United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, MAY 20, 2003 No. 75

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 20, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

DOD EXEMPTIONS

Mr. BLUMENAUER. Mr. Speaker, I came to Congress with the goal to promote more livable communities, that the Federal Government should be a better partner with the State and local governments, with private sector to make our families safe, healthy and economically secure. My colleagues can imagine my dismay when this week we are given a proposal in the Defense reauthorization bill that is the antithesis of this nature of partnership to promote livable communities.

It would exempt the military, not just the military actually, but all Federal agencies from certain aspects of the Endangered Species Act and the Marine Mammal Protection Act. The bill includes a proposal that eliminates critical habitat designation altogether on all lands owned or controlled by the military.

The bill includes a rider to exempt the Department of Defense at Fort Huachuca in Arizona from any responsibility for off-base ground water pumping that threatens the existence of the San Pedro River.

Mr. Speaker, this outrageous provision that was included in the reauthorization comes less than a month after the Secretary of the Army gave the fort an environmental award for solving it, and now Congress is going to undo this in the reauthorization.

The United States is the wealthiest and most powerful Nation in the world. Our Armed Forces are the most able, the best equipped, the finest fighting force, and they are people that can get the job done. We ought to be able to figure out how to address real problems with the environment without compromising the survival of what we are fighting to protect.

The legislation is unnecessary on so many different levels. First of all, there is already a waiver provision that has been in these laws for years. If there is a military necessity to waive environmental regulations, there is a provision that is available. There has never been an instance of military necessity where a waiver has been requested and not granted, never, not once.

It also misses a real threat to military readiness, what the military and those who are studying the issue term ''encroachment.'' The same sprawl and unplanned growth that threatens farm and forest lands, pollutes our air and water, and congests our roadways is a real threat to the ability to train and maintain the world's mightiest fighting force. Across the country, from Fort Stewart, Georgia, to Nellis Air Force Base in Nevada, development is threatening the Armed Forces' ability to fly planes, maneuver and conduct other readiness activities.

The State of California has recognized this and has worked out legislation with the Department of Defense to deal with the long-term operations of military installations to provide the military, environmental organizations, and local planning agencies the tools to work together to fight problems of sprawl and unplanned growth. This is ignored by the legislation before us.

It is also wrong on a fundamental level. It is missing the opportunity to use the Department of Defense to set the highest standards because we know, given adequate resources and the right orders, they can achieve any mission, and we should use this opportunity.

Finally, there is a fundamental arrogance and hypocrisy that the Federal Government's rules and regulations are necessary to protect the environment and will impose among small business, will impose among local government that we will not hold ourselves to that standard. That hypocrisy runs against the grain. It is obnoxious to people in the real world. It ought to be abhorrent to the people in this chamber. We ought to have the Federal Government lead by example.

In order to win the battle to protect the world's environment, we ought to provide some leadership, and a critical part of leadership in this country has always been the military. To send them a signal that environmental stewardship does not matter and they do not have to play by the rules is the wrong signal for them and the rest of America, and it is certainly the wrong

Printed on recycled paper.

direction for our efforts to protect endangered species and the health of our oceans.

MOVING AN AGENDA FOR AMERICA

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 5 minutes.

Mr. DELAY. Mr. Speaker, faced with unprecedented challenges around the world and here at home, President Bush has taken the road less traveled. He has not hid behind his already strong record. Instead, he has laid out an agenda for America that answers history's call and meets those challenges on our terms, and in the last four weeks, the House has taken action on major legislation involving every aspect of the President's agenda.

Since we returned from recess in April, we have passed a robust tax relief package to create jobs and grow the economy. Over the long term, the President's jobs and growth package will help ensure our Nation has an economy strong enough to employ everyone willing to work and meet the emerging needs of the American people.

We passed the global HIV/AIDS bill, first announced in the President's State of the Union address, to provide $15 billion to Africa over the next 5 years to stem the tide of the great plague of our age. We have an opportunity to ease the suffering of millions and save the lives of millions more, and thanks to the President's leadership, we will seize it and send a final bill to his desk this week.

Also this week, we will take up the Defense Department's reauthorization bill which will provide provisions to modernize the Pentagon's management and bring it into the 21st century. Rigid personnel restrictions will be updated, reflecting more flexible management models that have been so successful in the modern business world.

We have tackled adult education and job training and also reformed Federal special education law.

Last week, the House made several reforms to retirement savings law, giving employees more control over their 401(k)s, IRAs and their pensions, and this week we will pass another presidential initiative, this one to maintain our environment by reforming the management of our forests.

Much remains to be done, Mr. Speaker, but so far this House has answered the President's call to pass an agenda worthy of the American people.

MARINE MAMMAL PROTECTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, it seems like not one week goes by without another outrage from this administration with respect to the environment of this country.

I rise today to submit an article from a recent newspaper in my city which I think everyone ought to read before they vote on this change in environmental regulations for the military. The column details a recent sonar test that was conducted by the navy near my hometown and the effects of the marine mammals that were observed by a University of Washington class who happened to be studying the area.

There is a lot of worry in my area about the orcas and about the porpoises, and there are a number of people who are involved in this kind of study, and they were up there watching, observing the sonar, what was going on and with cameras what was going on with these animals, and along comes a ship and sets off a sonic boom. They say they have to test it there. There is no reason why they could not call the University of Washington and say where are the animals, we have some concern, we do not want to kill porpoises, we do not want to kill whales, but no, they set off the boom, and soon, porpoises were floating to the surface, dead, and whales were beginning to act very strangely, and this is unnecessary.

The military should be held to the same account that everybody else is. A few weeks ago, they were out there shooting shells into the water with depleted uranium on the end of them. Everybody knows there are questions about the effects of depleted uranium and what it does to the human body. The salmon fishery off the Washington coast is right where they are shooting the shells. They could not even figure out how to get out far enough or something to get out of the fishing grounds.

To make it even worse, this issue of depleted uranium is a big issue in Iraq. We dumped 300 tons of depleted uranium over southern Iraq in 1991, and we have had recorded, at least by the Iraqi medical people, a 1- to 300-percent increase in cancer and deformities at birth in children. In the last 6 months, we dumped 600 tons, twice as much, and the military continues to put out the word that there is no problem.

The British Government, the Royal Society of Medicine in England said, there is a problem and we are going to clean up the area around Basra which is where the British are responsible, but the United States, in Baghdad, in Mosul and Kirkuk and all these places, we say no problem.

The military is unwilling to confront the environmental damage they bring about, and when called to account for it, they say, well, it is a national security matter. Look, we can test sonar devices 300 miles out in the ocean. We do not have to do it 50 yards, through a pod of whales. There is no reason for that, and they know they are there. It is not as though it is some mystery.

The science is very good. They simply did not think they had to worry about the environment. They are the military, and this bill that is going through here with an exemption for military from the environmental regulations is simply an absolute atrocity.

