is proud to recall his mother's public service with the Cleveland Board of Education as a nurse and educator and her pioneering efforts to gain employment for African-American nurses. He was also a pioneer, as the first African-American student at Shaker's Moreland Elementary School, and he attended the Shaker schools through high school. Married for two decades to April, and the father of three, Walter is the Youth Director at Good Shepherd Baptist Church and participates in Church and Youth Ministry. Recognizing that court proceedings are serious, he points to some humor, particularly the instance of an obviously delusional criminal defendant, who insisted that the acting judge presiding that day was, in fact, television's George Jefferson, and who demanded an opportunity to see the Judge's wife ''Weezy.'' At the same time, that defendant thought Walter was ''Wimpy'' from the comic Popeye and was glad to offer to pay Walter Tuesday for a hamburger that day.

KATHLEEN C. SAUTERER—CLEVELAND MUNICIPAL COURT CLERK OF COURTS

As Deputy Director of the Cleveland Municipal Court's Criminal Division, Kathleen C. Sauterer makes sure that her division runs smoothly. She continues to be instrumental in the Court's efforts to bring its new computer system on-line in 2004. As a 30–year employee, since about the time of her graduation from Cleveland's John Marshall High School, Clerk Earle C. Turner's nominee has risen from a part-time position through supervisor of the night shift to her current position. Kathleen has been active at her two daughters' school and prides herself on her almost 24 years of marriage to her husband James, with whom she lives in Olmsted Falls. When not assisting her daughters and husband, Kathleen enjoys gardening.

THERESA ANN YAKUBIK—CUYAHOGA COUNTY CLERK OF COURTS

This year, Connnon Pleas Clerk Gerald E. Fuerst, a long-time supporter of the Public Servants Merit Awards, has nominated Theresa Ann Yakubik. Since about the time she graduated from high school, Theresa has worked at the Common Pleas Court Clerk's Office, starting as a deputy clerk in the Mortgage Department and proceeding through a number of positions to that of Chief Internal Auditor, a title she has proudly held for the past decade. Theresa verifies titling receipts and data for accuracy and insures that millions of dollars, which are deposited flow to the agencies entitled to receive them. Beyond her duties within the Clerk's office, she has been her office's representative on a number of state titling committees, including helping to structure state-wide automated title process systems. In this later work, she was so persistent in ''bugging'' the programmers constructing the systems to provide accurate design and reports in the systems that her colleagues throughout the State dubbed her ''Terri, the Report Queen from Cuyahoga County'' and presented her with a crown, scepter and sash. Terri volunteers with the Make-a-Wish Foundation and in her local parish, St. Wendelin's. She also enjoys sewing, baking and making table centerpieces for social and political functions.

REPEAL OF THE SPECIAL OCCUPATIONAL TAXES ON ALCOHOL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I join my good friend and colleague, Representative DAVE CAMP, today in introducing legislation that will repeal the Special Occupational Tax (SOT) on taxpayers who manufacture, distribute, and sell alcoholic beverages. The special occupational tax is not a tax on alcoholic products but rather operates as a license fee on businesses. Believe it or not, this tax was originally implemented to help finance the Civil War. I began the fight to repeal this unfair tax back in 1992. This is an inequitable tax that has outlived its original purpose and is a clear example of an antiquated approach to federal taxation.

The SOT on alcohol was dramatically increased during a budget process in 1986 and has unfairly burdened business owners across the country. Repealing the SOT would provide immediate and visible relief to thousands of small businesses in every congressional district. According to the ATF, there are 480,427 locations nationwide that pay this tax every year, including 458,603 retailers. These retail establishments account for $114 million out of $126 million in SOT revenues.

In my district, repealing the SOT will save convenience stores approximately $50,750 annually. Repealing the SOT will save California wineries approximately $750,000 annually and California restaurants approximately $20 million annually.

This tax is hardest on small businesses. A one-store operator pays the same SOT as a Wal-Mart Super center. In fact, a chain of four neighborhood food stores pays the same annual tax as the nation's largest single site brewery or distillery—$1,000. This is not what Congress had in mind 150 years ago, and I don't believe it is a situation we want today.

Repeal of the SOT on alcohol is supported by a broad-based group of business organizations and enjoys widespread bipartisan support on Capitol Hill. Senators Max Baucus and Jim Bunning are introducing similar legislation in the Senate today. The Joint Committee on Taxation has examined the efficacy of the SOT several times and found it fundamentally flawed, and has recommended its repeal in its 2001 tax simplification report.

With small businesses being hardest hit by the recent economic troubles, repeal of the SOT will provide much needed assistance to these important employers. It is time for us to move forward and enact legislation to repeal the SOT on alcohol. We urge our colleagues to join us in this endeavor.

TRIBUTE TO ANTHONY PAUL SPITALERI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Anthony Paul Spitaleri who is retiring after a distinguished career in service to the City of Palo Alto and its Fire Department for thirty-five years.

On January 1, 1967, Anthony ''Tony'' Spitaleri joined the Stanford Fire Department as a Firefighter. The Stanford Fire Department merged with the Palo Alto Fire Department in 1976, and Tony rose through the ranks to become Fire Captain. He has served his coworkers ably as President of the Palo Alto Firefighters Union (Local 1319) for more than a quarter century with professionalism and commitment. He helped recruit and retain a force of highly qualified firefighters and developed safe standards for staffing and equipment. He's been a tireless fundraiser for many community causes, and recently helped raise $800,000 for the families of New York Firefighters following the tragedies of September 11th.

Mr. Speaker, Tony Spitaleri is known throughout our community as an unselfish, enthusiastic, thorough, fair, compassionate, courteous man and he's one of the best barbequers around! I salute him for his extraordinary leadership which has made our community safer and stronger.

Mr. Speaker, I ask my colleagues to join me in honoring Anthony Paul Spitaleri for his outstanding service to our community and wishing him a retirement filled with every blessing.

TRIBUTE TO VIRGINIA ''GINNIE'' MUIR HIRSCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the life of Virginia ''Ginnie'' Muir Hirsch. She passed away in the early morning of January 29 in her home in Santa Cruz, California. Her husband, Fred, and their three daughters Liza, Leslie, and Laurie were at her side.

Ginnie was born in Altoona, Pennsylvania on August 4, 1925. She came from a family of strong Democrats. Because of her father's leftist ideals, he had difficulty finding a job in Altoona. Eventually the family was forced to migrate to West Virginia so that Ginnie's father could find work.

Ginnie moved to New York in 1942, where she began working for the American Committee for the Protection of the Foreign Born and for the American Slav Congress. Ginnie worked continuously during the period of anti-leftist hysteria in the nineteen forties, supporting many activists who were being deported for their progressive ideologies. While helping to organize a 1949 concert by Paul Robeson, her 1937 Oldsmobile was pushed over a cliff in what became known as the Peekskill Riot. The next day, in clothes bloodied by cross-burning Klansmen, Virginia testified with Paul Robeson about the attack.

Ginnie was married in 1952. In 1957 she and her husband moved to California with their children. Virginia held down two jobs, campaigned against the ''right to work'' law, and fought against the deportation and abuse of Mexican immigrants. In San Jose, Ginnie became an active member of the Office of Professional Employees International Union, and for a number of years she worked for the local Retail Clerks Union. She was also a founding member of the Friends of the Student Nonviolent Coordinating Committee, which involved traveling to Mississippi and bringing supplies to SNCC.

Ginnie has been a life-long activist in California labor politics. As a board member for the Central Labor Council, she consistently supported the United Farm Workers as well as a number of East San Jose labor organizations. In 1967 Virginia moved her family to Delano, California to open the first legal office for Cesar Chavez's United Farm Workers. She was also an integral part of the jury investigation team for the 1971 trial of Angela Davis.

Ginnie continued through her years in San Jose, and later in Santa Cruz, providing for her family and working for peace, against racism, and for social and economic justice. She regretted that leukemia made her unable to take part in the January 18 anti-war actions in San Francisco and died less than two weeks later.

Mr. Speaker, Virginia Muir Hirsch will be remembered in the community for her years of service and the invaluable contributions she has made to the progressive cause.

BALANCED BUDGET AMENDMENT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ISTOOK. Mr. Speaker, today we are reintroducing the Balanced Budget Amendment for the U.S. Constitution. Although we recently enjoyed four years of balanced federal budgets, the results of 9–11, the fight against terrorism, and economic challenges have all pushed us back into a sea of red ink.

Although borrowing can be justified to protect America in a time of national emergency, deficits should not be acceptable in normal times. So, unless we first set a goal of balancing the budget again, it will never happen. And recent experience once again proves that we need the discipline that a Balanced Budget Amendment provides.

I'm especially happy for the support of Wisconsin's JAMES SENSENBRENNER, Chairman of the House Judiciary Committee, and also of the Chairman of the Subcommittee on the Constitution, STEVE CHABOT from Ohio. And, of course, the long-time leading Democrat on this issue, Congressman CHARLES STENHOLM of Texas.

I also want to acknowledge the pioneering work done by National Taxpayer's Union, the nation's largest organization representing the interests of taxpayers, and their work with Congressman STENHOLM and Senator LARRY CRAIG who have been working on this issue for the last quarter century.

It's time to set the standard, and show America what our goals are. It doesn't matter which side of the aisle you are on. Some people complain about the deficit, and say that's why they oppose tax relief. Others complain about the deficit and say that's why they oppose spending. But everyone who complains about the deficit should support the goal of balancing the budget again. It's hypocritical to say you oppose the deficit but don't support the balanced budget amendment.

With the expenses of the war on terrorism, we won't balance the budget in the next year or two. And it will take a couple of years for

this amendment to be ratified by the states. We have to set our goal NOW to balance the budget again. Unless we commit to it, we'll never get the budget balanced again. First we must set the goal, then we work toward it.

Our children and our grandchildren will pay a heavy price if we do not return to a balanced budget. They not only would face the high taxes of big government, but they would bear the extra expense of paying off the bills that we are running-up today.

This Balanced Budget Amendment is identical to the language passed by a vote of 300–132 in 1995, as part of the original ''Contract With America,'' and then failed by one single vote in the U.S. Senate in 1997. Neither the House nor the Senate have voted on it since then. Obviously, we now have many new faces in Congress; we now have 212 House Members who have never been held accountable, because they have never had to vote on a Balanced Budget Amendment. We believe the time has come for every Member of Congress to address this issue head-on.

The amendment includes an exemption for times when Congress declares a national emergency. But during peacetime, it would require a supermajority of Congress for the federal government to operate at a deficit.

No ordinary law can restrain Congress, because Congress has the power to remove that safeguard whenever it wishes by a simple majority vote. The only real protection against deficit spending is constitutional protection. In light of the current national emergency, we need this amendment more than ever to ensure that deficit spending will end.

INTRODUCTION OF THE BILL ''TO PROVIDE FOR AND APPROVE THE SETTLEMENT OF CERTAIN LAND CLAIMS OF THE BAY MILLS INDIAN COMMUNITY''

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MILLER of Michigan. Mr. Speaker, for more than 100 years, the Bay Mills Indian Community has sought justice for the illegal sale of over 110 acres of Chippewa County lands which, prior to the sale, had been homeland to a large group of the Tribe's ancestors. Today I am introducing legislation that finally brings relief to this group of Michigan's Native people.

The legislation I propose today also brings too-long awaited relief to the non-Indian citizens of Michigan who live within the Tribe's Chippewa county claim area. Because the Indian claim has remained unresolved for many years, innocent homeowners have watched their property values plummet to 90 percent below what that property would otherwise be worth on the open market. This legislation accomplishes these ends by ratifying the Land Settlement Agreement signed by the Bay Mills Indian Community and the State of Michigan on August 23, 2002.

This Land Settlement Agreement is the product of a long and careful negotiation process between the Tribe and the State. It calls for the extinguishment of all of the Tribe's title and right to the Chippewa County disputed lands and in return provides for the Tribe to receive replacement land in Port Huron that will be put into trust (and therefore protected by federal law from illegal sale) by the Secretary of the Interior. Further, the settlement is structured in such a way as to ensure that neither the taxpayers of Michigan nor the taxpayers of the United States will ever be saddled with the cost of paying a monetary damage award, which otherwise could be quite substantial, to the Tribe.

Finally, and of particular importance to my constituents in the 10th District, the settlement agreement will enable the City of Port Huron and the Tribe to engage in desperately needed and mutually beneficial economic development, of a casino. The people of Port Huron approved a June 2001 casino advisory referendum. This legislation is critical in allowing the residents of the Port Huron community to actively participate in its economic recovery through the establishment of a casino approved by the people. The Port Huron community has been brutalized by the loss of thousands of manufacturing jobs, a double-digit unemployment rate that doubles our state and federal average and a Canadian casino located just 500 yards from our border. That casino attracts more than 1 million American visitors per year, which is devastating to our tourism and entertainment business. A casino on the American side of the border would create 3,000 American jobs while providing competition to our Canadian neighbors at the only border crossing with Ontario where we have not responded by having a casino of our own.

Resolution of this land claim is long overdue. In sponsoring this legislation, I am proud to be part of a solution crafted to benefit the Tribe, residents of the claim area, and the taxpayers of Michigan.

I join with the members of the Bay Mills Indian Community, the Charlotte Beach landowners, my constituents in Port Huron, and my distinguished colleague Congressman DON YOUNG in support of this proposed settlement. This legislation provides a fair solution that is long overdue for many Native Americans.

COMMENDING FACULTY AND STAFF OF EDWARD J. BRISCOE AND VAN ZANT—GUINN ELEMENTARY SCHOOLS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FROST. Mr Speaker, I rise today to commend the faculty and staff of Edward J. Briscoe and Van Zant-Guinn Elementary Schools. The principals of these two schools, Dr. Jennifer Brooks and Mrs. Constance Goines, respectively, are to be commended for the work they have done to improve the educational opportunities for young people in their communities. Both schools received the Title I, Part A Distinguished Performance Award. The Title I Award is given to a select number of schools around the country that exhibit outstanding performance in the areas of academic performance and achievement.

At Briscoe Elementary, Dr. Brooks has been honored on numerous occasions for the work she has done to help broaden the horizons for the children that attend her school. Her dedication to improving the basic skills of school age children helped secure a 5-Star Rating from Texas Monthly Magazine—the highest rating the statewide magazine gives to public schools. Most recently Briscoe received a TEA (Texas Education Agency) Exemplary Rating. The school also takes part in the prestigious Bass Performance Hall Program and encourages conversational Spanish with specially designed curriculum.

A few miles away to the north, children, parents, and the faculty of Van-Zant Guinn Elementary were also joyous in hearing the news that they too would be receiving a Title I Award. Their principal for the last nine years, Constance Goines, also deserves praise for the steps she has taken to make her school a success in the field of education. Van Zant-Guinn was also recognized by the TEA in 2002 as Exemplary and was given the agency's ''2002 Gold Performance Award'' for the progress that students made in Math and Reading. Mrs. Goines and her staff were also instrumental in initiating a program on campus called Homework Helper. Homework Helper provides kids who lack the ideal environment at home a more suitable place after school to do their homework.

Mr. Speaker, it is my hope that the Title I, Part A Distinguished Performance Award will continue to help improve the lives of school children, not only in Fort Worth, but throughout the country. Once again, I congratulate Dr. Jennifer Brooks and Constance Goines for all they do in regards to the schools they represent, our country and their receiving this award.

INTRODUCING MELANIE BLOCKER-STOKES POSTPARTUM DEPRESSION RESEARCH AND CARE ACT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. RUSH. Mr. Speaker, I rise today to honor the memory of Melanie Blocker-Stokes and all women who have suffered in silence from postpartum depression and psychosis. I am pleased that 47 of my colleagues have joined me in introducing the Melanie Blocker-Stokes Postpartum Depression Research and Care Act.

Chicago native, Melanie Blocker-Stokes was a successful pharmaceutical sales manager and loving wife of Dr. Sam Stokes. However, for Melanie, no title was more important than that of mother. Melanie believed motherhood was her life mission and fiercely wanted a daughter of her own. This dream came true on February 23, 2001 with the birth of her daughter, Sommer Skyy. Unfortunately, with the birth of her daughter, Melanie entered into a battle for her life with a devastating mood disorder known as postpartum psychosis. Despite a valiant fight against postpartum psychosis, which included being hospitalized a total of three times, Melanie jumped to her death from a 12-story window ledge on June 11, 2001.

Melanie was not alone in her pain and depression. Each year over 400,000 women suffer from postpartum mood changes. Nearly 80 percent of new mothers experience a common form of depression after delivery, known as ''baby blues.'' The temporary symptoms of ''baby blues'' include mood swings, feelings of

being overwhelmed, tearfulness, and irritability, poor sleep and a sense of vulnerability. However, a more prolonged and pronounced mood disorder known as postpartum depression affects 10 to 20 percent of women during or after giving birth. Even more extreme and rare, postpartum psychosis, whose symptoms include hallucinations, hearing voices, paranoia, severe insomnia, extreme anxiety and depression, strikes 1 in 1,000 new mothers.

Postpartum depression and psychosis afflicts new mothers indiscriminately. Many of its victims are unaware of their condition. This phenomena is due to the inability of many women to self-diagnose their condition and society's general lack of knowledge about postpartum depression and psychosis and the stigma surrounding depression and mental illness. Untreated, postpartum depression can lead to self-destructive behavior and even suicide, as was the case with Mrs. Blocker-Stokes. This was also evident in the case of Andrea Yates of Houston, Texas who drowned her five children.

This is why it is important for us to treat this silent disease which can have a dire impact on ones family and society in general. The challenge that we have as a Member of Congress is to bring awareness to all Americans, particularly families who have women who will give birth soon, or have given birth recently. This is a preventable disorder.

In remembrance of Melanie Blocker-Stokes and all the women who have suffered from postpartum depression and psychosis, as well as their families and friend who have stood by their side, I am introducing the Melanie Blocker-Stokes Postpartum Depression Research and Care Act which will:

Expand and intensify research at the National Institute of Health and National Institute of Mental Health with respect to postpartum depression and psychosis, including increased discovery of treatments, diagnostic tools and educational materials for providers;

Provide grants for the delivery of essential services to individuals with postpartum depression and psychosis and their families, including enhanced outpatient and home-based health care, inpatient care and support services.

It is my hope that through this legislation we can ensure that the birth of a child is a joyous occasion time for the new mother and family, and not a time of mourning over the loss of yet another mother and child.

COMMEMORATING RETIREMENT OF GARY GRZANICH

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. EVANS. Mr. Speaker, I would like to take this opportunity to commemorate the retirement of one of Central Illinois' most dedicated public servants. For the past 28 years, my friend Gary Grzanich has served as the Fulton County Regional Superintendent of Schools in Lewistown, Illinois. An innovative administrator, Mr. Grzanich worked tirelessly to ensure his students an exceptional learning environment and unequaled educational opportunities both in school and in extracurricular activities.