In all the places in the world where they have nuclear weapons, where they have all kinds of chemicals, in Anniston, Alabama, they put in a facility to burn the waste gases they have created from making the weapons of mass destruction in the United States, and they burn it right in Anniston, Alabama, 10 blocks from a school with no protection for that school. This kind of thing is unacceptable in the United States, and the United States Congress should not endorse it and make it okay. It is wrong.

I will enter into the RECORD an article from the Seattle Post-Intelligencer dated May 19, 2003, at this point.

[From the Seattle Post-Intelligencer, May 19, 2003]

IN THE NORTHWEST: SONAR TESTS' EFFECTS ON WILDLIFE SHOULD SET OFF ALARMS

(By Joel Connelly)

Lovers of Washington's inland waters, including this part-time Whidbey resident, enjoy a living tip sheet in www.orcanetwork.org, a Web site filled with recent sightings and locations of killer whales, gray whales and other great marine mammals.

Last week, however, the customary light-hearted dispatches yielded to a gripping account of the extreme distress of marine creatures during a Navy sonar test earlier this month.

The episode, on May 5, raises major new questions about whether Congress should roll over for a Pentagon campaign designed to exempt the military from complying with landmark federal environmental laws.

Without these laws, the natural systems and marine life of our Puget Sound-Strait of Georgia region would possess no defense against the Department of Defense.

Orcanetwork's dispatch came from David Bain, a University of Washington faculty member. With students, he witnessed what happened when the Everett-based guided missile destroyer *Shoup* conducted a midfrequency sonar training exercise off San Juan Island.

''The passage of naval vessel 86 (*Shoup*) was observed by me and the marine mammal class at Friday harbor laboratories,'' Bain wrote. ''Collectively, we observed effects on three species.' These were:

Porpoises: Bain and students watched Dall's porpoises in a bay north of Lime Kiln Lighthouse, an island landmark. ''After the (Navy) ship passed, they were observed traveling away from the ship at high speeds,'' Bain wrote. ''This is similar to the behavior of Dall's porpoises in the presence of other loud sounds, such as air-gun blasts.''

Since the sonar tests, bodies of seven porpoises have been found—three beached in the Strait of June de Fuca near Haro Strait, and three more in the San Juan Islands.

A number of porpoise deaths have occurred in recent months, Bain noted, some predating the *Shoup*'s passage through Haro Strait.

''Midfrequency sonars were heard in April as well, although they seemed to be coming from Juan de Fuca Strait or points south,'' he wrote. ''Thus, these earlier strandings were potentially related to sonar activity.''

Minke whales; During the test, a minke whale was spotted porpoising (coming out of

the water) as it swam north of the *Shoup*. Other sightings of similar behavior were recorded at two other locations off San Juan Island.

''It has been about 20 years since I've seen a minke porpoising,'' wrote Bain.

He speculates that all sightings were of one whale, racing to get away from the naval vessel and its sonar tests.

Killer whales: As he and students watched the widely known J pod of orcas, wrote Bain, ''Killer whales were observed behaving normally until the sonar became audible in the air.'' At that point, however, the J pod moved inshore and grouped tightly. ''As we moved inshore with them, the naval vessel disappeared over the horizon, although the sonar was still audible,'' wrote Bain. The J pod then moved quietly northward, staying near shore and later bunching up again.

Given the recent sharp decline in our resident killer-whale populations, did it make sense for the *Shoup* to be causing apparent distress?

Did the Navy bother to think about this, or to consult beforehand with biologists expert in marine mammal life of the northern Sound?

We are a military-intensive region. The shores of Puget Sound likely would sink were another Navy base, shipyard or testing facility located in our waters.

Aside from pacifists protesting the Trident base—most memorably Archbishop Raymond Hunthausen paddling a kayak—local officials and politicians have embraced bases and jobs.

Once upon a time, too, there were security grounds for so doing. The buildup of the Soviet Pacific fleet was endlessly cited by the late Sen. Henry Jackson. An Everett Navy base, Scoop argued, would be a day's sailing time closer to the Soviet Far East than berthings in California.

As Bain notes, however—with cool understatement—''the threats arrayed against the United States at this time are minor compared to what we faced when the environmental laws proposed to be overturned were first passed.''

As well, it should be recalled that Jackson—the Pentagon's most devoted friend—was the chief architect of the National Environmental Policy Act and the Clean Water Act.

Washington's congressional delegation ought to take heed of the distress caused by the *Shoup*'s recent sonar tests.

In recent years, lawmakers have constructively pushed the Navy. Environmentally sensitive construction of the Trident base was one result. Another was forcing the Navy to abandon an untested, risky plan to deposit toxic dredge spoils beneath a berm in Everett's Port Gardner Bay.

What is to be done? First, there should be no exemption from federal environmental laws. If the military ignores regulations, citizens should have recourse in the courts.

Second, the Navy must be made to consult with civilian agencies in case of sensitive or potentially harmful activities. A firm suggestion on this front might come from Rep. Norm Dicks, senior Democrat on the House Defense Appropriations subcommittee.

Third, as noted by Bain, the Department of Defense is reviewing proposals on what it can do to prevent such conflicts as those caused by the *Shoup*'s sonar tests.

''The Navy (should) proceed with caution until such programs are completed and the Navy can accurately predict where it can operate dangerous equipment without causing undue environmental damage,'' Bain wrote.

Amen. Marine mammals are a big part of what makes the waters of Puget Sound and Strait of Georgia worth defending.

LOSING MANUFACTURING AND OUR HIGH-TECH JOBS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to talk about a couple of issues that concern me a great deal. One, of course, is the growing debt and our unwillingness to deal with the problem of solvency for Social Security.

Social Security is going to run out of money roughly in the next 10 to 15 years, and we are putting off the problem of solving what do we do to keep the program solvent until later. Social Security is probably one of our better programs that we have in the United States, and we should not put off a solution to keep it going.

The other issue, of course, that concerns me is our mounting debt and overspending. This country is now 227 years old. In the first 200 years, we mounted a debt of $500 billion. Now at $6.7 trillion we are amassing an additional debt of $500 billion every year. We have to control overspending. I think it is unconscionable for us to think that our problems today are so great that it justifies borrowing from funds that our kids are going to have to earn.

One reason that we have got the problem right now is revenues are down, and that brings us to jobs and the economy. I want to speak for a moment about losing our manufacturing and our high-tech jobs in this country.

I have been meeting with workers, as I am sure many of my colleagues in Congress have been. All of us should be troubled about the continuing decline in manufacturing in this country. Products from China and other countries are now taking away our business. The manufacturing sector accounted for 41 percent of non-farm employment in 1946. Forty-one percent in 1946, 28 percent in 1980, 18 percent in 1990 and just 12 percent of our total economy today is manufacturing jobs.

What does this mean? This means that millions of people are being pushed out of manufacturing jobs into service sector jobs that often pay less and are less reliable. With other sectors of the economy weakening, we have been depending on high-tech jobs with our research and technology, but Mr. Speaker, in the last 2 years we have lost 560,000 high-tech jobs. We need those manufacturing jobs and we need those high-tech jobs if we are going to continue to be competitive, if we are going to continue to increase our productivity.