A Fulton County native, Mr. Grzanich graduated from Canton High School and received both his Bachelor's Degree and Educational Specialist Degree from Western Illinois University. He later attended Bradley University in Peoria, where he was awarded a Master's Degree. A teacher and coach for 11 years, Mr. Grzanich went on to work for the Illinois State Board of Education before running for Fulton County Regional Superintendent of Schools in 1974. Aided by hand-painted signs, he won the post and held it despite periodic electoral opposition until November 2002.

Gary Grzanich's 28 years of service yielded a vast array of accomplishments benefitting both his students and the wider Illinois educational community. The Chairman of the Mid-Illini Educational Cooperative, he was also a member of the Illinois Association for Supervision and Curriculum Development (IASCD) and the Superintendents' Round Tables at both Bradley University and Western Illinois University. He established a Cooperative Testing Program in Fulton County schools, initiated the GED Testing Program in Fulton County, introduced Madeline Hunter's ''Science of Teaching'' theories to Fulton County teachers, and launched an Institute Day for his schools' gifted students. Mr. Grzanich worked to promote the fine arts through comprehensive arts grants, brought the substance abuse DARE program to Fulton County students, and initiated a county-wide policy on AIDS. In addition to these achievements, he also held posts in the Regional Superintendents' Association and the Illinois Association of School Administrators, and is a past member of the State Certification Board and the Blue Ribbon Committee for Teacher Preparation and Training.

A lifelong Democrat, Mr. Grzanich is married to Dian and has two children, Susan and Jon. Fittingly, both his daughter and son grew up to become teachers in Central Illinois. He still lives in Canton, and will most likely keep himself busy hunting and fishing during retirement.

On behalf of Fulton County and the rest of the 17th District, I would like to extend my sincerest thanks to Gary Grzanich for his many years of service to the youth of Illinois. His hard work and unfailing leadership will be sorely missed.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE ''COLUMBIA''—HOUSE RESOLUTION 51

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. McCOLLUM. Mr. Speaker, I rise to join my colleagues in support of H. Res. 51, a resolution expressing condolences to the families of the crew of the space shuttle *Columbia*. Together, our nation, the people of Israel and the entire world grieve the loss of these seven heroes and remember their extraordinary lives.

In the days following this terrible tragedy, millions of Americans have struggled to cope with the loss of these astronauts. We have worried about the ramifications of this accident for the future of our space program. But this past Tuesday, I was reminded by the students of the Farnsworth Aerospace Elementary School in Saint Paul, Minnesota that this tragedy can not diminish our hopes or dampen our desire to go after our dreams.

In a touching memorial service, the Farnsworth students recalled the history of the space program and told the stories of the seven astronauts that they regarded as their heroes. Even as they expressed their sadness about the loss of these astronauts, the students shared their undeterred dreams to travel to space some day.

Like the *Columbia* astronauts, the students of Farnsworth Aerospace Elementary School have always understood that travel into space is remarkable, but never routine, ordinary or without risk. While men and women across America mourn this tragic event, we must remember that our nation will overcome this tragedy and once again allow mankind to venture into space.

The students of Farnsworth Aerospace Elementary School serve as an inspiration to us all. As they keep reaching for the stars, I will hold onto hope that some day, they will make it there.

INTRODUCTION OF THE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CRANE. Mr. Speaker, I am pleased to rise today with my friend and colleague, Mr. POMEROY, to reintroduce the Patient Access to Physical Therapists Act. This bill will allow Medicare beneficiaries direct access to qualified physical therapists without a physician referral.

Currently, Medicare beneficiaries must see a physician before being allowed to see a physical therapist. This burdensome requirement in Medicare is a regulation whose time has passed. The referral mandate is unnecessary and limits access to timely and medically necessary physical therapists' services. I believe that providing Medicare beneficiaries with direct access to physical therapists is critical as Congress looks to modernize the Medicare program.

All health care consumers should have the ability to choose the health care services they want when they need it. Allowing Medicare beneficiaries to have direct access to physical therapists will help achieve that goal. Currently, 47 states and the District of Columbia allow direct access to physical therapist evaluation and 35 states, including the state of Illinois allow their citizens to access physical therapists' services without the added cost of a physician referral. The Medicare Patient Access to Physical Therapists Act would allow Medicare beneficiaries in these states to access care that is already available to other residents of the state.

Direct access to physical therapists allows for improved access to quality health care services. A study of BlueCross BlueShield insurance claims in Maryland indicates that when a patient has direct access to physical therapists, services are neither over-utilized nor do they result in higher costs for physical therapy. To the contrary, the study found that

the costs incurred for episodes of physical therapy care were 123 percent lower when patients went to a physical therapist directly. State boards that regulate physical therapy confirm that patient safety is not compromised by the elimination of the referral requirement. With this in mind, the policy of improved access to physical therapists is healthy to the Medicare program and its beneficiaries. It is clear that improved access to physical therapists will maintain this critical balance of patient safety, cost to Medicare program, and improved beneficiary service. Medicare beneficiaries should have the same access to physical therapists as the rest of patients in Illinois and 35 other states.

Providing better access to qualified physical therapists will help ensure patients receive quality health care for all Americans. Mr. Speaker, I ask my colleagues for their consideration and support of the Patient Access to Physical Therapists Act.

NEW JERSEY'S 11th DISTRICT—PRIME RECRUITING GROUND FOR ACADEMIES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average proportion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of our area is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of the Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism that handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as is true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and to thank them publicly for participating in this important panel. Being on the board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed over 50 applicants. Nominations included 19 to the Naval Academy, 15 to the Military Academy, 2 to the Merchant Marine Academy and 7 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. Congressman FRELINGHUYSEN then forwarded the recommendations to the academies by January 31, where recruiters reviewed files and notified applicants and my office of their final decision on admission.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it be in Afghanistan, the Persian Gulf or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2002 11TH CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE ACADEMY

Mark C. Domogola, Short Hills, Millburn H.S.; Mark Cavanaugh, Flanders, Mt. Olive H.S.; Michael D. Fitzsimmons, Andover, Lenape Valley H.S., Hannah Minchew, Mountain Lakes, Mountain Lakes H.S.; Andrew J. Moreno, Chester, West Morris Mendham H.S.; Don N. Smith, Sparta, Sparta H.S., Joseph E. Ziega, Sparta, Sparta H.S.

MERCHANT MARINE

Matthew J. Pulitano, Randolph, Morris Catholic H.S. Donald G. Maye, Bridgewater, Bridgewater-Raritan H.S.

MILITARY ACADEMY

Lee W. Barnes, Mendham, Rutgers; Duane W. Clark, Bloomingdale, Butler H.S.; Robert Connelly, Brookside, West Morris Mendham H.S.; Phillip A. Durkin, Sparta, Pope John XXIII H.S.; John R. Fiddes, III, Long Valley, Delbarton Andrew D. Filauro, Denville, Morris Knolls H.S.; Allison T. Gaydosh, Bridgewater, Bridgewater-Raritan H.S.; Edward Gibbons, Chatham, Chatham H.S.; Timothy Kuppler, Basking Ridge, Ridge H.S.; Jason C. McKay, Bridgewater, Bridgewater-Raritan H.S.; Timothy Nagle, Bridgewater, Bridgewater-Raritan H.S.; William C. Nordlund, Mendham, St. Georges School; John R. Rashap, Randolph, Randolph H.S.; Todd R. Stawicki, Bridgewater, Rutgers; Paul R. Wistermayer, Denville, Morristown Beard School.

NAVAL ACADEMY

David S. Bellomo, Whippany, Whippany Park H.S.; Gregory D. Butler, Bloomingdale, Bulter H.S. Joseph L. Caprio, Denville, Morris Knolls H.S.; Shannon E. Clancy, Califon, West Morris Central H.S.; Michael J. Coffey, Succasunna, Roxbury H.S.; Benjamin B. DeWitt, Mendharm, Hill School; Christopher T. Dibble, Somerville, Somerville H.S.; Thomas K. Gallant, West Caldwell, James Caldwell H.S.; Joshua Haba, North Caldwell, West Essex H.S. Bryce C. Holden, Sparta, Sparta H.S.; Richard L. Kilcoyne, III, Essex Fells, West Essex H.S.; Paul S. Kim, Kinnelon, Kinnelon H.S.; Emily A. Laraway, Long Valley, West Morris Central H.S.; Daniel M. Leahey, Morris Plains, Morristown H.S.; Matthew F. Minor, Kinnelon, Kinnelon H.S.; Gregory A. Pappianou, Chester, West Morris Mendham H.S.; Erin C. Reeve, Madison, Madison H.S.; Christopher C. Smith, Succasunna, Roxbury H.S.; Craig G. Wilson, Sparta, Sparta H.S.

TRIBUTE TO THE AUSTRALIAN EXCHANGE WASHINGTON INTERNSHIP PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CLYBURN. Mr. Speaker, it gives me great pleasure to rise today to celebrate a unique international exchange that continues to enrich this institution and The Other Body annually.

Australia is half a world away from this chamber and my constituents in the Sixth Congressional District of South Carolina. Yet Australians and Americans are close international allies and, in many ways, exceptionally close cousins in our democratic institutions, in our multiculturalism, and in the value we place on friendship.

Since 2000, a select handful of Australian university students have made the journey, at great personal expense, from Adelaide in South Australia to spend six-weeks full-time in very welcoming congressional offices. This year was my first such opportunity to host such an entrepreneurial student in Alison Cupper, who is originally from the neighboring Australian state of Victoria.

Alison has been a tireless assistant since the moment she arrived. She is here to study, which she has done daily in her enthusiasm to

learn all she can about the American system of government and in how even a brief visitor from overseas can help serve the people of South Carolina.

Alison is by no means alone in this adventure. Whether it has been Grant Harvey-Mutton in the office of Senator CHUCK HAGEL, or Briony Whitehouse in the office of SEN. CHRISTOPHER DODD, or Tamara Gale with our colleague ALCEE HASTINGS, or Joshua Bolton in the office of JERRY NADLER—each of the students has brightened our days with their curiosity, humanity, and the demeanor of the best tradition of polished diplomats.

Both the U.S. and Australian governments have been strong supporters of this exchange, and rightly so. It is an effort I hope continues on a small staple of US-Australian relations.

Late last month, Mr. Speaker, the Roll Call newspaper offered a small portrait of the program and its participants. I offer that text here to you and our colleagues so that we may all celebrate the value of this exchange, which is so delightfully focused on the students, and from which we can reinforce the values we hold dear about ourselves and about the world in which we live. Mr. Speaker, please join me and my colleagues in thanking everyone involved in creating and shepherding this internship program from its initial concept to the thriving institution it has become. They have done this nation and the Australian people numerous proud acts of public service, which I hope will continue for many years to come.

[From Roll Call, Jan. 27, 2003]

FAR FROM HOME; AUSTRALIANS BRAVE SNOW, STRONG DOLLAR FOR INTERNSHIPS

(By Raya D. Widenoja)

Coming to Washington is always an adventure, but just imagine coming from the other side of the world. Five students from Flinders University in Adelaide, Australia, have, braving the elements for a back-stage look at American politics.

''It's just so bloody cold,'' commented Grant Harvey-Mutton, who recently left high summer in Adelaide to intern in Sen. Chuck Hagel's (R-Neb.) office on the 4–year-old program arranged by former Democratic Hill aide Eric Federing.

Federing, who is now the director of business public policy and government affairs for KPMG, was motivated to start the program after traveling and lecturing in Australia. He runs the program on a pro bono basis with professor Don DeBats of Flinders' American studies department. ''The idea is to put good people in good places with good people,'' Federing says of his organizational philosophy. ''[The students] learn stuff by being here that they couldn't possibly know otherwise . . . and some have parlayed this experience into good jobs in the Australian government.''

Accompanying Harvey-Mutton are Joshua Balfour of Adelaide in Rep. Jerrold Nadler's (D-N.Y.) office; Alison Cupper of Mildura in Rep. James Clyburn's (D-S.C.) office; Tamera Gale of Yacka in Rep. Alcee Hastings' (D-Fla.) office; and Briony Whitehouse of Adelaide in Sen. Chris Dodd's (D-Conn.) office. Their internships will last until Feb. 14, with a reception in their honor at the Australian Embassy on Feb. 5.

The program is as much about bridging the cultural gap between the United States and Australia as it is about politics, says Federing. Although the countries are very similar in some ways, he says what the Australians call ''the tyranny of distance'' encourages a mutual ignorance.

The students haven't been here long—arriving on Christmas Day—but they already have interesting tidbits to share about the differences in political culture.

''I was surprised at how polite the Members are to each other [in the chamber],'' said Balfour. Members of parliament in Australia are much more ''irreverent'' when they address one another, Federing explained, and their remarks are generally ''less scripted.''

Gale said one of the most interesting things she has noticed is the seating arrangement on the House floor. In Australia the two main parties literally ''face off'' in opposing rows, so it was odd for her to see the Members all facing the Speaker.

Cupper, who studies law as well as international relations, said she was surprised to see how individualism manifests itself in U.S. culture and to observe the comparative weakness of organized labor movements. In Australia, one of the two main parties is called the Labor Party.

The program has garnered high praise from its start. In March 2000, after the first students left, Rep. Loretta Sanchez (D-Calif.) submitted remarks for the Congressional Record praising the program and her intern, Estee Fiebiger, who, among other things, helped Sanchez's office analyze human rights in Vietnam. Back in Australia, Fiebiger was inspired by her experience to start an internship program of her own in the Labor Party.

According to Federing, at least twice as many Congressional offices have expressed interest in hosting the interns than are available. He is considering expanding the program, but despite growing interest among Flinders students—in part because even domestic political internships are uncommon in Australia—few students actually qualify so far.

The students must major either in American studies or political science, but it's the program's cost that really narrows the field. The students' airfare and housing is subsidized, but their out-of-pocket expenses add up to about 8,000 Australian dollars, which translates into $4,500 for the six-week program.

''Interns would be beating down your door,'' Harvey-Mutton said, ''if it weren't for the cost.''

IN COMMEMORATION OF THE DAY OF REMEMBRANCE—RE-INTRODUCTION OF THE WARTIME PARITY AND JUSTICE ACT OF 2003

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BECERRA. Mr. Speaker, I rise today on behalf of my constituents to commemorate the Day of Remembrance. As we know, on February 19, 1942, then President Franklin D. Roosevelt signed Executive Order 9066 that led to the internment of 120,000 Americans of Japanese descent. With the stroke of a pen, innocent men, women, and children became prisoners and were branded disloyal to the nation they called home. Lives were disrupted and homes were broken as these Americans were uprooted from their communities and locked behind barbed wire fences.

The force of wartime hysteria darkened the light of justice and reasonable people suddenly embarked on an unreasonable course. Indeed, America was engaged in a monumental struggle as our soldiers engaged the enemy in the European and Pacific Theatre. Here in the United States, many citizens had faces that looked like that of the enemy. Without any evidence, fear was mounting, and the patriotism of these Japanese Americans was questioned. Some worried that they were intent on doing harm against the very flag they saluted. Decades later, history vindicated these loyal Americans as not even a single documented case of sabotage or espionage was committed by an American of Japanese ancestry during that time.

What our nation found through the disinfectant of time, those who endured internment knew all along. Surrounded by armed guards behind a prison fence, mothers thought of their sons who fought for the freedom of the nation that denied them of their own liberty. Indeed today the annuls of military history show that the Japanese American soldiers of the 442nd and combat regiment fought honorably and bravely for ideals they knew our nation had not yet afforded to their own families back home. Still, they were worth fighting for. And this regiment would become the most decorated group of soldiers in American history as they proved their devotion to our nation fighting in both the European and Pacific theatres. It took more than 50 years, but finally in 2000, President Bill Clinton awarded 22 of these heroes with the Medal of Honor.

In 1983, a Presidential Commission concluded that the internment was the result of both racism and wartime hysteria. Five years later, then President Ronald Reagan signed the Civil Liberties Act into law that provided an official apology and redress to most of those confined in U.S. internment camps during World War II. This was the culmination of half a century of struggle to bring justice to those to whom it was denied. I am proud that our nation did the right thing. But fifteen years after the passage of the CLA, we still have unfinished work to be done to rectify and close this regrettable chapter in our nation's history.

Last Congress, I introduced bi-partisan legislation in Congress to finish the remaining work of redress. While most Americans are aware of the internment of Japanese Americans, few know about our government's activities in other countries resulting from prejudice held against people of Japanese ancestry. Recorded thoroughly in government files, the U.S. government involved itself in the expulsion and internment of an estimated 2,000 people of Japanese descent who lived in various Latin American countries. Uprooted from their homes and forced into the United States, these civilians were robbed of their freedom as they were kidnapped from nations not even directly involved in World War II. These individuals are still waiting for equitable redress, and justice cries out for them to receive it. That is why today I re-introduced the Wartime Parity and Justice Act of 2003 to finally turn the last page in this chapter of our nation's history.

This bill provides redress to every Japanese Latin American individual forcibly removed and interned in the United States. These people paid a tremendous price during one of our nation's most trying times. Indeed, America accomplished much during that great struggle. As we celebrate our great achievements as a nation let us also recognize our errors and join together as a nation to correct those mistakes. My legislation is the right thing to do to affirm our commitment to democracy and the rule of law.

In addition, the Wartime Parity and Justice Act of 2003 provides relief to Japanese Americans confined in this country but who never received redress under the Civil Liberties Act of 1988 given technicalities in the original law. Our laws must always establish justice. They should never deny it. That is why these provisions ensure that every American who suffered the same injustices will receive the same justice. Finally, my legislation will reauthorize the educational mandate in the 1988 Act which was never fulfilled. This will etch this chapter of our nation's history into our national conscience for generations to come as a reminder never to repeat it again.

Mr. Speaker, let us renew our resolve to build a better future for our community as we dedicate ourselves to remembering how we compromised liberty in the past. Doing so will help us to guard it more closely in the future. As we commemorate the Day of Remembrance, I look forward to working with my colleagues to pass the Wartime Parity and Justice Act of 2003.

WESTERN ENVIRONMENTAL TECHNOLOGY OFFICE

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. REHBERG. Mr. Speaker, I rise to call the attention of Members of the House to critical federal programs conducted at the Western Environmental Technology Office, or WETO, located in Butte, Montana. These programs involving the National Energy Technology Laboratory are funded under Energy and Water Development Appropriations.

First, I want to commend Chairman HOBSON and Ranking Member VISCLOSKY, and the members of the House Appropriations Subcommittee on Energy and Water Development, for their action to restore over $11 million in funds that were eliminated from the FY 2003 budget for the U.S. Department of Energy's Office of Science and Technology, within the Environmental Management program. The Office of Science and Technology has a critical mission in providing cost effective technology to clean up contaminated federal property across the country, and it deserves the strong support of the Congress.

I continue to be very concerned, however, about the likely adverse effects of proposed Office of Science and Technology cutbacks on our nation's ability to perform cost effective and timely remediation of the DOE's contaminated sites around the country.

More specifically, I am concerned about the continuation of the important work of DOE's Western Environmental Technology Office. At the WETO facility, the National Energy Technology Laboratory provides critical support to DOE's Office of Science and Technology. Their activities help facilitate DOE's demonstration, evaluation and implementation of technologies that promise to provide much-needed solutions to the environmental cleanup challenges at various DOE sites.