Manufacturing is important to the economy because it is a leader in innovation. Manufacturing contributes 57 percent of total U.S. research and development funding. Manufacturing has made up almost a constant share of total U.S. GDP since the forties, but over that period it has varied between 20 and 23 percent of U.S. output.

With aggressive improvements in efficiency, we would expect the manufacturing sector to be growing faster in the international market, but it has been under attack from foreign competition, much of which seems to be unfair.

I have spoken with constituents who say that the Chinese companies sell products for less than the raw materials cost here. Many suspect that Chinese companies are receiving covert subsidies from the Chinese Government. It has been suggested that a variety of other governments use similar underhanded methods to boost their sales here and reduce sales in their home markets.

What can we do? One thing that we are going to be talking about in the next several weeks is should we reduce our overzealous taxation and our overzealous regulation on manufacturing. We now tax our manufacturers in the United States approximately 18 percent more than what they would be taxed if they are located in a foreign country. I think we have got to look at the excessive regulation and the excessive taxation. As we approach a tax bill, it would be my suggestion, Mr. Speaker, that we concentrate on those tax issues that are going to allow our manufacturing sector and our business sector to be more competitive in an international market.

One especially harmful action has been the steel tariff imposed by the administration. Though the increased price of steel has protected some steel workers from foreign competition, it has also resulted in more layoffs in the steel-using industries than the total employment of the steel making industry. With prices rising by 50 percent or more, hundreds of manufacturers that use steel have simply let workers go or have transferred production out of the country where steel is cheaper.

It isn't healthy to have too much of a service economy where we import most of our goods and fewer and fewer people actually build products. One way to improve things for our manufacturers is to do a better, more careful job of negotiating trade treaties and then enforcing them. Another is to end counterproductive tariffs like the one on steel. We need to make sure our taxes and regulations avoid putting our manufacturers at a significant disadvantage. If we don't do something, we could weaken our economy and lose our productive capacity.

RECENT EVIDENCE OF MARINE MAMMAL HARASSMENT IN THE PACIFIC NORTHWEST

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Maine (Mr. ALLEN) is recognized during morning hour debates for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise this morning to discuss the harassment of whales and other marine mammals in Puget Sound, all the way across the country from my home District in Maine, and a few words by way of background.

I served for 6 years on the Committee on Armed Services in this House. Half

of all the destroyers in the United States are made at Bath Ironworks in my District. I am a strong supporter of the Navy, and I believe that we need to do everything we can to protect the national security. However, in some cases, the Navy is not paying attention to competing demands, and this House is not paying attention to competing needs as well because the Defense authorization bill is likely to come to the floor soon, and included in the Defense authorization bill is a blanket waiver for the Department of Defense from the Marine Mammal Protection Act.

That is an Act that has been in existence for a long period of time. It has done a great deal to save marine mammals: whales, dolphins and other marine mammals. It is very, very important.

We have had a debate going on in this Congress for some time about the Navy's new long range, low-frequency sonar, and there has been grave concern. A couple of years ago, there was an incident in the Bahamas where whales were stranded. Many of them died. They were found to have bleeding around the eyes and ears, a suggestion that they had been damaged by sonar. The Navy later admitted that that, in fact, was the likely cause of the death of those particular whales.

Now it has happened again, and today, what I want to do is cite a very recent example of marine mammal harassment and the use of sonar by the Navy, but as I said, all the way across the country from my home State of Maine.

On May 5, just a couple of weeks ago, whale watchers were observing porpoises and a pod of 22 orcas, endangered killer whales, at their feeding grounds in the Puget Sound. At the same time, the USS *Shoup*, a U.S. Navy guided missile destroyer, started to conduct sonar operations in the Sound. The whale observers noted that the animals abruptly stopped their feeding, gathered in a tight group and quickly left the area. The animals surfaced frequently in what appeared to be an attempt to avoid the intense mid-frequency, long duration pings from the ship's SQS 53C sonar. The sonar pings were so powerful that they could be heard in the air by observers on the shore of San Juan Island in Puget Sound.

Let me show my colleagues the photograph. For once, the changes in behavior of the whales was observed and here is the photograph. This is a photograph taken on May 5. The USS *Shoup* is in the background. It is at this moment, when the photograph was taken, using a sonar. This is a smaller boat, a whale watching boat, a whole raft of people watching this pod of orcas down here at the bottom. There is also a video. I have not seen it yet, but I am told it is a startling video which shows the rapid change in behavior of the whales trying to get away from this very loud, mid-frequency sonar.

The administration wants to exempt the Department of Defense from the Marine Mammal Protection Act in the face of absolute, uncontrovertible evidence that these mammals are harmed by sonar, and while I would agree that there may be times when that sonar has to be used, there are no terrorist subs in the Puget Sound. I can guarantee it. There is no threat from enemy submarines in the Puget Sound. We would know about that, and the Navy owes the country an explanation of why this ship was conducting sonar operations affecting, in all likelihood, every marine mammal within 20 miles of the USS *Shoup* in a place where it should not be and where they certainly should not be conducting sonar operations, particularly when it is pretty obvious there are whales in the area.

Since May 5 several porpoises have washed up along the shore of the Washington State and Canadian coasts. Biologists at the Center for Whale Research in Friday Harbor, Washington, suspect that the sonar played a role in their deaths, since internal hemorrhaging was observed in the eyes and ears of many of these individuals.

Yesterday, I spoke with Ken Balcomb, senior scientist of the center, who told me that he repeatedly observes how naval sonar operations influence marine mammal behavior, and the Navy knows that their sonar injures and kills whales at great distances; yet they still continue to exercise in places they should not do it.

H.R. 1119, THE FAMILY TIME FLEXIBILITY ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to speak in strong support of H.R. 1119, the Family Time Flexibility Act. Cosponsored by more than 80 of my colleagues on both sides of the aisle, this bill will give working men and women more choice and more flexibility in balancing work and family.

H.R. 1119 allows hourly workers the option of choosing time-and-a-half wages for overtime hours worked or paid time-and-a-half hours off for overtime hours worked.

The important point about H.R. 1119 is that it is completely optional. Employers may offer it to their employees or choose not to offer it. Employees may choose to take the option or not take it. Unions may choose to include it in their collective bargaining agreements so employees have the option to use it or unions may choose not to include it.

This bill protects and preserves the sanctity of the 40-hour work week. Overtime hours are counted on the basis of a 40-hour work week. Any hour worked over 40 hours in a 7-day period is considered overtime, and overtime hours must be paid in time-and-a-half pay or time-and-a-half time off.

Here is how H.R. 1119 works. Beth is a single mom of two school age boys. She makes $10 an hour at a print shop that offers the comp time option. Beth has worked at the shop for 6 months, and she decided to take the comp time option in the event she needs time off to take care of the boys when they are sick or off from school. So Beth signs her company's comp time option agreement.

In week A, she works 50 hours, 10 hours overtime. She gets paid for 40 hours and banks the 10 overtime hours.

In week B, the boys must be picked up at 2 p.m. each day. So Beth checks with her employer and leaves 3 hours early each day during the week. She decides to use her 10 banked overtime hours, which become 15 hours off at the time-and-a-half rate. Beth takes 15 hours off for the work, working only 25 hours, but Beth receives her regular paycheck of $400 or 40 hours times $10 an hour, even though she only worked 25 hours. On an hourly basis, her employer has paid her $400 for 25 hours of work or $16 per hour.

Let us say that before she uses her banked overtime hours Beth changes her mind. She decides she prefers to be paid in overtime dollars instead of overtime off. Under the bill, an employee can change his or her mind at any time and cash out any overtime hours he or she has banked.

So Beth tells her employer that she wishes to cancel her comp time agreement and cash out for the hours she has banked. Within 30 days, her employer issues her a check, in addition to her regular weekly pay of $400, for the $10 overtime hours worked in week A at her overtime pay rate of $15. So Beth receives a payment of $550 which includes her regular pay for 40 hours and her $10 banked overtime hours at the time-and-a-half rate of $15 an hour, just as she would have had she never signed the comp time request.

Let us use another example. Let us say it is the end of the year and Beth has not used her banked overtime hours. Her employer issues her a check for the 10 overtime hours worked in week A at her time-and-a-half rate of $15 per hour. This is in addition to her regular paycheck of $400.

Under the bill, the employer must cash out any unused, banked overtime hours at the end of each year, but our bill has another attractive feature for the employee. Beth's employer must cash out these hours at the highest rate of pay that Beth has earned during the period she accumulated the banked hours.

It turns out Beth received a raise in October. She now makes $12.50 an hour. At the end of the year, she still has not used her banked hours. So her employer issues her a check for the unused hours at the highest rate of pay; $12.50 an hour at time-and-a-half is $18.75 an hour or $187.50 for the 10 banked hours. This is in addition to Beth's regular paycheck.

Under H.R. 1119, Beth and other working members will have the flexibility to turn their overtime hours into time-and-a-half wages or paid time-and-a-half off. They will have the peace of mind that comes with knowing they can pick up a sick child from school, make it to the soccer tournament or take time off without using up their vacation days.

I urge my colleagues to join me in supporting H.R. 1119, the Family Time Flexibility Act.

CASH AND COUNSELING

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I am here to talk about a program called cash and counseling which allows flexibility for Medicaid, people who are poor, people who are disabled, gives them an opportunity to be involved and get more resources, and it is good for the Federal Government, too.

In February of this year, I spoke on the floor about this Cash and Counseling program. It was demonstrated in Florida, Arkansas and New Jersey. In these demonstrations, disabled and elderly beneficiaries were given great latitude to direct their own support services; that is, they were involved themselves, and it was not just the government giving them a check or services.

The national project has conducted its first evaluation of this program in Arkansas, and the results are in. It was reported favorably through the Journal of Health Affairs on March 26, 2003.

In summary, the author concluded that, our survey of roughly 1,800 elderly and non-elderly adults showed that relative to agency-directed services, as a government directing it, State directing it, Cash and Counseling greatly improves satisfaction and reduced most unmet needs. Moreover, contrary to some concerns, it did not adversely affect participants' health and safety, always a complaint that these elderly people will not get served.

Dr. Lavizzo-Mourey, president and CEO of The Robert Wood Johnson Foundation, says, ''The Cash and Counseling program offers Medicaid consumers flexibility and a sense of control over their care.'' In The Robert Wood Foundation's recently released Annual Report 2002, they said, ''Cash and Counseling enables Medicaid beneficiaries with chronic illnesses and disabilities to purchase needed personal assistance services with cash allowances in lieu of receiving traditional agency-delivered services. The result,'' of course, ''is greater choice and autonomy in obtaining the required help. Early evaluation results show increased access and improved satisfaction for Cash and Counseling clients.''

Secretary Thompson of Health and Human Services shared, ''This approach gives people with disabilities more freedom and responsibility, in the same way that all of us want to be in charge of our lives and'' of course, ''our choices. It lets the individuals themselves decide how best to use the Medicaid dollars they are already entitled to. The study confirms that these Medicaid recipients make good choices that maintain their health and safety, even as they improve their convenience, satisfaction and quality of life.''

So think about it. This program, Cash and Counseling, is part of an experiment that has proved successful, bringing in the actual beneficiaries and opportunities for choice and participation.

We now have Consumer Directed Care which is a larger demonstration program. What does this mean? According to the National Association of State Units on Aging and the National Council on Aging, ''Consumer direction describes programs and services where people are given maximum choice and control over their care. Consumer direction may also be called self-determination or independent living. When people say they want to be independent or they want to have autonomy or self-direction, they are talking about consumer direction. In consumer-directed programs, consumers can choose to select, manage and dismiss their workers. They can decide which services to use, which workers to hire, and what time of day they will come. Consumer direction assumes that informed consumers are able to make decisions about the services they receive.'' Sounds good.

Consumer-directed care has already taken off among the aging populations. Last Friday, the Senate's Special Committee on Aging had a briefing on Consumer Direction in Aging Services. State elder affairs leaders from Vermont and Pennsylvania and Dr. Kevin Mahoney of Boston College, the national director of Cash and Counseling, championed its success in providing an infusion of choice and freedom and independence to the disabled and elderly nationwide. Most States report waiting lists of individuals waiting to enroll in this demonstration.

Besides in public health, many private plans are beginning to offer consumer-directed products. For example, in our Federal employee health benefit program, one group of Federal workers, the American Postal Workers Union, is the first to offer a consumer-directed option this year. On their Web site describing the option, the American Postal Workers Union say, We believe that people who have more control over how their health care dollars are spent are more satisfied customers, and their health plan's consumer-directed option plan is designed to give our employees that control.

Besides the now-documented satisfaction, Consumer-Directed Care is serving to reduce costs and fraud. So, Mr. Speaker, I think we have a very clear case where giving choice and independence for the consumer, whether it is Medicaid for the poor or we should do for Medicare for the elderly or even in the private sector, it works much better.

I look forward to the continued evaluation of these programs, and of course, I continue to see on the Federal and State level the championing of the Consumer-Directed Care.

FISCAL YEAR 2004 DEFENSE AUTHORIZATION BILL

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from California (Mr. FARR) is recognized during morning hour debates for 5 minutes.

Mr. FARR. Mr. Speaker, I rise this morning to talk about the fiscal year 2004 Defense authorization bill. Earlier this year, the Department of Defense approached Congress with a request to exempt itself from several of the fundamental environmental laws in order to strengthen our military readiness.

At the time, this kind of shocked many of us because we saw that our readiness of our military was among, if not is, the best in the world, but that the state of some of our natural resources is certainly not the best in the world.