DOE's Research and Development contract for the Western Environmental Technology Office, originally awarded in FY 1997, has been extended through the end of FY 2004.

That contract extension provided that DOE would fund WETO at the following levels: $6 million in FY 2002, $6 million in FY 2003, and $4 million in FY 2004. However, in FY 2002 WETO received only $5 million, $1 million short of the DOE's contractual obligation.

It is critically important to preserve this commitment to WETO and continue funding on schedule at a rate that will account for last year's shortfall.

I would add that the operations and activities of WETO are very important to the economy in Montana. Many professionals have chosen western Montana as their home while they serve our nation's challenge to clean up contaminated DOE sites.

Mr. Speaker, I would submit to my colleagues that when the Department of Energy makes contracts for multi-year programs in such important areas as WETO, where the Department's Science and Technology Office is developing and implementing technologies to remediate contaminated federal sites, these agreements must be honored.

UPON THE INTRODUCTION OF THE MORRIS K. UDALL ARCTIC WILDERNESS ACT OF 2003

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MARKEY. Mr. Speaker, we are here to introduce legislation that would permanently protect the Coastal Plain of the Arctic Refuge from development. The Morris K. Udall Wilderness Act of 2003 honors an extraordinary environmentalist by protecting, in his name, this extraordinary piece of America's wilderness. And we are proud of the fact that begin this battle in the 108th Congress with more original cosponsors than in any other previous Congress—133 upon introduction—a testament to the growing national demand to keep the developers out of this precious wilderness and to preserve it in its current pristine, roadless condition for future generations of Americans.

We have a bipartisan legacy to protect, and we take it very seriously. It is a legacy of Republican President Eisenhower, who set aside the core of the Refuge in 1960. It is a legacy of Democratic President Carter, who expanded it in 1980. It is the legacy of Republican Senator Bill Roth and Democratic Representative Bruce Vento and especially Morris Udall, who fought so hard to achieve what we propose today, and twice succeeded in shepherding this wilderness proposal through the House. Now is the time to finish the job they began now is the time to say ''Yes'' to setting aside the Coastal Plain as a fully protected unit of the Wilderness Preservation System.

The coastal plain of the Refuge is the biological heart of the Refuge ecosystem and critical to the survival of caribou, polar bears and over 160 species of birds. When you drill in the heart, every other part of the biological system suffers.

This Valentine's Day, the oil industry is in a state of lobbying frenzy to give Cupid a bad name. It wants to pierce the heart of the Arctic Refuge with oil wells and drill bits, all the while calling this an act of environmental friendliness. The industry loves the Refuge so much that it wants to brand it with scars for a lifetime.

Turning the Coastal Plain of the Arctic Refuge into an industrial footprint would not only be bad environmental policy, it is totally unnecessary. According to EPA scientists, if cars, mini-vans, and SUV's improved their average fuel economy just 3 miles per gallon, we would save more oil within ten years than would ever be produced from the Refuge. Can we do that? We already did it once! In 1987, the fleetwide average fuel economy topped 26 miles per gallon, but in the last 13 years, we have slipped back to 24 mpg on average, a level we first reached in 1981! Simply using existing technology will allow us to dramatically increase fuel economy, not just by 3 mpg, but by 15 mpg or more—five times the amount the industry wants to drill out of the Refuge.

Our dependence on foreign oil is real, but we cannot escape it by drilling for oil in the United States. We consume 25 percent of the world's oil but control only 3 percent of the world's reserves. 76 percent of those reserves are in OPEC, so we will continue to look to foreign suppliers as long as we continue to ignore the fuel economy of our cars and as long as we continue to fuel them with gasoline.

The public senses that a drill-in-the-Refuge energy strategy is a loser. Why sacrifice something that can never be re-created this one-of-a-kind wilderness simply to avoid something relatively painless—sensible fuel economy?

Is it any wonder its credibility with the American public has sunk to new lows? According to poll after poll after poll, preserving this public environmental treasure far outweighs the value of developing it. The latest poll, done by Democratic pollster Celinda Lake and Republican pollster Christine Matthews, shows a margin of 62–30 percent opposed to drilling for oil in the refuge. The public is making clear to Congress that other options should be pursued, not just because the Refuge is so special, but because the other options will succeed where continuing to put a polluting fuel in gas-guzzling automobiles is a recipe for failure.

That's the kind of thinking that leads not just to this refuge, but to every other pristine wilderness area, in a desperate search for yet another drop of oil. And it perpetuates a head-in-the-haze attitude towards polluting our atmosphere with greenhouse gases and continuing our reliance on OPEC oil for the foreseeable future.

If we allow drilling in the Arctic Refuge, we will have failed twice—we will remain just as dependent on oil for our energy future, and we will have hastened the demise of an irreplaceable wildlife habitat.

We have many choices to make regarding our energy future, but we have very few choices when it comes to industrial pressures on incomparable natural wonders. Let us be clear with the American people that there are places that are so special for their environmental, wilderness or recreational value that we simply will not drill there as long as alternatives exist. The Arctic Refuge is federal land that was set aside for all the people of the United States. It does not belong to the oil companies, it does not belong to one state. It is a public wilderness treasure, we are the trustees.

We do not dam Yosemite Valley for hydropower.

We do not strip mine Yellowstone for coal.

And we should not drill for oil and gas in the Arctic Refuge.

We should preserve it, instead, as the magnificent wilderness it has always been, and must always be.

HONORING RICHARD COWAN FOR HIS CONTRIBUTIONS TO LEGAL ASSISTANCE FOR SENIORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the accomplishments of Richard Cowan, Executive Director of Legal Assistance for Seniors (LAS) and its well-known Health Insurance Counseling and Advocacy Program (HICAP). HICAP's health insurance counseling program provides the local assistance seniors need to make sure Medicare works for them.

With a leadership style of humor and compassion, Richard Cowan has steered LAS and HICAP through a major growth in services, outreach, and budget during his nine-year tenure as Executive Director. The agency's size has quadrupled under Cowan's leadership, and the legal staff has increased from six attorneys to thirteen.

Richard Cowan worked to develop Healthy Seniors, a program that unites the work of LAS and HICAP, and he led the Senior Immigrant Legal Services Project. He advocated for the Elder Abuse Prevention and Grandparent/Kin Caregiver programs and strengthened the agency's ties throughout Alameda County's senior, social services, health, and legal networks.

He spearheaded development of several LAS newsletters, and expanded LAS's funding resources to include over 30 major individual donors and firm contributors. Also, Cowan oversaw the hiring of a diverse LAS staff, which has the capability to assist clients in eight languages. He was a founding member of Alameda County Senior Services Coalition and Save Oakland Seniors, two groups dedicated to advocating for increased senior services.

Prior to joining LAS, Richard Cowan was Executive Director of the Conciliation Forums of Oakland, a citywide dispute resolution center, for six years, and interim Executive Director of the Volunteer Centers of Alameda County for one year. He earned his Bachelor of Arts, Master of Arts, and Masters of Public Health degrees from the University of California, Berkeley.

I am honored to join the colleagues of Richard Cowan in commending him for his years of exemplary leadership at Legal Assistance for Seniors. I have great respect for the work of Mr. Cowan and this organization. Under his direction, Legal Assistance for Seniors has become a program that should be modeled nationwide.

SPECIAL ORDER: CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WAXMAN. Mr. Speaker, last Friday, February 7, the General Accounting Office abandoned its efforts to obtain basic records about the operations of the White House task force on energy policy. This action received only limited attention, and few people fully understand its profound consequences.

When we have divided government, the public can expect Congress to conduct needed oversight over the Executive Branch. But today we are living in an era of one-party control. This means the House and the Senate aren't going to conduct meaningful oversight of the Bush Administration.

When there is one-party control of both the White House and Congress, there is only one entity that can hold the Administration accountable . . . and that is the independent General Accounting Office.

But now GAO has been forced to surrender this fundamental independence.

When GAO decided not to appeal the district court decision in Walker v. Cheney, it crossed a divide. In the Comptroller General's words, GAO will now require ''an affirmative statement of support from at least one full committee with jurisdiction over any records access matter prior to any future court action by GAO.''

Translated, what this means is that GAO will bring future actions to enforce its rights to documents only with the blessing of the majority party in Congress.

This is a fundamental shift in our systems of check and balances. For all practical purposes, the Bush Administration is now immune from effective oversight by any body in Congress.

Some people say GAO should never have brought legal action to obtain information about the energy task force headed by Vice President Cheney. But in reality, GAO had no choice.

The Bush Administration's penchant for secrecy has been demonstrated time and again. The Department of Justice has issued a directive curtailing public access to information under the Freedom of Information Act. The White House has restricted access to presidential records. The Administration has refused to provide information about the identity of over 1,000 individuals detained in the name of homeland security.

The White House deliberately picked this fight with GAO because it wants to run the government in secret.

GAO's efforts to obtain information about the Cheney task force began with a routine request. The task force was formed in January 2001 to make recommendations about the nation's energy future. During the course of the task force's deliberations, the press reported that major campaign contributors had special access to the task force while environmental organizations, consumer groups, and the public were shut out. Rep. Dingell, the ranking member of the Energy and Commerce Committee, and I felt that Congress and the public had the right to know whether and to what extent the task force's energy recommendations may have been influenced by well-connected outside parties. Accordingly, we asked GAO to obtain some basic information on the energy task force's operations, such as who was present at each meeting of the task force, who were the professional staff, who did the Vice President and task force staff meet with, and what costs were incurred as part of the process. We did not request, and GAO did not seek, information on internal communications.

From the start, the White House assumed a hostile and uncompromising position, arguing that GAO's investigation ''would unconstitutionally interfere with the functioning of the Executive Branch.'' Stand-offs between Congress and the White House are not new, of course. Typically, they are resolved through hard bargaining and compromise. But the White House made clear that it wasn't willing to bargain or to compromise. Even when GAO voluntarily scaled back its request—dropping its request for minutes and notes—the Vice President's office was intransigent.

The White House's contempt for legitimate congressional requests for information was apparent even in the one area in which it conceded GAO's authority. The Vice President acknowledged that GAO was entitled to review the costs associated with the task force. However, the only information he provided to GAO about costs were 77 pages of random documents. Some of the pages consisted of simply numbers or dollar amounts without an explanation of what the money was for; other pages consisted only of a drawing of cellular or desk phones. Without an explanation—which the Administration refused to provide, of course the information was utterly useless.

The statutes governing GAO's authority spell out an elaborate process which the agency must follow before initiating any litigation against the Executive Branch. The statute even gives the White House authority to block litigation by certifying that disclosure ''reasonably could be expected to impair substantially the operations of the Government.''

In this case, GAO followed the letter and the spirit of that statute, even giving the White House an opportunity to file a certification. But the White House position was that GAO had no right even to ask for documents. Faced with an Administration that had no interest in reaching an accommodation, GAO was left with a stark choice: GAO could drop the matter, effectively conceding the White House's position that it was immune from oversight, or it could invoke its statutory authority to sue the Executive Branch. Reluctantly, on February 22, 2002, GAO filed its first-ever suit against the Executive Branch to obtain access to information.

It's not hard to figure out why the White House was so eager to pick a fight with GAO. After all, GAO provides the muscle for Congress' oversight function. Over the past century, Congress has increasingly turned to GAO to monitor and oversee an Executive Branch that has ballooned in size and strength. Moreover, because it has earned a reputation for fairness and independence, GAO is particularly threatening to an Administration that doesn't want to be challenged on any front.

GAO's effort failed at the trial level. In December, the district court in the case issued a sweeping decision in favor of the Bush Administration, ruling that GAO has no standing to sue the Executive Branch. The judge who wrote the decision was a recent Bush appointee who served as a deputy to Ken Starr during the independent counsel investigation of the Clinton Administration. The judge's reasoning contorted the law, and it ignored both Supreme Court and appellate court precedent recognizing GAO's right to use the courts to enforce its statutory rights to information.

This brings us to last week. Before deciding whether to pursue an appeal, the Comptroller General consulted with congressional leaders.

He found no support among Republican leaders for an appeal. And he decided not to appeal.

The judge's ruling raised major institutional issues about Congress' power to investigate the Executive Branch. But Republican leaders put party ahead of the institution and partisanship ahead of principle.

The hypocrisy about this issue on the Republican side is simply breathtaking. During the 1990s, it was Republicans in Congress who embarked on a concerted effort to undermine the authority of the President. Congressional committees spent over $15 million investigating the White House. They demanded—and received—information on the innermost workings of the White House. They subpoenaed top White House officials to testify about the advice they gave the President. They forced the White House to disclose internal White House documents—memos, e-mails, phone records, even lists of guests at White House movie showings. And they launched countless GAO investigations into everything from President Clinton's Health Care Task Force to his working group on China Permanent Normal Trade Relations.

And if the White House resisted, these same leaders insisted that Congress and the public's right to know was paramount. Defending his numerous demands for White House records, for example, Rep. Dan Burton insisted on the House floor that ''public disclosure of the facts is the essence and in large part the purpose of congressional oversight. The American people have a right to know the facts.'' And other Republican leaders reiterated this message over and over again on countless television talk shows.

But now that President Bush and Vice President Cheney are in office, suddenly these priorities have changed. Oversight is no longer a priority. In fact, it's something to be avoided at all costs, including sacrificing the independence of GAO. Even when GAO asks for the most basic information—what private interests met with a White House task force—the answer is that GAO is not entitled to ask these questions.

By pressuring GAO to accept a badly flawed court decision, Republican leaders placed expediency over principle. In the short term, they will get what they want—a Bush White House that is accountable to no one. In the long term, however, they have done lasting damage to the balance of powers between Congress and the White House.

Consider this irony: In their eagerness to undermine the Clinton White House, Republicans in Congress tried to tear down the presidency. Now, in their eagerness to protect the Bush White House, they are willing to tear down Congress.

The implications of GAO's decision not to appeal are enormous. Without a realistic threat of legal action, GAO loses most of its leverage. In effect, the agency's ability to conduct effective independent investigations is emasculated. And in the process, core American values of open government and accountable leaders have been sacrificed.

The Comptroller General has stated that his decision not to appeal will have little impact on the day-to-day operations of GAO. There is some truth to this. Much of what GAO does every day are routine audits of government programs that virtually everyone supports. GAO will be able to continue this routine work. And if a Republican-controlled committee ever urges GAO to pursue a controversial investigation of the Bush Administration, GAO may be able to do this. But don't hold your breath.

What has been lost, however, is something very precious: it is GAO's ability to be more than an auditor of government books. To truly serve Congress and the American people, GAO needs the ability to take on important assignments even if they are not supported by the majority party, and it needs the authority to carry them out effectively even if they are controversial. This essential independence is now gone.

For the first time in its history, GAO's shield of nonpartisanship has been pierced. In this new world, partisan considerations matter. Congressional Republicans can dictate GAO action; congressional Democrats can't. That is a sea change in GAO's mission.

In the last eight years, some of our most important congressional powers have been misused for partisan purposes. We've seen the power to subpoena documents or individuals abused and twisted beyond recognition. The power to immunize witnesses was trivialized. The power to hold officials in contempt became a cheap political tool. And the power to impeach a President was reduced to a campaign strategy.

Now the General Accounting Office, with its well-deserved reputation for superb work, becomes the latest casualty of partisanship. We are losing something very special here, and it is slipping away almost without notice.

I ask unanimous consent to insert three short documents into the RECORD. They are an exchange of correspondence with the Comptroller General on this issue and a fact sheet on the Walker v. Cheney case that my staff has prepared.

COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CONYERS. Mr. Speaker, I voted ''present'' on the resolution offered by the Gentleman from Virginia (Mr. CANTOR) on the Israel-Palestine controversy. Because of the extensive interest in that resolution, I would like to explain the basis of my vote. For nearly a year, I have worked more intensively on this controversy than on any of the other pressing matters before us, with the exception of the looming disaster in Iraq. My aim has been to convince my colleagues that—despite the understandably intense feelings many have on this matter—it is crucial that we promote and engage in honest dialogue about the terribly difficult questions posed by the Middle East crisis. That delicate dialogue must be marked by as much civility and mutual respect as we can muster, and by a relentless effort to understand viewpoints we may not share.

Finger-pointing, brandishing claims and grievances may seem totally justified and important to express. The intensity of feeling is obvious and understandable. But surely the goal of halting violence and resolving the dispute is paramount. I believe its priority requires that my words and conduct in this body be consistent with advancing this dialogue. At the end of this long national debate, we must somehow achieve a national consensus.

Dr. King once reminded us that countries, like people, which have been the bitterest enemies must someday realize their fate is intertwined.

''We are caught in an inescapable network of mutuality, tied in a single garment of destiny''

Over the course of the last ten months, I have spoken with many colleagues on both sides of the aisle, and on both sides of the Capitol, urging that we create and continue an inclusive forum in which different views about the Mideast could be freely expressed freely and listened to carefully.

With several other equally concerned colleagues, I convened a series of discussion meetings to which all Members have been invited. House Members of all faiths have attended them. They also have been attended by rabbis, ministers, priests and imams, as well as by senior officials of Arab-American and Jewish-American organizations concerned about the Middle East crisis. Other participants have included Yitzhak Rabin's son; President Carter's NSC officer for the Camp David Agreement between Israel and Egypt; one of President Clinton's negotiators in the 2000 Palestinian-Israeli peace negotiations; the U.S. Conference of Catholic Bishops' representative on institutions in the Holy Land; the Vice-President for International Affairs of the American Jewish Committee, the President of the Arab-American Institute; a Deputy Secretary General of the National Council of Christian Churches, and two representatives—one Israeli and one Palestinian—of an association of bereaved parents of victims of the violence. While we all have been distracted by other pressing national security issues, I plan to resume these panels, as soon as possible.

All the attendees agreed on the importance of maintaining genuine dialogue and of minimizing inflammatory or divisive declarations. I agree, and that conclusion guides my vote on this resolution.

I fully supported the creation of the State of Israel. My continuing support of its security and viability has never wavered. And I agree that one of Israel's lasting strengths has been it's fierce commitment to democracy, implemented once again in the recent elections. At the same time, my dedication to America's pursuing a just, equitable and lasting peace for all people in the region is equally strong.

I am sure that my colleagues fully share these goals, however much we sometimes may differ on the best path to reach them. I believe, nevertheless, that this resolution, though well-intentioned, would be counter-productive to progress towards those goals, especially at this perilous time when competing considerations should be carefully balanced.

This resolution is partially designed to reassure Israel of our friendship. I am convinced, however, that the Israeli Government and the Israeli people know well that the United States' commitment—and the commitment of this entire body—to their safety and survival is steadfast and will remain so.

Judged in the context of all these considerations, this resolution is simply too one-sided

to accomplish another of its presumed purposes, namely, advancing peace in the Middle East. Alternative formulations would be better suited for that objective.

I also do not think the Congress should try to involve itself in the internal politics of an allied nation.