Then things went from bad to worse. The Committee on Armed Services reported out a bill that went way beyond and way above what the Defense Department had originally asked for. H.R. 1588, the Defense authorization bill this year, contains provisions that fundamentally change the Environmental Protection Act and the Endangered Species Act and, most importantly, the Marine Mammal Protection Act, two major pieces of legislation that directly affect the coastal communities of the United States and particularly my District in California.

There are many species listed under the ESA in my home District. There is the California condor. We have done a good job of trying to restore that condor into the wilderness. In fact, the Secretary of the Interior has been out to release those birds and has personally seen the effect of being able to reestablish a threatened species. There is the San Joaquin kit fox. There is the steelhead trout that are in our coastal streams, and the snowy plover, which is a shore bird that nests on our beaches.

The continued existence of many of these species relies on the designation of what they call the critical habitat which is basically the homes and breeding grounds that are necessary for survival.

For example, the Santa Cruz long-toed salamander only has six breeding ponds on which the whole species depends. Without the designation of these breeding ponds as critical habitat, the salamander would be left out without a vehicle for bringing it back from the brink of extinction.

I might point out, many people thought the sea otter was extinct. In

1950 we saw a small group of sea otters, and today that population has grown to about 1,000. It is threatened, but on the other hand, what it has done is increased tourism because people come out and look for that creature.

So this bill that the Defense Department is asking for aims to make critical habitat designation only when it is necessary and not when it is prudent and determinable as the law now currently requires.

When would it be necessary to designate a critical habitat? I am not sure necessary is defined in the bill. So basically the Secretary of the Interior and the Secretary of Commerce will be able to make a decision with no set criteria.

The Bush administration has clearly stated its belief that critical habitat provides no protection, and as such, this provision could result in more species without homes and breeding areas, and the list goes on and on.

The Marine Mammal Protection Act not only guts that, but it puts whales and dolphins in jeopardy by changing the Marine Mammal Protection Act, and my colleagues have already heard from several Members who have spoken on it. The intent of the Act is to prevent the harassment of marine mammals. The language in this bill weakens the definition of harassment, not just for DOD-related activities but also for all the people who use our oceans and coasts.

The waters of Monterey Bay in my home District have been designated by the Federal Government as a national marine sanctuary. It is the home to sea otters, sea lions and harbor seals and serves as a migratory route for the majestic humpback and blue whales. These animals are important for economic resources because people visit the coastline to see watchable wildlife. They go to see the sea birds, the sea lions, the whales and so on.

Likewise, the people travel to see the orcas in the waters off the Puget Sound in Washington or the whales off the gulf of Maine or the manatees along the coast of Florida, and we all know as Members from those Districts we do everything we can to protect those.

Currently, the Marine Mammal Protection Act language aims to protect these animals from being harassed, being injured and even from being killed, but the bill drastically weakens this protection and would allow an increasing number of harmful interaction, such as oil and gas exploration, high intensity sonar testing, and such increase in harassment and harm to marine mammals would go largely unchecked by wildlife agencies and left unmonitored and unmitigated.

Struggling sea otters are currently dying at record levels in the State of California. We do not know the exact cause, but we are going to be looking for that and hopefully trying to remedy it.

This bill does not help us with those remedies. We ought to take pride in the fact that the military has led in a lot of our environmental areas. The navy has been the first and most remarkable agency at recycling at sea, of taking all their garbage on ship and treating that. The navy painted their ships with safe paint. So the military has been a good environmental steward. There is no need to change that position with the passage of this legislation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 42 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Dr. David Anderson, Pastor, Faith Baptist Church, Sarasota, Florida, offered the following prayer:

Our Heavenly Father, with humble spirits we thank You for Your faithfulness to our Nation. We trust in You, not in our might. We depend upon Your blessings and not upon our resources. We rely upon Your providence in both good times and bad, and we submit to Your chastisement. We bow before Your infinite power, wisdom, truth, mercy, and love.

Strengthen our weakness by wielding Your power. Calm our fears by manifesting Your presence. Forgive our sin by bestowing Your grace and restore our virtue by imputing Your righteousness. Remind us, once again, of what You intend us to be, one Nation under God.

Grant unto the men and women of this House wisdom beyond their experience, courage beyond their resolve, vision beyond their sight, and truth beyond their learning. May they uphold Your law so our country can reflect Your goodness and correct its wrongs. Protect our troops and bring them home soon.

With the faith that has carried us for generations we ask, ''May God bless America. In the name of the Lord Jesus Christ, I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. Con. Res. 44. Concurrent Resolution recognizing the contributions of Asian Pacific Americans to our Nation.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the First Session of the One Hundred Eighth Congress, to be held in Prague, Czech Republic, May 23–26, 2003:

The Senator from South Carolina (Mr. HOLLINGS).

The Senator from Connecticut (Mr. DODD).

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the First Session of the One Hundred Eighth Congress, to be held in Prague, Czech Republic, May 23–26, 2003:

The Senator from Alabama (Mr. SESSIONS).

The Senator from Ohio (Mr. VOINOVICH).

The Senator from Texas (Mr. CORNYN).

DEPARTMENT OF EDUCATION ON THE RIGHT TRACK

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

Mr. PITTS. Mr. Speaker, the Department of Education has had its share of problems with the money this body gives it. Many of us have followed the stories of waste and fraud that have plagued the Department. Some $450 million were recently used for purposes other than educating children. Credit cards were used to purchase products from pornographic Web sites. Several employees were caught buying luxury SUVs and even buildings with money supposed to go to South Dakota schools.

Secretary Paige has cracked down on these activities. For only the second time ever, the Department received recently a clean audit from the GAO, and all of the $450 million has been accounted for.

But this is more than just bureaucrats spending money the wrong way. It is about defrauding our children and our schools. If it expects schools to be accountable, the Department has to be accountable. Secretary Paige must continue to stand up for children and oppose bureaucrats eager to waste money, education money, for their own personal gain. We need to get the money into the classroom where it belongs.

ADVOCATING INCREASED OPENNESS IN GOVERNMENT

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

Mr. LAMPSON. Mr. Speaker, with all that has been happening in the State of Texas, the Texas 51, the turmoil with people feeling that there is not an open process in the Texas legislature and why the House members there chose to send a message that we must open up our government, we find it interesting now that there is a report that the Department of Homeland Security is refusing to turn loose tapes that gave an indication of who requested an effort on the part of the Homeland Security agency of the United States Government to track the plane of State Representative Pete Laney in Texas.

We have got to have an open government, one that the people feel confident in and be able to know that we are not hiding something, not trying to keep secrets from the public. Let us open this process up and include all of the people in America so that they can have a voice not just here in the United States House of Representatives but in the State House of Representatives in Texas and every other State in our Union.

CONGRATULATING THE UNIVERSITY OF NORTH TEXAS LADY EAGLES

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

Mr. BURGESS. Mr. Speaker, I rise today to recognize the University of North Texas Lady Eagles for setting school history by winning the 2003 Sun Belt Conference Outdoor Track and Field Championships. This win is especially sweet for these hard-working ladies. They won their first-ever women's outdoor conference track championship with 179.66 on their home turf, Fouts Field, in Denton, Texas.

Rick Watkins, the University's director of track, was also named the league's women's coach of the year for the third time in the last 4 years. The University of North Texas women won gold medals in three field events on the final day, with a total of five first-place finishes. A 1-2 finish in the women's shotput by Latrecia Taylor and Ciji Brooks provided the biggest boost for the Lady Eagles, with Taylor winning the event with a school-record effort, and Brooks took second.

Lakisha Gentry recorded the second-longest javelin throw in the school. Ananka Clark raced to the second place in the 100- and finished third in the 200-meters. Tiffanie Jordan won the women's triple jump by more than a foot. Rhonda Williams won the long jump.

I hope my colleagues will join me in honoring these with young ladies and congratulating them on a season of hard work and commitment.

WORLDCOM/MCI

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

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to bring an urgent matter to the attention of my colleagues in the House. After recording the largest corporate fraud in United States history, costing thousands of jobs and $176 billion in losses to investors, representing three times that of Enron, WorldCom is back, just rebranding themselves to their former name MCI.

As a supporter of reforming our bankruptcy laws, I am shocked how MCI or any other company can be rewarded for cooking the books, cheating and stealing, and stand to gain by their criminal behavior. Reorganization under the bankruptcy laws should not apply when the assets are the product of criminal activities. Bankruptcy should not be the vehicle for laundering stolen goods. This is the case with MCI, even though they have changed their name and recently rolled out a new marketing campaign to distance themselves from their ''criminal stigma.'' What an artificial advantage for MCI, our bankruptcy laws.

In conclusion, here is an idea how MCI can market themselves. They can market by saying: MCI stands for massive corporate indiscrepancies.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 330) to further the protection and recognition of veterans' memorials, and for other purposes.

The Clerk read as follows:

S. 330

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 ''Veterans' Memorial Preservation and Recognition Act of 2003''.

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''§ 1369. Destruction of veterans' memorials

''(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) A circumstance described in this subsection is that—

''(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

''(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''1369. Destruction of veterans' memorials.''.

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 330, the Senate bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 330, the Veterans' Memorial Preservation and Recognition Act of 2003. Attacks against Federal cemeteries and veterans' memorials uniquely affront the memory of those who have sacrificed for our freedom and undermine

our collective commitment to honor their service. The egregious nature of these crimes necessitates a swift and decisive Federal response.

S. 330 establishes a specific criminal penalty for the willful destruction of property commemorating service in America's Armed Forces. It provides that anyone who willfully injures or destroys or attempts to injure or destroy property that commemorates service in our Armed Forces shall be imprisoned for up to 10 years and fined for these acts of vandalism.

In 1997, Congress passed legislation that directed the United States Sentencing Commission to enhance penalties for the destruction of property on Federal cemeteries. However, unlike the earlier legislation, S. 330 specifically recognizes the abhorrent nature of these offenses by establishing a new Federal crime for injuring or destroying veterans' memorials. Its purpose is to stem the disturbing prevalence of vandalism at some of America's most sacred memorials.

In considering this legislation, I urge my colleagues to heed the admonitions of General John A. Logan's Memorial Day Order of May 5, 1868. Speaking to those who had fallen in America's defense, General Logan stated: ''We should guard their graves with sacred vigilance. All the consecrated wealth and taste of the Nation can add to their adornment and security is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed grounds. Let no vandalism or avarice or neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten, as a people, the cost of a free and undivided Republic.''

□ 1015

S. 330 was reported by the Senate Committee on the Judiciary without amendment and passed the full Senate under unanimous consent.

As our Nation prepares to honor its veterans this Memorial Day, I can think of few times in recent memory when this legislation would be more timely and appropriate.

Mr. Speaker, I include for the RECORD an exchange of letters between the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and myself.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 19, 2003.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing with regard to S. 330, the Veteran's Memorial Preservation and Recognition Act of 2003. As you know, the Committee on Transportation and Infrastructure was named as an additional Committee of jurisdiction.

I recognize your desire to bring this important bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to mark up the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over S. 330. In addition, the Transportation and Infrastructure Committee reserves its right to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferees on S. 330.

I request that you include a copy of our exchange of letters in your Committee's Report on S. 330 and in the Congressional Record during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 19, 2003.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: This letter responds to your letter dated May 19, 2003 concerning S. 330, the ''Veterans' Memorial Preservation and Recognition Act of 2003.''

I agree that the bill contains matters within the Transportation and Infrastructure Committee's jurisdiction and appreciate your willingness to be discharged from further consideration of S. 330 so we may proceed to the floor. I acknowledge that by being discharged, your committee in no way waives its jurisdiction over these matters.

Pursuant to your request, a copy of your letter and this letter will be included in the Committee on the Judiciary's report on S. 330 and in the Congressional Record during House floor consideration of the bill. I appreciate your attention to this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

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

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

Mr. Speaker, I rise to speak in support of S. 330, the Veterans' Memorial Preservation and Recognition Act of 2003, and recommend its passage to my colleagues. This bipartisan legislation is designed to add increased protection to veterans memorials and enhance the recognition of veterans cemeteries. This bill is particularly timely shortly before Memorial Day and at a time when our military troops risked their lives on our behalf in Iraq.

Specifically, the legislation establishes criminal penalties for willfully injuring or destroying or attempting to injure or destroy any structure, plaque, statue, or other monument on public property commemorating the service of any person in the United States Armed Forces. The bill further requires the veterans cemeteries to be treated as sites permitting supplemental guide signs on Federal-aid highways.

The bill was introduced by the Senator from Colorado, Mr. CAMPBELL, on February 6, 2003, and passed the Senate by unanimous consent on March 27, 2003. I urge Members to support the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 330, a bill to protect and recognize veterans' memorials. These memorials honor those brave men and women who have served in the military. They can be found in nearly every city and town across the country and it is important that Congress ensures that they are properly recognized and protected.

I'd like to direct my comments to one particular section of the bill. Section 3 of S. 330 allows a veterans' cemetery to be identified by a supplemental guide sign on any Federal-aid highway. It is my understanding that this section is not intended to circumvent the safety regulations governing the design and placement of highway signs as set forth in the Manual on Uniform Traffic Control Devices (the Manual).

Sections 109(d) and 402(a) of title 23 of the United States Code provide authority for the Manual, which serves as the national standard for all signs, signals, pavement markings, and other traffic control devices used on all streets and highways in the United States. The Manual provides regulatory, warning, and guidance information to motorists and is vitally important to the promotion of safety on our Nation's highways. Among the provisions in the Manual are standards for sign design, sign size, letter size, letter style, retroreflectivity, sign location, and other characteristics that are crucial to ensuring highway safety.