In addition, this president, like his predecessors, should be given the maximum flexibility to maintain the credibility of the United States with all parties; we should strive to preserve his ability to broker a permanent resolution. With equal conviction, I urge the president to use those capabilities to the fullest; to advance a timetable more vigorously, and to propose more detailed possible peace plans.

In conclusion, Mr. Speaker, I appreciate the frustrations and fears that have marked the past three years. And I know that Washington is now preoccupied with Iraq and with the threat of terrorism to our homeland security. But that is all the more reason that we should strive to keep this body poised to play its part in stanching violence in Israel and the West Bank, and in supporting any future peace initiatives. For me, it is difficult to see why, during these perilous times, the legislative body of the sole nation on earth which might bring this crisis to closure would do anything that could compromise that nation's ability to do so.

HONORING THE COURAGE OF THE U.S. MARINES, 5TH DIVISION ON MT. SURIBACHI

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. CASE. Mr. Speaker, I rise today to honor the courage of the first United States soldiers to scale the summit of the heavily-defended Mt. Suribachi on Iwo Jima.

Iwo Jima is a small rocky island only two miles wide and four miles long located approximately 650 miles south of Tokyo, Japan. It is a volcanic island, much like the islands in my home state of Hawaii—a place where cool Pacific breezes rush over soft beaches and birds sing songs learned during lonely flights across the wide ocean.

For a brief moment in time, the island of Iwo Jima became a central battleground between the Empire of Japan and the Allied Forces during those terrible and dark days of World War II. The Allied Forces were determined to take the island in preparation for a final attack on Japan, and the Japanese were unbendable in their desire to defend Iwo Jima and to prevent foreigners from moving any closer to the main islands of Japan.

On February 19, 1945, approximately 70,000 American and other Allied Forces and 22,000 Japanese soldiers locked themselves in a horrific battle that would begin the final phase of the War in the Pacific. Entrenched in a series of interlocking caves, blockhouses, and pillboxes, the Japanese fought with determination to defend their island. Debarking off a naval armada of more than 450 ships, the Allies, led by the United States, brought the full weight of their highly trained and battle tested troops to bear with the determined goal of taking the rocky island no matter what the cost. The battle for Iwo Jima would be one of the fiercest conflicts of the Second World War. Almost 7,000 Americans were killed in action. More than 20,000 Americans were wounded. Of the 22,000 Japanese defenders, only 1,083 survived.

On February 23, 1945, the fifth day of the battle, Marines from the 5th Division were ordered to ascend the slopes of Mt. Suribachi, the main peak controlling the island. Four Marine squads worked their way up the mountain and, at 10:30 a.m., 1st Lieutenant Harold Schrier, Platoon Sergeant Ernest Thomas, Sergeant Henry Hansen, Corporal Charles Lindberg, and Private James Michels raised the first American flag on Mt. Suribachi.

Today, when our Nation thinks about the brave soldiers of Iwo Jima, we often visualize the commanding bronze statue resting on the banks of the Potomac River. Most Americans do not realize that this memorial actually depicts the second, much larger flag that was raised over Mt. Suribachi, signaling the courage and determination of the United States to almost every soldier on Iwo Jima and to the naval vessels at sea.

In my home state of Hawaii, the Iwo Jima United States Memorial Association is working to raise the funds necessary to build a memorial to recognize the American soldiers who raised the first American flag on Mt. Suribachi. I applaud their efforts and hope that every citizen across the nation will support those groups dedicated to recognizing the courage of American soldiers.

IN RECOGNITION OF CARL KELLY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. COLLINS. Mr. Speaker, a man from Butts County, Georgia, Carl Kelly of Pepperton Cottonmill Village, has recently been reintroduced to his community and to new generations as a true hero.

Just prior to World War Two, First Sergeant Kelly was a member of the Jackson Rifles of the Jackson National Guard. 1st Sgt. Kelly was sent to Europe with very little training and very little equipment. While he was there he was one of the thousands of Americans who went ashore on Utah Beach during the Normandy Invasion. He was later wounded in St. Lo, France and awarded his first Purple Heart and the first of his three Bronze Stars for gallantry.

Following the war, Kelly remained in the military and was deployed very shortly thereafter to Korea, where he was given a field promotion to 2nd Lieutenant. While in Korea, Lt. Kelly was wounded a second time. Once he returned to action, he repeatedly risked his own life to cover the retreat of a pinned down artillery unit, ultimately receiving a mortal wound.

Lt. Carl Kelly is, from all available records, the most highly decorated veteran of Butts County. While bravely serving his nation he was awarded three Purple Hearts, three Bronze Stars, the Silver Star, and dozens of other honors.

What has brought Lt. Kelly's actions to the attention of the public is a book chronicling the life of an infantryman in World War Two and Korea. In his recently published book, Warrior By Choice in World War Two, By Chance in Korea, author Jack M. Anderson tells Kelly's story in an excerpt describing the first man he ever saw die.

As we prepare to send our young men and women into combat, I think that it is fitting that we remember the sacrifice of men like Carl Kelly, and finally give him the honor that has been so long overdue.

Recently my hometown newspaper, the Jackson Argue-Progress, published an article about Kelly's life of commitment, and I would like that article and these comments to be submitted together for the RECORD. In this way, I wish to honor the memory of a hometown hero, a father, a husband, and an example of valor to all Americans, on behalf of a grateful nation.

[From Jackson Argus-Progress, Jan. 29, 2003]

REMEMBERING BUTTS COUNTY'S LT. KELLY

(By Herman Cawthon)

In the recently published Warrior By Choice in World War II, By Chance Korea, author Jack M. Anderson tells of his 24-plus years of service as a United States Infantryman.

In his book Anderson includes an excerpt of a Butts County warrior, Carl Kelly. Anderson describes Kelley as follows:

''From Butts, Georgia 1st Sgt. Carl Kelly, Hq Co, 1st Bn, 38th Inf was wounded the same time I was. He would return to duty and be killed the day before I was captured. He was the first man I would watch die. We started to move him to the Bn Aid Station, but he said not to, but wanted us to get a hometown friend of his who was the Bn S4 Sergeant.

''Carl told Stewart (I hope that name is right) that things were going slowly dim and he wanted Stewart to be sure to tell his wife and kids that he loved them and would meet them in heaven. He talked for a few minutes more, then just closed his eyes and was dead. I had seen others killed and would see more, but that was the first time I watched a man die.''

Anderson and Kelly both had very similar military careers up to the death of Kelly. Both were in the National Guard when World War II started and both were sent into action with little training and even less to work with; not only guns and ammunition, but food and lodging. Kelly went to the European Theater and Anderson to the Pacific. Both were wounded and decorated several times. Anderson details how the US troops improved and how they wound up with so much more than the enemy.

After World War II, both joined the regular Army, so when the Korean Conflict started, they were sent into battle immediately. Again Anderson tells how the U.S. was very short on supplies and had very few men with any training and experience. At the beginning, he describes the hardships experienced by the troops as they fought the larger, better trained enemy troops. Both men were prisoners and escaped. Again, the U.S. wound up with superior troops and equipment.

After reading the book, Cary Kelly, son of Lt. Carl Kelly, wrote the following letter:

''To Whom It May Concern: The following is a brief military history of Lt. Carl Kelly from Jackson, Georgia.

''Carl Kelly began his military career by joining the Jackson National Guard, then called the Jackson Rifles, while still in his teens. When WWII started, the Jackson National Guard was called upon to train for the war in Europe. Carl Kelly was made 1st Sergeant before leaving for Ireland to wait for the invasion of Normandy.

''After landing on Utah Beach the 8th Army division fought their way inland to France. There in St.-LoFrance, then 1st Sergeant Kelly was wounded in action and was awarded his first of two bronze stars for gallantry. He also received his first Purple heart for being wounded in action. As soon as he was able he rejoined his outfit and continued fighting into Germany until the Germans surrendered.

''By this time Sgt. Kelly had made the decision to enlist in the military for a career and was a full time military personnel.

''When the Korean Conflict began Sgt. Kelly was immediately sent to Korea. (How President Harry Truman could call it a conflict when over 50,000 American soldiers were killed is beyond me). It was a terrible war, often fought in hand-to-hand combat in temperatures of 20 degrees below zero, fighting against not only North Koreans but Chinese as well.

''After distinguishing himself on the battlefield as being a leader of men, Sgt. Kelly was awarded a battlefield commission to 2nd Lieutenant. Soon after he was again wounded in action.

''After recuperating from wounds, Lt. Kelly returned to active duty and soon after was involved in a battle involving an artillery unit that had been ambushed and was trying to retreat. According to records, intense enemy fire was preventing the withdrawal of the field artillery battalion.

''Lt Kelly reconnoitered the enemy positions and organized the artillerymen into fighting groups. With complete disregard for his personal safety, Lt. Kelly repeated aggressive actions, wiping out enemy forces and weapons. Besides instilling confidence in the artillerymen, his conspicuous actions served to center the fire of the enemy on himself. Although enemy fire became more intense and deadly, Lt. Kelly continued to expose himself in leading the assaults. Finally he was struck by enemy fire and fell mortally wounded.

''Before he died he told a friend to tell his wife and children that he loved them very much and would see them in heaven someday. He received the Silver Star Award posthumously.

''Lt Kelly was in service for eleven years. He received three Purple Heart Medals, three Bronze Star Medals and the Silver Star medal, as well as the many service medals awarded by the United States Army, during the period of time served.

''I feel my father is a forgotten Hero from Butts County. From all the records I can find, he was the most decorated soldier from Butts County. He was also the only military man and officer to serve in both World War II and the Korean Conflict who was killed in action. He received a battlefield commission from 1st Sgt. to 2nd Lieutenant. Our family also received a letter of condolence from General Douglas MacArthur (which we still have).

''To me this is not a bad resume for a young man from Pepperton Cottonmill Village who started out in the Jackson National Guard and died a hero at the ripe old age of 32.

''I believe that every young man and woman form Butts County who gave their life in defense of their country are heroes and should be recognized. In a time when roads, highways and buildings, are named after people at the drop of a hat, none of these young heroes even have a small plaque on a park bench in Butts County. Even on Veterans Day and/or Memorial Day their names are only brought up by family members. I feel that other counties in Georgia are way ahead of Butts County in this matter.

''Very Sincerely, Cary V. Kelly''

Carl Kelly is not the only hero in the family. His wife, Edna is a hero to many of her friends.

At the time Carl was killed she had three young sons, Cary, Tim and Pat. All three served in the military. Tim was killed in a motorcycle accident in California after being discharged and on the way home. Pat was a disabled Vietnam Combat Veteran and was killed a couple of years ago in a truck accident.

A few years after Carl's death, Edna married Ed Daniel, another Veteran and they had two sons, Chip and Joe. Both sons are now veterans, too. Ed passed away a few years ago after an extended illness.

When asked how she had handled so much tragedy and could still have a smile and her special laugh, she pointed upward, and said she had a lot of help from above.

PAYING TRIBUTE TO: J. THOMAS GILMORE

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today in order recognize Dr. J. Thomas Gilmore of Alamosa Colorado. Over the last seven years Dr. Gilmore has served as president of Adams State College in Alamosa, during which the college has experienced a period of dramatic growth and development.

Dr. Gilmore, a native of the San Luis Valley, received his bachelor's and master's degrees in 1967 and 1968, from Adams State College. In 1973, Tom became a member of the College's faculty in the School of Business and later earned his Ph.D. from Colorado State University in Economics. Dr. Gilmore served as the School of Business's Dean from 1983 until 1993, during which time, he guided the school to receiving the first of Adam State's four Excellence in Education Awards. In 1993, he was named Vice President for External Affairs, and within that same year he became the Vice President for Administration. No sooner did Tom accept the position of Vice President, that he was named President of the College.

Beginning in 1995, and throughout his entire tenure as President, Dr. Gilmore was preparing Adams State to become an independent institution. Under his direction, the school embarked on an ambitious building program constructing the first new building on its campus in more than 25 years. After having built a new theater and remodeled the School of business, Dr. Gilmore had every student residence hall wired for internet access. Due to his desire to see more students get the best education possible, he enlarged the endowment to almost four times its original size. As Dr. Gilmore retires, it is clear that he has left Adams State College a stronger institution than he found it.

Mr. Speaker, it is with honor that I recognize Dr. J. Thomas Gilmore before this body of Congress and this nation. His strong leadership has improved the quality of secondary as well as post-secondary education in the State of Colorado. Tom has truly been a valuable resource to the students and faculty of Adams State College. I thank him for his continued service to his community and the great State of Colorado.

TRIBUTE TO MATTHEW R. DUKSA, SR.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Matthew R. Duksa, Sr. of Newington, Connecticut who died November 28, 2002 at the age of 80. Mr. Duksa was a longtime business owner in the First Congressional District and a valued member of the community.

Matt will long be remembered for his commitment to his business and community. He created the Borawski-Duksa funeral home in New Britain in 1949 and the Newington Memorial Funeral Home in Newington in 1952. He was president of both until his death, and held memberships in the Connecticut and National Funeral Director's Associations.

Throughout his life, Matt was intensely devoted to his family, to Connecticut, and to his country. He was a Newington volunteer firefighter for sixteen years, was director of the Newington volunteer ambulance, a member of Polish Businessmen and Falcons Nest #88, as well as a 3rd and 4th degree member of the Knights of Columbus Council 3884 in Newington.

Those who knew Matt, knew him for his integrity, contagious sense of humor, endless curiosity, love of life, and twinkling blue eyes. He will be remembered as respectful of his staff, putting the needs of others before himself, always doing his best, living life to its fullest, and showing love continuously. Matthew Duska will be greatly missed by his friends, family, and his community and I ask my colleagues to join me in honoring his life.

DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT ACCOMPLISHMENTS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. McCOLLUM. Mr. Speaker, I rise today to honor the accomplishments of the Dakota County Soil and Water Conservation District. I am pleased that the Environmental Protection Agency selected the Dakota County Soil and Water Conservation District as one of their Clean Water Partners for the 21st Century this year. This is a great honor and I am proud to support Dakota County Soil and Water Conservation District's achievements.

The Dakota County Soil and Water Conservation District helps local landowners protect Minnesota's natural resources. Their assistance has been critical in controlling erosion near our lakes and rivers. They have also played a valuable role in helping integrate ecological and environmental considerations into all phases of urban planning, design and construction. Their assistance helps reduce contaminated runoff and introduces the use of wetlands and other natural processes to protect our water resources.

The EPA's Clean Water Partners for the 21st Century program recognizes these extraordinary efforts. This award is presented to

local governments that go beyond the requirements of the Clean Water Act. It goes to those willing to mobilize local resources in order to protect and improve the overall health of our watersheds. The Dakota County Soil and Water Conservation District clearly fits this description.

Mr. Speaker, protecting and improving the nation's watersheds is important to me and my district. I share in the excitement of this award and am proud of the Dakota County Soil and Water Conservation District's achievement.

CONFIRMATION OF MIGUEL A. ESTRADA TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BONNER. Mr. Speaker, I rise today in support of the nomination of Miguel A. Estrada of Virginia to the United States Court of Appeals for the District of Columbia Circuit. This nomination has been pending before the Senate since May 9, 2001.

Miguel Estrada has experience, intelligence, character and bipartisan support. Mr. Estrada has argued 15 cases before the United States Supreme Court and has served in the Justice Department under presidents of both political parties as a federal prosecutor and as the Assistant to the Solicitor General. Mr. Estrada was born in Honduras and attended Harvard Law School where he served as Editor of the Harvard Law Review. He maintains the highest rating of ''unanimously well qualified'' from the American Bar Association. This rating is based on professional as well as personal evaluations of a nominee, and some Democratic leaders have referred to this rating as ''the gold standard.'' As a result of Mr. Estrada's professional and personal accomplishments, he has received broad support among lawyers and judges associated with both political parties.

President Bush has voiced his concern for the current judicial emergency in America with a large number of seats at the appellate and district levels remaining unfilled. President Bush, as the Chief Executive to the Judiciary, has a constitutional right to name a qualified person to the Judiciary. Mr. Estrada's confirmation will not only place a well-qualified and respected lawyer on the United States Court of Civil Appeals, it will uphold one of the finest traditions of our country. Mr. Estrada has endured over a twenty month nomination process without the courtesy of a floor vote. I strongly support Miguel Estrada becoming the first hispanic judge to sit on the United States Court of Appeals for the District of Columbia Circuit.

TRIBUTE TO LOLA SPRADLEY

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I recognize and congratulate Representative Lola Spradley. Rep. Spradley has recently become the first female Speaker of the Colorado House, a truly momentous accomplishment.

Growing up on a wheat ranch on the plains of Colorado, Lola learned to be a ready farm hand and could do everything from drive a tractor to milk a cow. Her experience growing up on a farm has helped Lola to have an excellent understanding of the rural district that she now represents. Now, Lola Spradley is a 56-year-old representative from southern Colorado. She and her husband, Dale, have four children and seven grandchildren. She lives on a 240-acre ranch with her horses and dogs, near Beulah, Colorado.

As a political leader, Rep. Spradley is proud of her beliefs. She stands firmly for the rights of Colorado's citizens on issues that are as diverse as Gun Control and Water Management. She is a strong conservative and a devoted student of government. Running under that banner ''Lola Listens,'' Spradley won a decisive victory in the last election, and a unanimous election to the position of Speaker from the Colorado House Republicans. Colorado is proud to have her as its first female Speaker of the House.

Mr. Speaker, it is with honor that I recognize Rep. Lola Spradley before this body of Congress and this nation. She is a strong woman who cares about her district and her state, and she will continue to be an integral part of Colorado's leadership.

ABSTINENCE

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PITTS. Mr. Speaker, I rise today in strong support of the funding for abstinence-until-marriage education in this bill, and I thank the Chairman for his leadership on this important issue.

Today, the results of a landmark Zogby International survey assessing parental attitudes on sex education have been released to the public. The Zogby poll reveals strong parental approval for character-based, abstinence-until-marriage programs and proves that parents soundly reject the goals and content of so-called ''comprehensive'' sex education. The results are available online at www.whatparentsthink.com

According to the Zogby poll, 73.5 percent of parents approve or strongly approve of abstinence-centered sex education. 61.1 percent of parents disapprove or strongly disapprove of so-called comprehensive'' or ''safe sex'' education. 75.3 percent of parents disapprove or strongly disapprove of the Centers for Disease Control (CDC) sex education curriculum.

When parents are accurately informed about what ''comprehensive'' sex education actually entails, which includes distributing condoms in schools, they make it clear that they do not want their children to be inundated with ''safesex'' propaganda. Instead, parents want their children to be taught self-respect, self-control and abstinence-until-marriage.

This survey marks the first time parents have been polled using the exact language from comprehensive sex education guidelines. The major weaknesses of previous polls are their misleading questions and fuzzy interpretations. In this poll, Zogby used exact definitions and verbatim wording from the comprehensive sex education curricula developed and endorsed by such groups as the Sexuality Information and Education Council of the United States (SIECUS) and Planned Parenthood.