It is my understanding that the wording in Section 3—''Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code''—is not intended to remove the Manual's requirements regarding sign design, sign size, letter size, letter style, retroreflectivity, sign location and other characteristics that are important to promote the safety of motorists. Rather, S. 330 merely provides for the identification of a veterans' cemetery by a supplemental guide sign, one that complies with the Manual's requirements, on a Federal-aid highway.

Mr. Speaker, I urge my colleagues to support S. 330.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 330.

The question was taken.

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

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

The yeas and nays were ordered.

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

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 180) supporting the goals and ideals of ''National Correctional Officers and Employees Week'' and honoring the service of correctional officers and employees.

The Clerk read as follows:

H. RES. 180

Whereas the operation of correctional facilities represents a crucial component of the criminal justice system of the United States;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care;

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives; and

Whereas S. Res. 24 of the 108th Congress, as agreed to on March 12, 2003, designates the week beginning May 4, 2003, as ''National Correctional Officers and Employees Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Correctional Officers and Employees Week''; and

(2) honors all correctional officers and employees for their service to their communities, States, and the Nation.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 180.

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

There was no objection.

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

Mr. Speaker, I am proud to support House Resolution 180, honoring corrections officers and employees for the good work they do each and every day. This resolution passed the Committee on the Judiciary unanimously, and it is an appropriate expression of congressional support for this critical aspect of our criminal justice system.

These men and women work each day to protect society from the real threat of criminal activity. They risk their lives ensuring that we are safe. They maintain peace and order in a dangerous place, while at the same time ensuring the needs of one of the most difficult groups in society are addressed. It is not often that we get the opportunity to thank them for the good work they do.

Mr. Speaker, I urge my colleagues to join me in fully supporting this resolution.

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

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

Mr. Speaker, I rise in support of H. Res. 180, introduced by the gentleman from Ohio (Mr. STRICKLAND), along with our colleagues, the gentleman from New York (Mr. SWEENEY), the gentleman from Wisconsin (Mr. GREEN), and the gentleman from Pennsylvania (Mr. HOLDEN).

H. Res. 180 is a bipartisan resolution designed to honor correctional officers and employees by acknowledging and supporting the goals and ideals of National Correctional Officers and Employees Week. The resolution directly honors correctional workers at all levels, local, State and Federal, including psychologists, chaplains, teachers, and kitchen staff.

Correctional officers and employees play a vital role in protecting and promoting public safety. They work in our county jails, in our State prisons and Federal penitentiaries. They have a tough job to do in a tough environment. And with the emphasis that Congress and State legislators have placed on eliminating incentive programs for inmates, such as parole, good conduct credits and funding for college courses, that job has been made only tougher.

Recently, by reducing inmate jobs in the Federal prison industries program, even more pressure will be put on correctional officers to maintain a safe and productive environment for prisons.

So it is fitting, Mr. Speaker, that we pause at this time to recognize and commend our correctional workers and employees for the very important job they do. To them we say thank you.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, as we perhaps know, at the beginning of May we kicked off National Correctional Officers and Employees Week. It is in this week we recognize correctional officers and employees across the Nation and applaud their dedication and service to our country. They are often asked to work long hours serving the public, and in the past few years we have asked them to work even more difficult schedules.

Statistics from the Bureau of Justice indicate that we are housing more and more men and women in prisons and jails than ever before. As an aside, Mr. Speaker, prison overcrowding is another issue that warrants our consistent attention.

As we focus on taking the most dangerous elements of our society off the streets, it is the correctional officer and the employee upon whom we rely to maintain order and assure safety.

Correctional officers' and employees' daily duties to safeguard the public and the incarcerated are oftentimes dangerous. I gladly support H. Res. 180, which encourages the goals of the National Correctional Officers and Employees Week. This resolution recognizes the exemplary work done by correctional officers and the employees across the Nation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. STRICKLAND), the sponsor of the legislation.

Mr. STRICKLAND. Mr. Speaker, as a cochair of the Congressional Correctional Officers Caucus, I rise today to honor correctional officers and employees of correctional facilities across our country.

Earlier this month, correctional officers came here to Washington to celebrate National Correctional Officers and Employees Week. Awards were presented to officers whose exceptional service merited special recognition, and wreaths were laid in memory of fallen comrades who had made the ultimate sacrifice while on duty.

Correctional facilities are a critical component of our public safety and criminal justice systems. We rely on correctional facilities to do just that, correct the errant behavior of certain members of our society. But prisons and jails are more than just buildings. They are made up of correctional officers and other personnel who are highly trained to work in a challenging and often dangerous environment.

I worked for many years as a psychologist at a maximum security prison in Ohio, and the respect I gained for my coworkers during that time is enormous. First and foremost, correctional officers are public servants. The officers with whom I have had the honor of being acquainted give back to their communities in countless ways.

Mr. Speaker, I am pleased that the House of Representatives is joining together to honor these men and women who work for our government at the Federal, State, and local levels.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time. I would like to associate myself with the remarks just made by my colleague from the other side.

Mr. Speaker, correctional facilities obviously play a fundamental role in our justice system. As the gentleman said, they are much more than buildings. Without correctional officers, those buildings would be of little value.

The people that we are talking about are dedicated and hard-working professionals. They ensure the safety and the secure operation of our justice system every single day. It goes without saying that they have a difficult and very often dangerous job. They work in the most challenging of environments. They work with people who are already proven to have little regard for others,

for their property, for their safety, for their security. So it is a challenging venue.

We do not think very much about what takes place in correctional facilities, and perhaps that is the greatest testimony that we can possibly make on behalf of our correctional officers. We do not think often about those facilities, because we do not have to. They do such a great job, they are so dedicated to the smooth operation of the system, they take on for us what is a difficult and challenging function.

Mr. Speaker, it is important that we honor them. They are true public servants. They deserve our support. They deserve all the honor and respect that we give them. So with that, I am pleased to join in supporting this resolution.

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

Mr. Speaker, I would like to thank the gentleman from Ohio and the gentleman from Wisconsin for sponsoring this resolution, and I urge Members to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 180.

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

A motion to reconsider was laid on the table.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1925) to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1925

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 ''Runaway, Homeless, and Missing Children Protection Act''.

TITLE I—AMENDMENTS TO RUNAWAY AND HOMELESS YOUTH ACT

SEC. 101. AMENDMENT TO FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended to read as follows:

''SEC. 302. FINDINGS.

''The Congress finds that—

''(1) youth who have become homeless or who leave and remain away from home without parental permission, are at risk of developing, and have a disproportionate share of, serious health, behavioral, and emotional problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;

''(2) many such young people, because of their age and situation, are urgently in need of temporary shelter and services, including services that are linguistically appropriate and acknowledge the environment of youth seeking these services;

''(3) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system to report the problem, and to assist in the development of an effective system of care (including preventive and aftercare services, emergency shelter services, extended residential shelter, and street outreach services) outside the welfare system and the law enforcement system;

''(4) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment; and

''(5) improved coordination and collaboration between the Federal programs that serve runaway and homeless youth are necessary for the development of a long-term strategy for responding to the needs of this population.''.