The Zogby organization also found that: All demographic groupings strongly disapprove of comprehensive sex education—especially non-white minorities (Hispanics and Asians). And, 70 percent of parents strongly disapprove of their teens getting contraceptives without their approval.

Mr. Speaker, America's parents have spoken. They want abstinence-until-marriage education. This bill ensures that the values many American parents hold dear:—the values of abstinence and marital faithfulness are not determined by taxpayer-funded ''safe-sex'' propaganda in schools.

I encourage my colleagues to join America's parents in supporting this bill, and I yield back the balance of my time.

COALITION FOR ADOLESCENT SEXUAL HEALTH—SUMMARY OF KEY FINDINGS

BACKGROUND

Zogby International conducted the survey on behalf of the Coalition for Adolescent Sexual Health, an ad hoc association formed exclusively for the purpose of conducting the poll.

Private foundations that wish to remain anonymous paid for the cost of the survey.

The random sample survey was conducted January 11 to 15. A total of 1,245 adult parents of children ages 5 to 18 were interviewed with an over-sampling of African Americans. The margins of error were: Total MOA = +/−2.8 percent; Whites MOA = +/−3.3 percent; All non-whites MOA = +/−5.5 percent; Blacks MOA = +/− 6.3 percent; Born again Christians = +/−5.6%.

The total sample was approximately evenly split among fathers of children in grades K–6, fathers of children in grades 7–12, mothers of children in grades K–6 and mothers of children in grades 7–12.

NEED FOR ZOGBY SURVEY

Previous surveys by groups such as Alan Guttmacher Institute, Planned Parenthood, Sexuality Information and Education Council of the United States (SIECUS), and Advocates for Youth have had serious flaws: Biased sample selection; Leading questions; Deceptive questions; Biased interpretation of results.

Such surveys have been used to claim that parents support comprehensive sex education (also known as ''safer-sex'' or ''abstinence-first'' sex education) and that parents oppose character-based, abstinence-until-marriage sex education.

Such surveys describe comprehensive sex education using innocuous, vague, euphemistic, and almost compassionate wording designed to convince parents that such education is needed for their children's health and well being.

HOW THE QUESTIONS IN THE ZOGBY POLL WERE DEVELOPED

Five types of questions were included in the Zogby survey. All 29 questions in the survey were developed to introduce a minimum level of bias.

Fourteen questions asked parents their level of approval for comprehensive sex education. The questions asked verbatim components of the Guidelines for Comprehensive Sexuality Education. These guidelines, developed in 1990 by the Sexuality Information and Education Council of the United States (in conjunction with the Centers for Disease Control and Prevention [CDC], the National School Boards Association, Planned Parenthood and others) represent the foundation of comprehensive or abstinence-first sex education. In short, these guidelines detail what comprehensive sex education wants children and adolescents to learn. When organizations such as Planned Parenthood, SIECUS, the Alan Guttmacher Institute, and Advocates for Youth lobby Congress, state legislatures and school boards on behalf of comprehensive sex education, it is these guidelines that they have in mind. (See questions 7 through 20.)

Six questions asked parents their level of approval for character-based, abstinence-until-marriage sex education. These questions asked verbatim portions from the National Guidelines for Sexuality and Character Education. These guidelines, developed in 1996 by the Medical Institute for Sexual Health, are considered by many abstinence groups to represent the foundation for abstinence education. (See questions 1 through 6.)

Four questions asked parents their level of approval for comprehensive sex education curricula promoted for years by the Centers for Disease Control and Prevention (CDC). The questions paraphrased teaching material from these curricula. (See questions 25 through 28.)

Four questions reflect different aspects of comprehensive sex education not specifically covered by other questions. (See questions 21, 23, 24 and 29.)

One question asked parents their level of approval for comprehensive sex education using the type of vague, innocuous wording typically used in the past by groups attempting to show parental approval for comprehensive sex education. This question was included for benchmark purposes. (See question 22.)

MAJOR FINDING

Parents overwhelmingly reject comprehensive sex education when they are asked questions that deal specifically with the topics included in comprehensive sex education.

	Percent of parents who approve or strongly approve	Percent of parents who disapprove or strong disapprove
Comprehensive or abstinence-first sex education guidelines	25.0	61.1
Character-based, abstinence-sex education guidelines	73.5	16.3
CDC-promoted comprehensive sex education curricula	13.9	75.3
Misc. aspects of comprehensive sex education	22.4	68.1

By a 4.6 to 1 margin, parents approve or strongly approve of abstinence sex education. By a 2.4 to 1 margin, parents disapprove or strongly disapprove of comprehensive sex education. By a 5.3 to I margin, parents disapprove or strongly disapprove of the information contained in comprehensive sex education curricula that have been promoted by the CDC.

All demographic groupings strongly disapprove of comprehensive sex education, although the strongest opposition was found among non-white minority parents (Hispanics and Asians) and among parents who identified themselves as born-again Christians.

All demographic groups disapprove of comprehensive sex education curricula that have been promoted by the CDC.

FINDINGS ON SPECIFIC QUESTIONS

By a 4.4 to 1 margin, parents disapprove or strongly disapprove of teaching young people that homosexual love relationships can be as satisfying as are heterosexual relationships. (See question 14.)

It appears that parents have a more mixed opinion on the matter of having children taught factual or biological information (see questions 13, 18 and 19, for example). However, opposition from parents seems to increase substantially if a connection is perceived between their children and sexual activity.

When it comes to allowing teens to obtain contraception without parental approval, parents much more strongly disapprove when their own children are involved. About 46 percent of parents either strongly disapprove or disapprove of the idea that teens could obtain contraception without the permission of a parent. (See question 27.) However, when this question was personalized, about 70 percent of parents either strongly disapprove or disapprove of their child being able to obtain contraception without their knowledge or approval. (See question 29.)

CONGRATULATING SENATOR MIKE BISHOP

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Michigan State Senator Mike Bishop on earning the 2003 Credit Union National Association's National Desjardins Youth Financial Education Award. His dedication and desire to work for the improvement of our state is a model for all state legislators.

Senator Bishop is a 1989 graduate of the University of Michigan and a 1993 graduate of the Detroit College of Law. He is a practicing attorney for Booth & Patterson, P.C., a licensed real estate broker and president/owner of Freedom Realty, Inc., and Pro Management, Inc.

Senator Bishop served two terms in the Michigan House of Representatives, and now serves as Assistant Majority Leader while representing Michigan's 12th district in the Michigan State Senate.

The National Desjardins Youth Financial Education Award was bestowed upon Senator Bishop for his sponsorship of HB 5327, a bill designed to promote financial education in grades K–12. With hard work and determination, then-Representative Bishop promoted this bill in such a way that it was passed by both the House and the Senate, with only one dissenting vote in the House and none in the Senate. Senator Bishop's legislation, now law, will help ensure that children will be educated in financial responsibility, and as a result will be better prepared for life.

Mr. Speaker, Senator Bishop's record of service and the fruits of his labor speak for themselves. He has served the state of Michigan well, and has done much to provide for its future. This award is a well-deserved token of the respect that is due him for his efforts. Therefore, I ask my colleagues to join with me in thanking him for his commitment to excellence and his desire to benefit others through public service. I would also like to ask my colleagues to join me in wishing him good fortune in his new role as a State Senator.

INTRODUCTION OF FULL FUNDING FOR IDEA NOW ACT OF 2003

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce a bill that will put an end to the embarrassing legacy that the federal government has created for itself in failing to fully fund our children's education and saddling the states with tens of billions in unfunded mandates. I refer of course to the failure of the federal government to provide for mandatory full funding for the special education program—or IDEA.

Currently, the federal government does not meet the financial obligations for special education it committed to in 1975 when the ''Education for all Handicapped Children Act'' (renamed Individuals with Disabilities Education Act in 1990) was first passed by Congress. This shortfall places an onerous financial burden on local communities who must find alternate resources, such as higher property taxes, to fund special education.

The Individuals with Disabilities Education Act (IDEA) is a civil rights statute that provides funding to states and helps states fulfill their constitutional obligation to provide a public education for all children with disabilities. IDEA serves more than six and a half million children today. Underlying IDEA is the basic principle that states and school districts must make available a free and appropriate public education (FAPE) to children with disabilities between the ages of 3 and 21, and must be educated with children who are not disabled ''to the maximum extent appropriate.''

Since 1975, Congress has authorized a federal commitment to special education funding at a level of 40 percent of the average per pupil expenditure (APPE) on special education services. However, Congress has only appropriated funds to meet between 5 and 16 percent of the APPE, with FY2002 appropriations setting a record at 16.5 percent, or about $7.5 billion. But that is still only little more than a third of the so far embarrassingly unfulfilled, Federal commitment to our children. This has resulted in great burdens being placed on our school districts. For example, in the 2001–02 school year, the last completed school year, the town of Berlin, Connecticut spent $4,721,372 on special education, with all but $361,543 locally funded. This is outrageously short of the oft-stated goal of 40 percent federal financing. One can only begin to imagine the burden IDEA requirements, in the absence of federal funding, impose on our local school districts. We are literally forcing our schools to rob from Peter's education to pay for Paul's when we should fully fund both.

And now with passage of the Omnibus Appropriations Bill for Fiscal Year 2003, funding will go up about $1.4 billion. There will be a

lot of congratulatory backslapping because of this great increase. And it truly is a commendable step for Congress, but sadly one which fulfills less than half of the promise. Even with this increase, the federal share rises to only 18.2 percent of the 40 percent. I am sure the people of Berlin will appreciate the few thousand extra dollars they will get as a result of this increase. But the reality is that they need is the hundreds of thousands of extra dollars that is owed to them.

As a former teacher, member of a school board, State Senator, and now Congressman, I have constantly heard a clear message from local educators and administrators that more resources must be committed to provide fair and adequate educational opportunities to children with special needs, and that the federal government must meet its commitment under IDEA. In the past, ''fully funding'' IDEA has generally been a theme for a handful of others who purport to fully fund IDEA but would take ten long years to do so. My bill recognizes that 25 years is enough to wait and mandates this federal funding now.

Let us be clear, this is a constitutional right. Local school districts do not have the discretion to not fulfill their obligations to children with special needs. Where does the approximately $10 billion in unfulfilled Federal pledges to the States come from? It has to be made up somewhere and will most likely come from other important, but not constitutionally mandated, priorities. This is the real cost of our inaction. It is either a tradeoff in spending or a property tax increase. Ultimately, the Federal Government must choose: either to support it's commitments or stop making them. We cannot afford to continue down this path of broken promises any longer. It does not have to be this way, of course. And I believe our local educational districts, the states and the American people deserve better from us.

THE LIFE INSURANCE TAX SIMPLIFICATION ACT OF 2003

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Mr. NEAL, together with a number of our colleagues in introducing our bill, ''The Life Insurance Tax Simplification Act of 2003.'' The bill repeals two sections of the Internal Revenue Code, which no longer serve valid tax policy goals. Except for the effective date, the bill is identical to the one we introduced in the 107th Congress.

Congress has taken a major step forward in rewriting the regulatory structure of the financial services industry in the United States. This realignment is having a positive impact on the way life insurance companies serve their customers, conduct their operations and merge their businesses to achieve greater market efficiencies. Unfortunately, the tax code contains several provisions which no longer represent valid tax policy goals, and, in fact, are carry-overs from the old tax and regulatory regimes that separated the life insurance industry from the rest of the financial world and differentiated between the stock and mutual segments of the life insurance industry. Today, the lines of competition are not between the stock and mutual segments of the life insurance industry. Rather, life insurers must compete in an aggressive, fast moving global financial services marketplace contrary to the premises underlying these old, outmoded tax rules.

The bill would repeal section 809 that imposes a tax on the policyholder dividends of mutual life insurance companies, and section 815 that applies to policyholder surplus accounts of stock-owned life insurance companies. Both of these provisions are vestiges of an outdated tax scheme developed in 1984 when the lines of competitive balance existed between stock and mutual life insurance companies.

Section 809 was added to the Code in 1984, in part, to address a perceived imbalance between the tax treatment of stock and mutual companies. In 1984, there were over 100 mutual life insurers, including many large mutual companies, accounting for about one-half of industry activity. Today, about 40 mutual life companies remain, including only a few large companies, and mutual insurers account for only about 10 to 15 percent of the industry. Stocks as well as mutuals agree that section 809 is not now needed to provide competitive balance.

Both mutual and stock life insurers believe that their policies provide superior value to consumers. Repeal of section 809 would result in more nearly neutral taxation of stock and mutual companies and allow consumers to focus more on nontax considerations in selecting their insurance provider. As a result, repeal of section 809 is one of the few corporate tax relief measures endorsed by the Consumer Federation of America and the National Cooperative Business Association.

Section 815 was added to the Code as part of the 1959 changes to the life insurance companies tax structure. Before 1959, life insurance companies were taxed only on their investment income. Underwriting (premium) income was not taxed, and underwriting expenses were not deductible. The change provided that all life insurance companies paid tax on investment income not set aside for policyholders and on one-half of their underwriting income.

The other half of underwriting income for stock companies was not taxed unless it was distributed to shareholders (so-called ''policyholders surplus account or PSA''). The 1959 tax structure sought to tax the proper amount of income of stock and mutual companies alike and the PSA mechanism helped implement that goal.

In 1984, Congress rewrote the rules again. Both stock and mutual companies were subjected to tax on all their investment and underwriting income. In this context, dividend deductions for mutuals were limited under section 809, and the tax exclusion for a portion of stock company's underwriting income was discontinued. Congress made a decision not to tax the amount excluded between 1959 and 1984. Rather the amounts are only taxed if one of the specific events described in the current section 815 occurs (principally dissolution of the company).

The bill would repeal the obsolete section 815 provision. Since 1984, the Federal government has collected relative small amounts of revenue with respect to PSAs as companies avoid the specific events which trigger PSAs taxation. There is not a ''fund'', ''reserve'', ''provision'' or ''allocation'' on a life insurance company's books to pay PSA taxes because, under generally accepted accounting principles, neither the government nor taxpayers have ever believed the significant amounts of tax would be triggered. Nevertheless, the continued existence of the PSAs does result in a burden on the companies in today's changing financial services world—a burden based on bookkeeping entries made from nineteen to forty-three years ago to comply with Congress' then vision of how segments of the life insurance industry should be taxed.

The repeal of these two provisions, sections 809 and 815, would provide certainty, less complexity, and remove two provisions from the Internal Revenue Code, which no longer serve a valid tax policy goal in the life insurance tax structure of the Code. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO LLOYD CHAVEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Lloyd Chavez. Mr. Chavez's continuous dedication to the automobile industry, as well as his philanthropic endeavors in Denver, Colorado, have made him a valuable asset to the community.

Lloyd was bom in Denver, Colorado, one of five children. He served in the Navy, and soon after, married his high school sweetheart. They had three children. After finishing his degree at the University of Denver, Lloyd began to work as a salesman at Burt Chevrolet in Englewood. Little did he know, fifty-one years later, that he would own the Burt Automotive Network, a successful and influential business in Colorado.

Mr. Chavez is a successful business owner, and has garnered many awards and recognitions for his endeavors in business. In 1993, Lloyd was recognized as the Top Hispanic Businessman in the U.S., and, in 1994, as the National Hispanic Businessman of the Year. Burt Automotive Network has also been recognized as the top Minority-Owned Business in Colorado for the past four years.

In addition to Lloyd's success in the business community, he also is involved in various community groups. He has donated cars to Craig Hospital's occupational department, sponsored children's sports teams, and donated cars to the Littleton Public School's Driver Education Program. Lloyd's life has been marked by significant contributions to his community.

Mr. Speaker, it is with privilege that I recognize Lloyd Chavez before this body of Congress and this nation today. Mr. Chavez's success in the Denver business community, as well as his generous donations to the people, have been immeasurably beneficial in the lives of many.

CONDEMNING THE SELECTION OF LIBYA TO CHAIR THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. PAUL. Mr. Speaker, I must reluctantly vote against this measure. We can all agree that Libya is a ridiculous choice to head a human rights commission in any civilized organization. The State Department has long listed Libya on its list of states sponsoring terrorism. Libya has shown over the years that it has no respect whatsoever for human rights, when it comes to its dealings with the rest of the world or even its own citizens. Additionally, this election just underscores what I have been saying for years about the United Nations: it is an organization that undermines American sovereignty and consistently works against U.S. interests.

The problem with this legislation, however, is that it pretends to be something it is not. It pretends to be simply a condemnation of the elevation of Libya to head the UN Commission on Human Rights. Were that the case I would have voted in favor of the measure.

But unfortunately the legislation ventures off course from there. The legislation calls on the president to demand that sanctions against Libya be initiated anew, after they had already been suspended. I do not believe that sanctions have ever hurt a dictator or repressive regime. On the contrary, sanctions against an authoritarian regime only give the leaders a scapegoat for the sufferings of their people—while the leadership itself manages to avoid any hardship. Sanctions do not lead to the defeat of these kinds of regimes, but actually strengthen them.

Cuba is an excellent example: the United States has maintained sanctions against that nation for four decades, but its dictator is stronger than ever. The best way to break the hold of dictatorship on a country is to engage and trade with that country. Trade with a repressive regime brings in goods and ideas that undermine the hold of the ruling elites on power. It breaks the monopolization on economic activity that characterizes a closed society and economic system. It weakens dictatorships and it enriches the population.

Mr. Speaker, I join my fellow members in condemning Libya's election to chair the UN Human Rights Committee. I do not support sanctions, be they against Libya or any other country.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ALLEN. Mr. Speaker, on February 12 and 13, 2003, I was unavoidably absent for seven rollcall votes, due to the death of a family member.

Had I been present I would have voted ''yea'' on rollcall votes 24 (H.R. 346, American Spirit Fraud Prevention Act), 25 (H. Res. 62, regarding POWs), 26 (H.R. 395, Do-Not-Call Implementation Act).

HONORING THE PUBLIC SERVICE OF MR. ROBERT VILMUR

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, it is my privilege to honor the career of Mr. Robert Vilmur, who retires this week after 38 years of distinguished service to the Los Angeles community.

Mr. Vilmur began his public service career in 1965 with California's first community action agency, the Economic and Youth Opportunities Agency. As part of the agency, he helped administer a variety of poverty reduction programs, including employment training and Head Start.

Additionally, he committed himself and the agency to work toward improving community based organizations in impoverished and underserved areas like East and South Central Los Angeles. Mr. Vilmur later continued helping community based organizations working as staff for the Comprehensive Employment and Training Act Program, where he evaluated employment and training programs to ensure that they served our community's needs.

In the next stage of his career, Mr. Vilmur joined forces with then Mayor Tom Bradley to combat homelessness. As head of Los Angeles' Homeless Steering Committee, he worked in collaboration with the City's growing shelter system to create a network of government and nonprofit organizations dedicated to ending homelessness. He was also instrumental in shaping the committee's direction by developing new operational procedures. During this tenure several of his efforts, including the City's Mobile Ombudsperson program, received national recognition.

In the spring of 1987, Mr. Vilmur became manager of the City's Outdoor Homeless Encampment, and he was later asked to serve as the City's first Homeless Programs Coordinator. As coordinator, he helped increase funding for the Community Service Block Grants and he redirected traffic funds to safety programs. Under his guidance, California's Traffic and Safety Program drastically reduced fatalities, injuries, and economic losses resulting from motor vehicle crashes.

The City of Los Angeles is grateful for Mr. Vilmur's service and dedication to improving our quality of life. On behalf of the City, I thank him for his many years of public service and I wish him well in all his future endeavors.

TRIBUTE TO ROBERT G. TOINTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. McINNIS. Mr. Speaker, it is with a great sense of pride that I honor Robert G. Tointon. Mr. Tointon has spent over 42 years building and strengthening Colorado's engineering, contracting, and manufacturing industries. His undying commitment has made significant contributions to his community of Greeley.

Robert began his commitment to the engineering industry when he graduated from Kansas State University with a Bachelor of Science Degree in Civil Engineering with honors. Soon after, Robert married his wife and had two sons. After working as a field engineer in Wichita, Kansas, he was transferred to Colorado. He was hired by Hensel Phelps Construction Company, and moved to Greeley in 1963. During his first year there, Bob worked as an estimator, project engineer, superintendent, and project manager. He became vice-president of the company in 1974, and soon found himself elected president in 1975.

Under Robert's enthusiastic leadership, the company's combined revenue increased tremendously. In June of 1989, his success led him to split off two of the company's five divisions, and form Phelps-Tointon Incorporated. Robert now serves as the company's president, owning and operating several other Colorado companies, such as Rocky Mountain Prestress, Inc., Southern Steel Co., and Armor Safe Technologies.

In addition to his business success, Robert is a member of the Greeley Rotary and Colorado Forum, and serves on many other community councils. He also has a vested interest in providing leadership training and opportunities for K–12 principals, administrators, and superintendents in the district with the Tointon Institute for Educational Change at the University of Northern Colorado.

Mr. Speaker, it is with privilege that I recognize Robert G. Tointon before this body of Congress and this nation today. His contributions to the engineering industry, as well as those in his leadership capacities, have been immeasurably beneficial in the lives of many.

IN MEMORY OF SAMUEL J. SIMMONS: ADVOCATE, ACTIVIST AND FRIEND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. RANGEL. Mr. Speaker, for the benefit of my colleagues I rise to remember the lifelong contributions that Samuel J. Simmons made to his community, to issues affecting the aging and fair housing, and to this nation. I would like to extend my deepest regrets to his family and loved ones. We all mourn the loss of this great man.

For the past twenty years Samuel J. Simmons has worked tirelessly as president and chief executive of the National Caucus on Black Aged, Inc., which is dedicated to serving the needs of the most vulnerable elderly Americans, and particularly aging African-Americans.

As Assistant Secretary for Equal Opportunity at the Department of Housing and Urban Development (HUD) during the civil rights era, Mr. Simmons made enormous and lasting contributions to the infrastructure of fair employment practices that our nation holds so dear today. In doing so, Mr. Simmons administered fair housing laws, and wrote advertising guidelines to include the fair housing symbol.

Following his tenure at HUD, he worked to formulate training programs for managers of government-assisted housing and certifications for managers of elderly housing programs, as the founding president of National Center for Housing Management, created by presidential executive order. His longtime work, commitment and expertise in the area of equal housing initiatives and home ownership for all Americans, was recognized with his election to the board of directors of Fannie Mae.

Samuel J. Simmons's service to this nation began decades ago, when he worked with the Detroit NAACP and Michigan State labor and employment groups while our nation was beginning to address the injustice and inequality that African-Americans faced in the workplace. When he arrived in Washington, he brought energy and determination to the Post Office Department, where he fought for fair appeals procedures that would adequately address the grievance and advancement issues of minorities. For his hard work and results produced, he received a Meritorious Service Award.

Samuel J. Simmons spent his lifetime selflessly working to improve the access that the most vulnerable Americans have to employment, housing and affordable healthcare, and he will be greatly missed.

TRIBUTE TO MRS. CLEMENTINE WRENN ODOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. TOWNS. Mr. Speaker, I rise today to pay special tribute to Mrs. Clementine Wrenn Odom is often referred to as ''The Tax Lady,'' because in the late 1940's she began to help farmers with their income tax filings and soon found herself in the tax business. For her services, a farmer would often give her ham, bacon, vegetables or other perishable items. She received so much that she purchased a freezer! When asked what she charged, her reply was usually ''whatever you can afford to give me'' and to this day she has served four generations of families.

She was born February 15, 1916 in Smithfield, Virginia to Fred Douglas and Norma Whitehead Wrenn. Although formal education for African-Americans ended after 6th grade, she attended boarding school in North Carolina and then went on to attend Virginia Union University and graduated from Virginia State College. Her teaching career came to an end when she married Mr. Woodrow Odom, a Hampton Institute graduate who came to Isle of Wight County as an agricultural extension agent. In 1960, Mrs. Odom accompanied her husband to Ghana, West Africa where he was Extension Advisor to the Ministry of Agriculture.

She established the first Head Start Center in Isle of Wight County, Virginia and neighboring counties. She taught in a one-room school for 12 years in Surry County, Virginia until 1937 and never let a child's need go unmet. When the African-American students at the school wanted to form a band, she went to the music director at Virginia State College for guidance and organized the fundraisers and got several of the instruments donated.

Mrs. Odom is an accomplished musician and mastered the piano and pipe organ at an early age. She taught piano lessons in her home and was organist and director of music at St. Mark's Episcopal Church. She is the recipient of numerous awards and commendations, including Woman of the Year (twice) and the ''Pinnacle of Success'' award; but she still considers her family her greatest achievement.

She has three daughters and a son, ten grandchildren (one deceased) and one great-granddaughter. Her children and eight of the nine grandchildren are college graduates, several with advanced degrees.

Mr. Speaker, I hope that all my colleagues today will join me in paying special tribute to not only an everyday ordinary woman, but also a woman who has done extraordinary things in her time! I yield back the balance of my time.

SMALLPOX VACCINE COMPENSATION AND SAFETY ACT OF 2003

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MARKEY. Mr. Speaker, I am pleased to join with Representative WAXMAN in co-sponsoring the ''Smallpox Vaccine Compensation and Safety Act of 2003''.

The smallpox vaccine helps the body develop immunity to smallpox. The vaccine is made from a virus called vaccinia which is a ''pox''-type virus related to smallpox. The smallpox vaccine contains the ''live'' vaceinia virus—not dead virus like many other vaccines. For that reason, the vaccination site must be cared for carefully to prevent the virus from spreading. Also, the vaccine can have side effects such as fever and body aches to much more serious and life-threatening side effects. People most likely to have serious side effects are: people who have or had skin conditions (especially eczema or atopic dermatitis) and people with weakened immune systems, such as those who have received a transplant, are HIV positive, are receiving treatment for cancer, or are currently taking medications, such as steroids, that suppress the immune system. In addition, pregnant women should not get the vaccine because of the risk it poses to the fetus. Women who are breastfeeding should not get the vaccine. In the past, between 14 and 52 people out of every 1 million people vaccinated for the first time experienced potentially life-threatening reactions to the vaccine. It is estimated that 1 or 2 people in 1 million who receive the vaccine may die as a result. Careful screening of potential vaccine recipients is essential to ensure that those at increased risk do not receive the vaccine.

The Administration's smallpox vaccination program began on January 24, 2003 with a much lower participation than expected and lower than is needed to adequately protect our nation against a bioterrorist threat. The low participation rate is due to the Bush Administration's failure to create a compensation program for the health care workers who will be injured by the smallpox vaccine. The Institute of Medicine reported that the lack of a compensation program could seriously impact the program's goal of increasing terrorism preparedness in the United States. The Administration has included protection for the vaccine manufactures and hospitals but seems to have forgotten the people who could suffer the most—the volunteers who are performing their patriotic duty by volunteering to participate in the vaccination program.

We need legislation which includes funding to states to provide for education, screening, medical surveillance, and treatment; protection against discrimination in the workplace, and compensation for those harmed by adverse reactions. The ''Smallpox Vaccine Compensation and Safety Act of 2003'' creates a no-fault compensation program modeled on the existing childhood Vaccine Injury Compensation Program. This program has been extremely beneficial in providing compensation to the families and children who have been injured or suffered by routine vaccination. Smallpox vaccine compensation will cover the people vaccinated or who are injured by coming into contact with someone who has recently been vaccinated for their unreimbursed medical expenses and lost wages.

In addition the ''Smallpox Vaccine Compensation and Safety Act of 2003'' will establish state grants to help with the costs of a safe vaccination program which includes prescreening, education, follow-up care, and health care for people experiencing side-effects. This legislation would provide medical leave for health care workers and first responders who get sick from the smallpox vaccine and will make it unlawful to discriminate against workers who opt not to participate in the vaccination program.

The ''Smallpox Vaccine Compensation and Safety Act of 2003'' will help to establish a safer vaccination program and provide a safety-net for the inevitable injuries due to vaccination. Ultimately, this should enhance participation in the Smallpox Vaccination Program and help reach the goal of preparedness against a bioterrorist smallpox threat.

TRIBUTE TO ROGER L. REISHER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MCINNIS. Mr. Speaker, it is with a great sense of pride that I honor Roger L. Reisher of Lakewood, Colorado. Mr. Reisher's entrepreneurial endeavors and ambitious goals led him to found FirstBank forty years ago, creating the largest banking organization in Colorado. His ambitions to succeed, and his community involvement, have made Roger a valuable asset to the Lakewood community.

Roger was one of seven children, and became the first person in his family to attend college. He graduated from the University of Colorado with aid from the GI Bill, after serving in the Army. After gaining some experience in banking, Roger moved to Lakewood and eagerly began a new endeavor in 1963 when he opened First Westland National Bank. His business has created positions for 2,000 employees at over 100 offices, making a difference in their lives as well.

In 1988, Roger's colleagues created the FirstBank Scholars program at CU. This program has created an endowment of over $1.6 million that is funded by FirstBank employees

along with matching company contributions. These scholarships are made available to those with financial need and leadership capabilities, and are disbursed annually at the University of Colorado and the University of Northern Colorado.

In addition to the FirstBank Scholars program, Roger and his family have created the Family Foundation. The Family Foundation works with the Denver Foundation and has funded scholarships for almost 100 students. Roger's commitment to helping students achieve educational excellence is admirable. He has also served in several leadership positions within the community.

Mr. Speaker, it is with great privilege that I recognize Roger L. Reisher before this body of Congress and this nation today. Mr. Reisher's commitment to the banking industry, as well as his contributions to the educational success of students in Colorado, have been immeasurably beneficial to numerous Coloradoans.

SMALLPOX VACCINE COMPENSATION AND SAFETY ACT OF 2003

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. WAXMAN. Mr. Speaker, today I am introducing legislation to enhance the ability of the United States to respond to a terrorist attack that uses the lethal smallpox virus. This legislation establishes a program to compensate those injured by the smallpox vaccine. It also contains provisions to assist state efforts against smallpox and to protect health care workers and their employers during the vaccination campaign.

I am introducing this bill today to begin a dialogue that I hope will culminate in the quick passage of legislation. This is not a partisan issue. I know that all members of the House and Senate are committed to protecting the American public from potential bioterrorist threats. I look forward to working with members from both the Republican and Democratic parties and with the Administration to develop a bipartisan solution. I hope that my ideas, as outlined in this legislation, can provide a starting place for discussion.

Three weeks ago, President Bush launched a national program to vaccinate millions of healthcare workers against smallpox in order to protect the United States in case of a bioterrorist attack. To date, the number of those vaccinated is far lower than anticipated. According to press accounts, about one thousand health care workers have been vaccinated, despite an initial goal of about 500,000 in the first month.

According to public health officials, one reason for this gap is that health care workers are concerned about the risks of the smallpox vaccine itself. About one out of every million people who receive the vaccine will die, and several others will suffer severe medical complications, including brain damage, blindness, and significant scarring. Serious injury can occur even among people who have never been vaccinated, but who come into close contact with someone who has recently received the vaccine.

The homeland security bill passed last fall limited the liability of hospitals, doctors, and vaccine manufacturers for injuries caused by the smallpox vaccine. However, the legislation did not provide compensation to those who are injured.

I have heard from public health officials and vaccination experts that many health care workers are understandably reluctant to accept a vaccine to protect the public while being forced to face the consequences of an adverse reaction alone. These consequences can include large medical bills, lost income, pain and suffering, and death. There can be no doubt that a compensation program is urgently needed.

Some have suggested that existing workers compensation programs can cover those vaccinated in case of injury. This approach is not adequate. It is clear that some state programs do not cover vaccine injuries at all, others provide insufficient compensation, and not one covers those who fall ill from contact with someone who has received the vaccine.

Health insurance may also fall short. Some insurers have threatened not to cover smallpox vaccine injuries. And some volunteers or contacts who get injured by the vaccine may not have health insurance at all.

Aside from the lack of compensation for vaccine injury, there are other impediments to the smallpox vaccination effort. States are straining under the weight of their usual public health responsibilities and need additional funding. Volunteers who need immediate medical care because of a smallpox vaccine reaction may not be able to afford it, and those volunteers who fall ill for a few days with common local reactions to the vaccine may lose wages while recovering.

The legislation I am introducing today addresses these problems. My goal is the same as the President's: to enhance the ability of the United States to defend against a bioterrorist attack. I believe that changes in the law are urgently needed to achieve this goal.

First, the bill establishes a no-fault compensation program for those injured by the smallpox vaccine modeled on the successful program for children injured by routine immunizations. This system is fair, efficient, and less litigious than the traditional court system. Most importantly, a compensation program will provide real security to health care workers and their families in case of injury and will remove a major impediment to the vaccination effort.

Second, the bill would provide grants to states to pay for their vaccination programs, including education and testing for medical conditions that are risk factors for severe reactions to the smallpox vaccine.

Third, the bill would provide states full funding to pay for the immediate medical care of any health care worker or first responder injured by the vaccine, or anyone injured by coming into contact with someone who has been recently vaccinated. Timely medical attention can help to prevent the most serious complications of adverse reactions from ever developing.

Fourth, the bill would prohibit discrimination against any worker who refuses to be vaccinated.

Fifth, the bill would permit up to four days of paid leave for health care workers who experience transient but significant local reactions. Employers can obtain reimbursement for this expense from the compensation program.

Each of these provisions will support our nation's preparations for a smallpox attack. In the coming days, I look forward to a productive legislative exchange to assure that these issues are quickly addressed.

ENSURE BANK CUSTOMERS ARE INFORMED WHEN THEIR IDENTITY IS STOLEN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation, in conjunction with my colleague Mr. RYAN of Wisconsin, that would require financial institutions to notify customers if their personal information was compromised as a result of employee misconduct or computer hacking. This legislation, the Identity Theft Consumer Notification Act, was also offered in the last Congress.

Identity theft complaints have nearly doubled over the last year, and this is the third straight year this crime has topped the Federal Trade Commission's consumer fraud list. Last fall, the FBI broke up the largest identity theft ring in U.S. history, with more than 30,000 consumers' information having been stolen.

In our home state of Wisconsin, it was revealed last year that a local bank had discovered that hundreds of its customers' information had been stolen in September 2001, yet none of the victims were notified until May of 2002, eight months later. This is completely unacceptable, as any victim of this crime will tell you of the lengthy and expensive process of restoring one's credit history after his or her identity has been hijacked. Unfortunately, there is nothing in existing law that compels banks or other financial institutions to contact their customers if it is discovered that their information was stolen from one of these businesses.

In addition to requiring financial institutions to promptly notify victims if their personal information has been compromised, this legislation would also have banks assist the customer in repairing his or her credit report, and reimburse them for any losses incurred. It would ensure that the annual privacy notices to financial institution customers required by Gramm-Leach-Bliley include the bank's obligation to carry out these duties. Lastly, the bill would specify that the two-year statute of limitations on seeking civil damages begins to toll at the time the crime is discovered by the victim, rather than at the time the crime took place.

It is only common sense that consumers receive timely information from the businesses that they have entrusted their personal data, should they fall victim to identity theft. This bill would give consumers confidence that they will quickly learn if their information has been compromised, and that they will receive the necessary assistance to repair the damage done. I urge my colleagues to cosponsor this measure.

TRIBUTE TO KEMMONS WILSON

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FORD. Mr. Speaker, I rise today to honor Kemmons Wilson, beloved father, friend and businessman, who died February 12 at his home in Memphis, Tennessee at the age of 90. An innovative entrepreneur and benevolent philanthropist, Mr. Wilson is best known as the founder of the Holiday Inns hotel chain.

Kemmons Wilson was born in Osceola, Arkansas, but spent most of his life in Memphis, where he was well respected and well known for his business, community and philanthropic involvement. He traveled the world developing the hotel chain that made him an international business legend. Over the years he visited palaces and dined with royalty, yet he always stayed grounded. Kemmons Wilson kept the ''common man'' in mind because he always thought of himself as one. Mr. Wilson came from a background where he and his mother struggled greatly after the death of his father, and during the Great Depression they both worked hard just to survive. The desire to never be hungry again drove Kemmons Wilson to achieve.

On one fateful trip from Memphis to Washington, D.C. in the early '50s, Kemmons Wilson, traveling with five children in tow, found it impossible to find nice lodging where they wouldn't be charged extra for children. Frustrated but inspired, Kemmons Wilson founded the first Holiday Inn, vowing to provide average families with comfortable, affordable accommodations. Over the next fifty years, his bold vision, pioneering spirit and hard work made him a business icon, and his brainchild, Holiday Inn, changed the face of the hotel industry forever. Today countless locations and vacations later, the hotel chain Mr. Wilson founded is still helping families create lasting memories together.

Kemmons Wilson's generous, life-long philanthropy testifies to his devotion to family and community. Whether it was to his church where he was a member for 46 years, or to the University of Memphis where he built the only Hospitality and Resort Management school of its kind in the southeast, Kemmons Wilson gave joyfully and abundantly. He remembered how often he had been helped along the way, and he was glad to help others in return.

Mr. Speaker, Kemmons Wilson worked tirelessly to improve the quality of life for families around the world, and he will be remembered not only as a business legend but also as a caring family man and devoted friend who always remembered his roots. I thank the speaker for allowing me to honor him today.

AFFORDABLE COLLEGE EDUCATION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. LOFGREN. Mr. Speaker, in the State of the Union address, President Bush proposed large tax cuts that primarily benefit the top 1 percent of taxpayers. According to the Congressional Budget Office, the President's tax cut and other proposals will constitute a majority of the projected $2.1 trillion dollar debt. I object to this; Democrats object to this. But the President and the Republican Party have ignored these objections.

The President's plan to eliminate the corporate tax on dividends comprises the bulk of his proposed tax cut—$364 of the $674 billion dollar package—nearly 50 percent.

If the President wants us to cut $674 billion dollars in taxes, we should do this right. We should promote a prosperous future for America. We should encourage the intellectual development of our nation's youth. We should focus on families, and students, and make college possible for everyone.

Consider the facts—From 1991 to 2001, college tuition grew faster than inflation and family income. According to the College Board, average tuition and fees grew by 38 percent at public four-year institutions and 37 percent at private four-year institutions. Over the same period, median family income increased by only 8 percent.

In the last year alone, public universities faced the largest single-year increase in 10 years. In my district, San Jose State University fees increased by 10 percent this year and could increase an additional 20 to 25 percent next year due to state budget cuts.

In addition, the burden of student loans continues to increase. Average student loan debt is now close to $17,000, up from $8,000 in just seven years.

We cannot let families and students continue to shoulder the burden of rising costs in higher education. This is why I am introducing the Affordable College Education Act of 2003, ACE.

ACE puts money back in the pockets of middle-class families who need help with college costs. It will allow American taxpayers to fully deduct college expenses, including tuition, fees, books, supplies, transportation, housing and meal plans. This bill will also help Americans saddled with student loan debt by allowing them to deduct all student loan interest.

ACE breaks down financial barriers and ensures what every family wants for their children: the opportunity for higher education. I urge you to support this bill and deal an ACE for American families facing the daunting costs of college.

TRIBUTE TO PAUL McENCROE

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great honor that I recognize Mr. Paul McEncroe of Evergreen, Colorado. At this time, I would like to pay tribute to the life of Mr. McEncroe. Paul will be remembered as a man of great spirit, charm, and friendliness by all of those whom he knew.

Mr. McEncroe was born in 1922 in Chicago. Both Paul and his wife, Donna, attended Northwestern University in Evanston, Illinois. During his early life, Paul worked as an office machine salesman in Chicago, San Diego, and Milwaukee, before he and Donna moved to Colorado. In 1965, they purchased the El Rancho Restaurant near Evergreen, Colorado. Paul was a friendly and likeable owner who greeted patrons at the door of El Rancho with his quick wit and a smile. Paul's wonderful personality helped him to win the 1977 Lakewood Sentinel's Man of the Year award. Paul and his wife continued to run the restaurant for more than twenty years until they retired in 1998.

As an avid bicycling enthusiast, Mr. McEncroe had not only enough energy to run a successful restaurant, but also spent countless hours involved in his community as well. He worked with the Colorado Philharmonic Orchestra Board, and was a member of the Saint Anthony Hospital Flight for Life advisory board. At one point in time, Paul also served on the Jefferson County School Board. Mr. McEncroe gave back to his community in countless ways, and will be remembered fondly for all of his hard work and dedication.

Mr. Speaker, it is with humble respect that I recognize Mr. Paul McEncroe before this body of Congress and this nation. He was an excellent man whose memory will live on in the lives of those he touched, especially his family. It gives me great pride to be able to honor such a man.

RETIREMENT OF COACH WILSON TERRELL, JR.

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PICKERING. Mr. Speaker, for the past 41 years, Wilson Terrell has coached basketball for the Laurel City School District, influencing the lives of many of the young men within the community of Laurel, Mississippi. While some people remember him as a coach, I remember him as someone who enjoyed mentoring and teaching students as much as he loved the game of basketball.

Since the beginning of his coaching career in 1962, he has been a role model for many young men. He taught them how to respect others, how to take responsibility for their actions, and a discipline of hard work and accountability. He has been a strong asset to the Laurel City School District and the community.

During his time as coach he led the Laurel Tornadoes to several District Championships and to the State playoffs. Coach Terrell loved to win at basketball, but more importantly, he loved to see his students succeed in life. Wilson Terrell is truly a man of incredible character. As a former student in the Laurel public schools, I am honored to join with the entire community, and his former and current students and players, to wish him well in his retirement and to thank him for his invaluable service.

IN RECOGNITION OF THE RETIREMENT OF NANCY LONSDALE

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. GREENWOOD. Mr. Speaker, it is essential that those of us who have the high honor and privilege of serving in this body regularly remind ourselves how dependent we are upon our families, our friends, our supporters, our volunteers and most especially upon our dedicated staffs, to carry out the work of the nation that has been entrusted to our care.

It is difficult, at times, for those who do not work in this body to appreciate the incredible demands that are regularly placed upon our intellect, our time, our health and on numerous occasions, our sheer physical endurance, as we labor to conduct the people's business. Yet the opportunities to do good and to seek the answers to the challenges of our times are so great that, however heavy the burden, we heed the call to duty.

None of this work, however, is done by Members of Congress alone. In fact, without the strong, constant, and faithful service that is rendered to us and to our country by our professional staff the work would be impossible to perform. Every day, we rely upon their knowledge, their wisdom and their moral strength of character to carry a hundred different missions . . . from developing legislation to solving constituent problems to offering counsel and advice on the complex issues that come before the Congress.

Like many of my colleagues, we are most often reminded of the invaluable service our staff members render to us and to our nation when one of our team retires or moves on. This is the case with me today.

For ten years, both in Washington and in my District office at Doylestown, Pennsylvania, Ms. Nancy Lonsdale has been a devoted and capable member of my professional staff. And for years before that, she served as a volunteer in a number of my campaigns for state office. During most of that time, she served as my Executive Assistant and Scheduler at home in the district. In that position she was the steward and guardian of life's most precious commodity . . . time. Through all those years she has served as an honest broker, ably accommodating the desire of the thousands of constituents who wished to see me with all the other myriad demands placed on a Member of Congress.

Perhaps what I am most appreciative of is her dedication throughout those years, when my children were so young, to carve out a time for me to perform the most important duty in my life . . . to be a father to my children. And not just a loving and caring father, but even more importantly, one who had the time to be truly involved in the life of my growing family.

But I am in her debt as well for many other services she rendered. Charged with the task of managing my schedule, she yet found time to take on some of the most difficult casework, including the needs of service men and women on active duty and families in crises.

To everything she does and has done, Nancy Lonsdale brings a level of commitment, a sense of purpose, and a degree of compassion unsurpassed by anyone I have ever known.

All of us who have had the honor to work with her these past years are better people because of our association with her. For in addition to her work ethic, she brings a high and uncompromising moral standard matched with an inquiring mind imbued with an abiding sense of the value and the dignity of every human being.

In her last will and testament, the founder of Nancy's alma mater, Sophia Smith, wrote these words about the woman's college she founded, ''It is my wish that the institution be so conducted, that during all coming time it shall do the most good to the greatest number. I would have it a perennial blessing to the country and the world. ''

I can attest that in the case of Nancy Lonsdale, Smith College alumni that wish has been more than fulfilled. Nancy Lonsdale is a blessing, to her family, to her colleagues, to her country and to the world she labors so tirelessly to improve.

PUTTING THE PEDAL TO THE METAL: ACCELERATING THE ENERGY INDEPENDENCE OF AMERICA ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. FILNER. Mr. Speaker, I rise today to introduce H.R. 770, ''Putting the Pedal to the Metal: Accelerating the Energy Independence of America'' Act, legislation creating a broad tax credit for the production of alternative fuel vehicles.

Transportation accounts for about two-thirds of the oil consumption in the United States, and we are 97 percent dependent on oil for our transportation needs. If our nation is going to have a strategy for energy security, that strategy must begin with transportation fuels. As we all learned during the California energy crisis, any strategy for energy security has to be based in alternative sources of production, to ensure that we have we are never again held captive by one company or industry.

When enacted, this legislation will offer a tax credit for every dollar invested by companies towards the production of alternative fuel vehicles. The credit will allow companies to take a credit equal to the percent of investment in the production of alternative fuel vehicles, so if a company spends 40% of their time and expense on producing alternative fuel vehicles, they would receive a 40% credit against its tax burden.

Hopefully, this will spur small companies and large companies alike, to move towards the production of alternative fuel vehicles. This landmark legislation will help break the old cycle of automobile manufacturers failing to sufficiently invest in alternative fuel vehicle technology, because it was not profitable enough.

Many companies, large and small, are already in the business of producing alternative fuel vehicles, such as L3 Research, Inc. in San Diego. L3 Research Inc. has a prototype, the L3 ''Enigma''—a hybrid-electric sports car. This is the world's first hybrid-electric sports car, faster than a Corvette, and it recharges from a common wall outlet. This is the kind of innovative, next-generation, vehicle production that will benefit from this legislation.

During his State of the Union address, President Bush rolled out an initiative to fund the development of hydrogen fuel cell vehicles. While I support this worthy goal, most experts estimate that fuel cell powered vehicles are a generation away.

Mr. Speaker, we don't need to wait many years to support alternative fuel vehicles—it's time to put the pedal to the metal and accelerate the energy independence of America. Pass H.R. 770.

HONORING MAE EMMA BROOKS OF CENTRE, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to honor Mae Emma Brooks of Centre, Alabama. On February 22, 2003, she will be honored by St. Mary's United Methodist Church, of Centre, Alabama, which has been her church for the past 74 years.

Mrs. Brooks began attending St. Mary's in 1920 at the age of 5 and became a member the church in 1929. In addition to raising 6 children and her membership in the Progressive Women's Guild Order of the Eastern Star, Mrs. Brooks has devoted her entire life to her church. She was the Church Secretary for 42 years, the former President of the Women's Society of Christian Service, a choir member for more than 40 years and head of the Board of the Communion Stewards for more than 50 years.

Because of her devotion to St. Mary's United Methodist Church and its congregation, I salute Mae Emma Brooks and join this fine church in thanking Mrs. Brooks for her generous life of service.

CONGRATULATIONS TO PEDRO CAPO AND THE ENTIRE CAPO FAMILY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to commend Mr. Pedro Capo for becoming the first Hispanic to serve as president of the National Home Furnishings Association. Mr. Capo's journey is inspiring and it speaks volumes of determination, passion, and family values.

Approximately 36 years ago, Pedro Capo's father, Manuel, and two brothers fled communist Cuba in a 24-foot wooden boat motored only by a converted water pump. Their boat was named ''El Dorado,'' the Spanish word for dolphin. This name was to foreshadow the success to come, both in reaching their destination and continuing a successful family tradition. Upon arriving in the United States Mr. Capo's father and three brothers used the experience gleaned in the family's successful furniture shop in Cuba and shortly after they founded El Dorado Furniture.

The Capo family reflects traditional Cuban values, hard-work, self-reliance, self-confidence and determination.

El Dorado Furniture is a success by any standard. From its humble sales of $18,251 its first year, it boasts sales of $125 to $130 million in 2002. Not many businesses can claim at least a 22 percent increase every year. Apart from El Dorado's business success, it has served as a source of family unity. All the family members continue to work in the business, including seven of the 19 grandchildren.

Passion for the furniture business has been in the Capo family's blood and can be traced back to Cuba. Pedro Capo's father describes him as a child ''having an active imagination'' and as a child who ''loved to share his ideas with the whole family''. In the last 10 years, Pedro Capo has been sharing his ideas as a member of National Home Furnishings Association, and in his new position as president, he will continue to share his ideas with National Home Furnishings Association members about getting the most out of their retailing businesses.

I urge all our colleagues to join me in paying tribute to the entire Capo family, and especially to Mr. Pedro Capo, a man that embodies the American dream. He serves as a shining example and reminder that anything is possible in the United States and that dreams can and do come true. A man who stands out as a light for all; whether newly arrived immigrant or multi-generational United States citizen.

WILDLIFE GRANTS PROGRAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. BASS. Mr. Speaker, today, Congress is failing to protect America's wildlife by short-changing the State Wildlife Grants program. As many know, I am a strong and consistent supporter of this program, which works to preserve wildlife and save endangered species. Last year, I joined 57 colleagues in recommending $150 million in funding. Regrettably, the Fiscal Year 2003 omnibus legislation dramatically decreasing the spending level supported by the House last July.

Restoration of previous funding levels for the State Wildlife Grants program, translates into greater protection of endangered species. In particular, 78 species in New Hampshire are threatened, endangered or classified as a ''species of concern.'' These include the Karner Blue butterfly, Piping Plover, and Blanding's turtle. Through the State Wildlife Grant program, the New Hampshire Fish and Game Department is able to monitor viability and health. States that monitor wildlife in a comprehensive manner are able to identify and heal declining species that, unchecked, would require ''emergency room'' care to avoid their extinction. Clearly, preventive measures save the wildlife and also taxpayer dollars eventually required for heroic measures.

In 2000, when 315 of my House colleagues and I passed the Conservation and Reinvestment Act, we did not foresee the dramatic cuts to the State Wildlife Grants program. Today, we can and should commit more resources for national conservation efforts.

TRIBUTE TO RUTH WILLIAMS BUCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Ruth Williams Buce who died on January 20, 2003, after a brief illness at the age of eighty-two.

Ruth Williams Buce was born in Alexander City, Alabama, and was the first woman in her family to earn a college degree. She was a member of the ''greatest generation,'' the generation that secured democracy and built America in the 20th century.

Ruth made friends everywhere she went in her unending pursuit of continuing education and personal growth. She lived a life of volunteerism and gave generously to many causes. She helped her parents prepare food and deliver it to those in need; she rolled bandages in World War II, and worked as a hospital aide. Most recently she volunteered at the Methodist Country House Health Center. Ruth was an avid participant and a leader in the Friends of the Concord Pike Library, the AAUW Landmarks Group and St. Paul's United Methodist Women.

She is survived by her husband of 60 years, William Austin Buce and her children, James A. Buce and his wife Judith, Robert E. Buce and his wife Barbara, and Janet Buce Cook. She also leaves two grandchildren, Julie and Brian Buce.

Mr. Speaker, I ask my colleagues to join me in honoring Ruth Williams Buce for her lifetime of extraordinary service to her community and her country and extending our deepest sympathy to her entire family.

A TRIBUTE TO MISSION SPRINGS WATER DISTRICT FOR 50 YEARS OF SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to offer my congratulations to the board of directors and employees of the Mission Springs Water District for 50 years of high quality service to the residents of Desert Hot Springs, California and the surrounding desert communities.

As you can imagine, Mr. Speaker, water is one of the most important concerns to residents of a desert community. However, many of my colleagues from the watery East may not know that there are millions of gallons of some of the finest water to be found in the underground basins of the deserts of California.

Blessed with one such basin, the early residents of the community (later to become the city) of Desert Hot Springs established, by vote, a water district that was later to become Mission Springs Water District. That original district served one square mile when it was created in February 1953. Today, it covers 135 square miles of a rapidly growing desert area.

Since its inception, the district has committed itself to provide, protect and preserve its high-quality drinking water. The district has gained widespread respect for its water conservation and attention to top quality materials in its distribution system.

Mr. Speaker, I know that it is common for members of Congress to speak proudly of the quality of their local products. But in this case, the product served by Mission Springs Water District has certified by experts as some of the best in the nation. The district has received one gold and two silver medals in the largest international water tasting competition held: the Berkeley Springs, West Virginia, International Water Tasting and Competition.

In 1998, the district sponsored state legislation to ensure protection of its award winning groundwater. The legislation amended Section 13281 of the Porter-Cologne Water Quality Act (the California Water Code), granting special protection to the Mission Creek and Desert Hot Springs Aquifers—the sources of the cities drinking water and world-renowned mineral water. The district has continued to support other legislation that protects water resources throughout California.

The district has also been a good corporate citizen. In 1999, the district created the Mission Springs Foundation, a 501(c)(3) dedicated to educating the community about water and human impact on water quality. It was instrumental in the formation of the Desert Hot Springs Groundwater Guardian Team in 1995. The Groundwater Guardian is committed to working in the community with the mission of ''teaching the community to care for and about groundwater.'' In 2000, under the leadership of district and the Groundwater Guardian Team, the newly constructed Desert Hot Springs High School became the first Groundwater Guardian Campus in the Nation.

In 1995, the district sponsored the First Big Blood Drive on behalf of the Desert Hot Springs Chamber of Commerce and the Coachella Valley Blood Bank. The drive set records for net pints donated in a single day drive in subsequent years.

Mr. Speaker, it is clear that in its 50 years of existence, the Mission Springs Water District has not only provided the highest quality water in the nation to its customers, but has also served as an inspiration source of community pride for those who live in its service boundaries. Please join me in congratulating the board and employees, and wishing them well for the future.

RECOGNIZING VIRGINIA RUE, ASSISTANT SUPERINTENDENT OF THE NAPA VALLEY UNIFIED SCHOOL DISTRICT AT THE TIME OF HER RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Virginia Rue, who is retiring after working for 27 years in the field of education. During the past nine years, Mrs. Rue has served as the Assistant Superintendent of the Napa Valley Unified School District.

Mrs. Rue has been dedicated to education throughout her life. Part of a new generation of women who refused to be denied a university education, she enrolled at Old Dominion

University, VA where she earned her Bachelors degree in American History. Even after completing her undergraduate education, Mrs. Rue's educational goals were not fulfilled. She continued studying and eventually earned her Doctoral degree in Educational Administration.

Mr. Speaker, it is most impressive that even with a doctorate in hand, Mrs. Rue felt that her educational goals could not be fulfilled without helping to educate others. As a high school teacher she motivated her History students to get involved in government and to appreciate our Nation's rich heritage. Later, as the Principal of Vintage High School in Napa, CA Mrs. Rue organized a dedicated staff, maintained a fiscally sound budget and spread an overall enthusiasm for education that was, quite simply, contagious.

During her time as Assistant Superintendent, Mrs. Rue has supervised 21 elementary schools, 4 middle schools, 2 comprehensive high schools, a technology school, one adult school and a continuation school. As Assistant Superintendent, she has also expanded services to Limited English Proficient students, incorporated a senior citizen tutoring program, secured substance abuse grants and implemented new reading programs. The improvements Mrs. Rue has made in the Napa Valley Unified School District have been enormous.

Mr. Speaker, Mrs. Rue is a shining example of dedication to education. The knowledge, concepts and programs that her students have benefited from during her tenure are a permanent reminder of how significant her educational contributions have been. For these reasons and countless others, it is most appropriate that we honor Mrs. Virginia Rue's educational career and extend our best wishes to her in her retirement.

HONORING THE LIFE OF DAVID ALAN POWELL

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Ms. LINDA SÁNCHEZ of California. On November 30, 2002 David Alan Powell, a true hero and proud father was taken from us in the line-of-duty.

That night, an Artesia residence was fired on by armed gang members. A fleeing suspect forced his way into an occupied home. Deputy David Powell, doing one of the things he loved to do, risked his life to save the life of another. Within a matter of seconds, Deputy David Powell was taken from us. The lives, hopes and dreams of his family were changed forever.

David's heart was filled with love and his whole purpose in life was to make a difference. David entered the sheriffs academy, Class 221, on January 19, 1984. After graduating from the academy he was assigned to custody for three years where he worked both Men's Central Jail and Pitchess Detention Center. In 1987, he was assigned to Firestone Station. In 1988, he transferred to Lakewood Station, and he earned the reputation of being dedicated and hard working. In the communities where David worked, everyone knew him. Children would wave to him and call his name. He loved children and he loved helping people.

In November 2000, David was presented the Valor Award by the City of Lakewood for saving the life of an elderly male who was attempting suicide. In 2002, he was one of several law enforcement officers who tried to save the lives of three individuals that had crashed their car following a pursuit. As a result of the crash, the car erupted into flames and for several long minutes, David fought back flames as he and others tried desperately to remove the critically injured passengers from the car. His heroic efforts resulted in his nomination for another valor award. Unfortunately, he won't be here to receive it.

David was a Christian and attended the Lawndale Christian Church his entire life. His love for his family and faith were evident everywhere. David applied his values to all that he did, and he believed in God's plan for him. David and his wife met at church and married in January 1990. Although Emma had three children from a previous marriage, David loved and cared for them as though he was their father. As their daughter Alicia shared, ''He was my Daddy . . . the only dad I knew. He was the happiest man. He always had a smile on his face.''

He also was a loyal man who loved his job. Just this past Thanksgiving, David shared with his family that with his seniority, he could easily ask to leave patrol and be assigned to a desk. However, he loved his car, Unit 134T1, so much so, he couldn't bear the thought of transferring inside and leaving the patrol car, and the job that brought him so much fulfillment and satisfaction in helping others.

Shortly after leaving the hospital on the day of her father's death, seven-year-old Brianna Powell wrote a note to her dad: ''I love you dad. I know you will always be in my heart. I wish you were still down here with all my family. I will never forget you. I wish you were still alive.''

I commend David Powell for his valor and service to his country.

Born: May 27, 1960.

Entered Department: January 18, 1994.

Killed in the Line of Duty: November 30, 2002.

Daily Digest

HIGHLIGHTS

House and Senate agreed to the Conference Report on H.J. Res. 2, Omnibus Appropriations.

House and Senate agreed to H. Con. Res. 41, Adjournment Resolution.

House passed H.R. 4, Personal Responsibility, Work and Family Promotion.

House Committees ordered reported seven sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S2371–S2503

Measures Introduced: Twenty-nine bills and seven resolutions were introduced, as follows: S. 385–413, S.J. Res. 6, S. Res. 57–59, and S. Con. Res. 5–7. **Pages S2456–57**

Measures Reported:

S. Res. 57, authorizing expenditures by the Committee on Armed Services. **Page S2456**

Measures Passed:

Enrollment Correction: Senate agreed to H. Con. Res. 35, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2. **Page S2499**

Adjournment Resolution: Senate agreed to H. Con. Res. 41, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S2499**

Do Not Call Registry: Senate passed H.R. 395, to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, clearing the measure for the President. **Page S2500**

Government Consent to Assemble: Senate agreed to H. Con. Res. 1, regarding consent to assemble outside the seat of Government. **Page S2500**

U.N. Resolution Support: Committee on Foreign Relation was discharged from further consideration of S. Con. Res. 4, welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441, and the resolution was then agreed to. **Pages S2500–02**

Ronald Reagan Birthday Recognition: Senate passed H.J. Res. 19, recognizing the 92d birthday of Ronald Reagan, clearing the measure for the President. **Page S2502**

Congratulating the University of Portland Women's Soccer Team: Senate agreed to S. Res. 59, congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship. **Pages S2502–03**

Omnibus Appropriations Conference Report: By 76 yeas to 20 nays (Vote No. 34), Senate agreed to the conference report on H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President. **Pages S2428–39**

Nomination Considered: Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S2372–89, S2391–S2413**

A unanimous-consent agreement was reached providing for further consideration of the nomination at 10 a.m., on Friday, February 14, 2003. **Page S2398**

Protect Act—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of S. 151, to amend title 18, United States Code, with respect to the sexual exploitation of children, at 3:30 p.m., on Monday, February 24, 2003, that there be two hours of debate, and that upon the use or yielding back of time, the Senate vote in relation to the bill. **Page S2500**

Discharged and Referred—Agreement: A unanimous-consent agreement was reached providing that S. Res. 55, authorizing expenditures by the Committee on Small Business and Entrepreneurship be discharged from the Committee on Small Business and Entrepreneurship and referred to the Committee on Rules and Administration. **Page S2502**

Authority for Committees: All committees were authorized to file executive and legislative reports during the adjournment of the Senate on Thursday, February 20th, 2003, from 10 a.m. until 12 noon. **Page S2389**

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report concerning the justification of the Australia Group and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on Foreign Relations. (PM–16) **Pages S2453–54**

Nominations Confirmed: Senate confirmed the following nominations:

William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

Routine lists in the Foreign Service.

Pages S2389, S2499–S2500

Messages From the House: **Page S2454**

Measures Referred: **Page S2454**

Executive Communications: **Page S2454**

Petitions and Memorials: **Pages S2455–56**

Executive Reports of Committees: **Page S2456**

Additional Cosponsors: **Pages S2457–58**

Statements on Introduced Bills/Resolutions: **Pages S2458–98**

Additional Statements: **Pages S2450–53**

Authority for Committees to Meet: **Pages S2498–99**

Record Votes: One record vote was taken today. (Total—34) **Page S2439**

Adjournment: Senate met at 11 a.m, and adjourned at 11:09 p.m., until 10 a.m., on Friday, February 14, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2389.)

Committee Meetings

(Committees not listed did not meet)

2004 BUDGET: DEFENSE

Committee on Armed Services: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and General Richard B. Myers, U.S. Air Force, Chairman, Joint Chiefs of Staff.

COMMITTEE FUNDING RESOLUTION

Committee on Armed Services: Committee ordered favorably reported an original resolution (S. Res. 57), authorizing expenditures by the Committee.

ORGANIZATIONAL BUSINESS

Committee on the Budget: on Wednesday, February 12, Committee adopted its rules of procedure for the 108th Congress, and ordered favorably reported an original resolution (S. Res. 56) authorizing expenditures by the Committee.

2004 BUDGET: TRANSPORTATION

Committee on the Budget: Committee concluded hearings on the President's proposed budget for fiscal year 2004, focusing on the Department of Transportation and safety issues, after receiving testimony from Michael P. Jackson, Deputy Secretary of Transportation.

U.S. OLYMPIC COMMITTEE REFORM

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the current organizational structure and culture of the United States Olympic Committee, including possible reforms for increased effectiveness and efficiency, receiving testimony from Fred F. Fielding, Wiley, Rein, and Fielding, Washington, D.C.; Donald M. Fehr, Major League Baseball Players Association, and Harvey W. Schiller, Assante U.S., both of New York, New York; Anita L. DeFrantz, Amateur Athletic Foundation, Los Angeles, California, and Donna de Varona, Greenwich, Connecticut, both of the United States Olympic Committee; David F. D'Alessandro, John Hancock Financial Services, Boston, Massachusetts.

Hearing recessed subject to call.

MINORITY INSTITUTION TECHNOLOGY PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 196, to establish a digital and wireless network technology program for minority serving institutions, after receiving testimony from William B. DeLauder, Delaware State University, Dover; Ricardo Fernandez, City University of New York, West Bronx, on behalf of the Hispanic Association of College and Universities and Hispanic-serving Institutions; Floyd H. Flake, Wilberforce University, Wilberforce, Ohio; Marie V. McDemmond, Norfolk State University, Norfolk, Virginia; and Gerald Monette, Turtle Mountain Community College, Belcourt, North Dakota, on behalf of the American Indian Higher Education Consortium.

2004 BUDGET: FOREST SERVICE

Committee on Energy and Natural Resources: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture, including the Healthy Forests Initiative, after receiving testimony from Mark Rey, Under Secretary for Natural Resources and the Environment, and Dale N. Bosworth, Chief, Forest Service, both of the Department of Agriculture.

OIL SUPPLY AND PRICES

Committee on Energy and Natural Resources: Committee concluded hearings to examine the current U.S. energy situation, focusing on oil, natural gas, and hydrogen supplies, energy conservation, and the outlook for global oil supply and prices, after receiving testimony from Robert E. Ebel, Center for Strategic and International Studies, Red Cavaney, American Petroleum Institute, James C. May, Air Transport Association of America, all of Washington, D.C.; and Matthew R. Simmons, Simmons and Company International, Houston, Texas.

NRC OVERSIGHT

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, concluded oversight hearings to examine the licensing and regulatory responsibilities of the Nuclear Regulatory Commission, after receiving from Richard A. Meserve, Chairman, and Greta Joy Dicus, Nils J. Diaz, Edward McGaffigan, Jr., and Jeffrey S. Merrifield, each a Commissioner, and Hubert T. Bell, Inspector General, all of the U.S. Nuclear Regulatory Commission.

ENRON

Committee on Finance: Committee held hearings to examine the activities and transactions related to Enron's tax returns, focusing on the Joint Committee on Taxation's investigative report, receiving testimony from Lindy L. Paull, Chief of Staff, Joint Committee on Taxation; Jim A. Seida, University of Notre Dame, Notre Dame, Indiana; George A. Plesko, Massachusetts Institute of Technology, Cambridge; Edmund Outslay, Michigan State University, East Lansing; and Kathryn J. Kennedy, John Marshall Law School, Chicago, Illinois.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

BUSINESS MEETING

Committee on Rules and Administration: Committee adopted its rules of procedure for the 108th Congress.

COMMITTEE FUNDING RESOLUTION

Committee on Rules and Administration: Committee concluded hearings on proposed legislation authorizing expenditures by the Committee on Foreign Relations, after receiving testimony from Senators Lugar and Biden.

House of Representatives

Chamber Action

Measures Introduced: 111 public bills, H.R. 756–866; 1 private bill, H.R. 867; and 23 resolutions, H.J. Res. 22–23, H. Con. Res. 40–51, and H. Res. 77–86, were introduced. **Pages H698–H705, H706**

Additional Cosponsors: **Page H706**

Reports Filed: Reports were filed today as follows:

H.R. 342, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases (H. Rept. 108–12);

H.R. 389, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools (H. Rept. 108–13);

H.R. 398, to revise and extend the Birth Defects Prevention Act of 1998, amended (H. Rept. 108–14); and

H.R. 399, to amend the Public Health Service Act to promote organ donation (H. Rept. 108–15).

Page H698

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today.

Page H465

Guest Chaplain: The prayer was offered by Rev. Jim Schetler, Pastor, Pensacola Christian College Campus Church of Pensacola, Florida. **Page H465**

Personal Responsibility, Work and Family Promotion: The House passed H.R.4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care by a yea-and-nay vote of 230 yeas to 192 nays, Roll No. 30.

Pages H471–H546, H547–52

Rejected the Cardin motion that sought to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with amendments that increase child care funding by $11 billion by a yea-and-nay vote of 197 yeas to 221 nays, Roll No. 29. **Pages H550–52**

Rejected:

Kucinich amendment in the nature of a substitute No. 1 printed in H. Rept. 108–9, that sought to provide states with poverty reduction bonuses, maintain current work requirements, remove the cap on vocation education participation, extend time limit on education, provide $20 billion for Child Care development Block grant, require states to address barriers to work, and restore eligibility to immigrants (rejected by recorded vote of 124 ayes to 300 noes Roll No. 27; and **Pages H513–30**

Cardin amendment in the nature of a substitute No. 2 printed in H. Rept. 108–9 that sought to expand state flexibility to provide training and education, increases to 70% the number that are required to be engaged in work related activities, provide states with an employment credit, maintain the current participation requirement, maintain time limit on Temporary Assistance for Needy Families (TANF) benefits, increase child care funding by $11 billion over the next 5 years, and remove barriers to serving legal immigrants (rejected by recorded vote of 197 ayes to 225 noes, roll No. 28).

Pages H530–46, H547–50

H. Res. 69, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H465–71

Committee Election—Minority Members: The House agreed to H. Res. 79, electing the following named minority members, delegates, and resident commissioners to standing committees of the House of Representatives:

Committee on Agriculture: Representative Case to rank immediately after Resident Commissioner Acevedo-Vilá, and Representatives Pomeroy, Boswell, Thompson of California, Udall of Colorado, Larsen of Washington, and Davis of Tennessee.

Pages H552–53

Committee on Education and the Workforce: Representative Davis of Illinois to rank immediately after Representative McCollum and Representative Van Hollen to rank immediately after Representative Majette. **Pages H552–53**

Committee on Government Reform: Representatives Cooper and Bell. **Pages H552–53**

Committee on Science: Representatives Sherman, Baird, Moore, Weiner, and Matheson. **Pages H552–53**

Committee on Small Business: Representative Napolitano, Resident Commissioner Acevedo-Vilá, and Representatives Case, Bordallo, Marshall, and Michaud. **Pages H552–53**

Committee on Veterans' Affairs: Representatives Hooley, Reyes, Strickland, Berkley, Udall of New Mexico, Davis of California, and Ryan of Ohio.

Pages H552–53

Interim Expenses of the Select Committee on Homeland Security: The House agreed to H. Res. 77, providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress.

Page H553

Omnibus Appropriations Conference Report: The House agreed to the conference report to accompany H.J. Res. 2, making further continuing appropriations for the fiscal year 2003 by a recorded vote of 338 ayes to 83 noes, Roll No. 32. **Pages H558–H673**

Rejected the Obey motion to recommit the conference report to the committee on conference with instructions to the managers on the part of the House to (1) disagree to section 323 in Division F, expanding logging in Federal forests, (2) disagree to section 335 in Division F, preventing administrative or judicial review of the Tongass Land Management Plan, (3) reconsider its decisions on the Bureau of Land Management, Energy and Minerals Program, (4) fund, within the scope of conference, conservation

spending category items in division F, including National Park Service grants to States and U.S. Fish and Wildlife Service programs, at no less than current rate, and (5) increase funding for training, equipment, and assistance for first responders provided through the Office of Domestic Preparedness to levels as close to the levels requested by the President by a yea-and-nay vote of 193 yeas to 226 nays, Roll No. 31. **Pages H671–72**

The House agreed to H. Res. 71, the rule that waived points of order against the conference report and provided for the corrections in the enrollment of H.J. Res. 2, making further continuing appropriations for the fiscal year 2003 by voice vote. **Pages H554–58**

Enrollment Correction: Pursuant to the provisions of H. Res. 71, and upon the adoption of the omnibus appropriations conference report, the House was considered to have agreed to H. Con. Res. 35, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2, making further continuing appropriations for the fiscal year 2003.

Disposition of Rules Committee Resolution: Agreed to lay H. Res. 48, providing for consideration of H.J. Res. 18, making further continuing appropriations for the fiscal year 2003, on the table. **Page H675**

Committee Resignation—Minority Member: Without objection, the Chair accepted the resignation from Representative Jackson-Lee of Texas from the Committee on Science. **Page H675**

Presidential Message—Effectiveness of the Australia Group: Message whereby he certified pursuant to condition 7(C)(I), Effectiveness of the Australia Group, of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, that the Australia Group members continue to maintain equally effective control over exports and that it remains a viable mechanism for limiting the spread of chemical and biological weapons related materials and technology—referred to the Committee on International Relations. **Page H675**

President's Day District Work Period: The House agreed to H. Con. Res. 41, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page H676**

Message from the Senate Pertaining to Conference Report and Concurrent Resolution: Agreed that when the House adjourns today it adjourn to meet at 2 p.m. on Friday, February 14, 2003 unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany H.J. Res. 2 and its adoption of H. Con. Res. 41, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H676**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Feb. 26. **Page H676**

George Washington Birthday Observance: Agreed that it be in order for the Speaker to appoint two members of the House, one upon the recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on Friday, February 21, 2003. **Pages H676–77**

Speaker Pro Tempore During District Work Period: Read a letter from the Speaker wherein he appointed Representative JoAnn Davis of Virginia or if not available to perform this duty Representative Bartlett to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25. **Page H677**

United States Group of the North Atlantic Assembly: The Chair announced the Speaker's appointment of Representative Bereuter, Chairman, and Representatives Regula, Hefley, Gillmor, Goss, Ehlers, McInnis, and Bilirakis to the United States Group of the North Atlantic Assembly. **Page H680**

Quorum Calls—Votes: Three yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H529–30, H549–50, H551–52, H552, H671–72, and H672–73. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 9:52 p.m. pursuant to the provisions of H. Con. Res. 41, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany H.J. Res. 2 and its adoption of H. Con. Res. 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to H. Con. Res. 41.

Committee Meetings

STATE DEPARTMENT BUDGET PRIORITIES FISCAL YEAR 2004

Committee on the Budget: Held a hearing on the Department of State Budget priorities Fiscal Year 2004. Testimony was heard from Colin L. Powell, Secretary of State.

MUSEUM AND LIBRARY SERVICES ACT; KEEPING CHILDREN AND FAMILIES SAFE ACT

Committee on Education and the Workforce: Ordered reported the following bills: H.R. 13, Museum and Library Services Act of 2003; and H.R. 14, amended, Keeping Children and Families Safe Act of 2003.

PENSION SECURITY ACT—NEW PENSION PROTECTIONS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on "The Pension Security Act: New Pension Protections to Safeguard the Retirement Savings of American Workers." Testimony was heard from Ann L. Combs, Assistant Secretary, Employee Benefits Security, Department of Labor; and public witnesses.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES

Committee on Financial Services: Ordered reported the following bills: H.R. 254, 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.R. 258, amended, American 5-Cent Coin Design Continuity Act of 2003; H.R. 239, Brownfields Redevelopment Enhancement Act; H.R. 659, Hospital Mortgage Insurance Act of 2003; and H.R. 657, Emergency Securities Response Act of 2003.

The Committee also approved for submission to the Committee on the Budget a committee print entitled "Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2004."

COMMITTEE ORGANIZATION; OVERSIGHT PLAN; BUDGET VIEWS AND ESTIMATES

Committee on Government Reform: Met for organizational purposes.

The Committee also approved the following: an Oversight Plan for the 108th Congress; and Committee Budget Views and Estimates for Fiscal Year 2004 for submission to the Committee on the Budget.

OVERSIGHT—NORTH KOREA'S NUCLEAR PROGRAM

Committee on International Relations: Subcommittee on Asia and the Pacific held an oversight hearing on North Korea's Nuclear Program: The Challenge to Stability in Northeast Asia. Testimony was heard from James A. Kelly, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

FEDERAL R&D BUDGET OVERVIEW

Committee on Science: Held a hearing on An Overview of the Federal R&D Budget for fiscal year 2004. Testimony was heard from John Marburger, Director, Office of Science and Technology Policy; Samuel W. Bodman, Deputy Secretary, Department of Commerce; Rita R. Colwell, Director, NSF; and Robert Card, Under Secretary, Energy, Science and Environment, Department of Energy.

MEDICARE REGULATORY AND CONTRACTING REFORM

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Regulatory and Contracting Reform. Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

FREE ELECTRONIC FILING NATIONAL TAXPAYER ADVOCATE ANNUAL REPORT

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Free Electronic Filing National Taxpayer Advocate Annual Report. Testimony was heard from the following officials of the IRS, Department of the Treasury: Robert Wenzel, Acting Commissioner; and Nina E. Olson, National Taxpayer Advocate; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 14, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: to hold hearings to examine the President's proposal to create a terrorist threat integration center, including consolidating intelligence analysis, 9:30 a.m., SD–342.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Friday, February 14

Senate Chamber

Program for Friday: Senate will continue consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, February 25

House Chamber

Program for Tuesday: To be announced

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