SEC. 102. GRANT PROGRAM CONFORMING AMENDMENT.

The heading for part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended by striking ''RUNAWAY AND HOMELESS YOUTH'' and inserting ''BASIC CENTER''.

SEC. 103. GRANTS FOR SERVICES PROVIDED.

Section 311(a)(2)(C) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)(2)(C)) is amended—

(1) in clause (ii) by striking ''and'';

(2) in clause (iii) by striking the period and inserting ''; and''; and

(3) after clause (iii) by inserting the following:

''(iv) at the request of runaway and homeless youth, testing for sexually transmitted diseases.''.

SEC. 104. REPEAL OF OBSOLETE PROVISION RELATING TO CERTAIN ALLOTMENTS.

Section 311(b) the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(1) in paragraph (2), by striking ''Subject to paragraph (3), the'' and inserting ''The'';

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 105. ELIGIBILITY PROVISION.

Section 312(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(a)) is amended by striking ''juveniles'' each place it appears and inserting ''youth''.

SEC. 106. RECOGNITION OF STATE LAW RELATING TO CAPACITY LIMITATION ON ELIGIBLE RUNAWAY AND HOMELESS YOUTH CENTERS.

Section 312(b)(2)(A) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)(2)(A)) is amended by inserting after ''youth'' the following: '', except where the applicant assures that the State where the center or locally controlled facility is located has a State or local law or regulation that requires a higher maximum to comply with licensure requirements for child and youth serving facilities''.

SEC. 107. MATERNITY GROUP HOMES.

(a) ELIGIBILITY.—Section 322(a)(1) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(1)) is amended—

(1) by inserting after ''group homes,'' the following: ''including maternity group homes,''; and

(2) by inserting after ''use of credit,'' the following: ''parenting skills (as appropriate),''.

(b) DEFINITION.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended by adding at the end the following new subsection:

''(c) DEFINITION.—In this part, the term 'maternity group home' means a community-based, adult-supervised transitional living arrangement that provides pregnant or parenting youth and their children with a supportive and supervised living arrangement in which such pregnant or parenting youth are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence in order to ensure the well-being of their children.''.

SEC. 108. LIMITED EXTENSION OF 540-DAY SHELTER ELIGIBILITY PERIOD.

Section 322(a)(2) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(2)) is amended by inserting after ''days'' the following: '', except that a youth in a program under this part who is under the age of 18 years on the last day of the 540-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 540-day period''.

SEC. 109. PART A PLAN COORDINATION ASSURANCES.

Section 312(b)(4)(B) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)(4)(B)) is amended by striking ''personnel'' and all that follows through the semicolon and inserting ''McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432 (g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act;''.

SEC. 110. PART B PLAN COORDINATION AGREEMENT.

Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(15) to coordinate services with McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act.''.

SEC. 111. PART B PLAN DEVELOPMENT.

Section 322(a)(7) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(7)) is amended to read as follows:

''(7) to develop an adequate plan to ensure proper referral of homeless youth to social service, law enforcement, educational (including post-secondary education), vocational, training (including services and programs for youth available under the Workforce Investment Act of 1998), welfare (including programs under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), legal service, and health care programs and to help integrate and coordinate such services for youths;''.

SEC. 112. COORDINATION OF PROGRAMS.

Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) shall consult, as appropriate, the Secretary of Housing and Urban Development to ensure coordination of programs and services for homeless youth.''.

SEC. 113. CLARIFICATION OF GRANT AUTHORITY.

Section 343(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23(a)) is amended by inserting after ''service projects'' the following: ''regarding activities under this title''.

SEC. 114. TECHNICAL AMENDMENT RELATING TO DEMONSTRATION PROJECTS.

The section heading of section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–24) is amended by striking ''TEMPORARY''.

SEC. 115. REPEAL OF OBSOLETE PROVISION RELATING TO STUDY.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by striking section 345 (42 U.S.C. 5714–25).

SEC. 116. AGE LIMIT FOR HOMELESS YOUTH.

Section 387(3)(A)(i) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)(A)(i)) is amended by inserting after ''of age'' the following: '', or, in the case of a youth seeking shelter in a center under part A, not more than 18 years of age''.

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) OTHER THAN PART E.—Section 388(a)(1) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)(1)) is amended by striking ''such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003'' and inserting ''$105,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005, 2006, 2007, and 2008''.

(b) PART E.—Section 388(a)(4) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)(4)) is amended by striking ''2000, 2001, 2002, and 2003'' and inserting ''2004, 2005, 2006, 2007, and 2008''.

(c) PART B ALLOCATION.—Section 388(a)(2)(B) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)(2)(B)) is amended by striking ''not less than 20 percent, and not more than 30 percent'' and inserting ''45 percent and, in those fiscal years in which continuation grant obligations and the quality and number of applicants for parts A and B warrant not more than 55 percent''.

SEC. 118. REPORT ON PROMISING STRATEGIES TO END YOUTH HOMELESSNESS.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the United States Interagency Council on Homelessness, shall submit to the Congress a report on promising strategies to end youth homelessness.

SEC. 119. STUDY OF HOUSING SERVICES AND STRATEGIES.

The Secretary of Health and Human Services shall conduct a study of programs funded under part B of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1 et seq.) to report on long-term housing outcomes for youth after exiting the program. The study of any such program should provide information on housing services available to youth upon exiting the program, including assistance in locating and retaining permanent housing and referrals to other residential programs. In addition, the study should identify housing models and placement strategies that prevent future episodes of homelessness.

SEC. 120. RESTRICTION ON USE OF FUNDS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following new section:

''SEC. 389. RESTRICTION ON USE OF FUNDS.

''(a) IN GENERAL.—None of the funds contained in this title may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

''(b) SEPARATE ACCOUNTING.—Any individual or entity who receives any funds contained in this title and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this title.''.

TITLE II—AMENDMENTS TO MISSING CHILDREN'S ASSISTANCE ACT

SEC. 201. AMENDMENT TO FINDINGS.

Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended to read as follows:

''SEC. 402. FINDINGS.

''The Congress finds that—

''(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place the child in grave danger;

''(2) many missing children are at great risk of both physical harm and sexual exploitation;

''(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

''(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

''(5) the National Center for Missing and Exploited Children—

''(A) serves as the national resource center and clearinghouse;

''(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization; and

''(C) operates a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly.''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking ''2005'' and inserting ''2008''.

(b) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking ''2005.'' and inserting ''2008''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. GINGREY) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1925, as amended.

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

There was no objection.

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

Mr. Speaker, let me start by thanking my colleagues on the Committee on Education and the Workforce for their diligence in getting us to the floor today. Specifically, I want to commend the gentleman from Ohio (Chairman BOEHNER), the ranking member, the gentleman from California (Mr. GEORGE MILLER), as well as the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), and the gentleman from Texas (Mr. HINOJOSA).

Mr. Speaker, I rise in support of H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act, which provides for the reauthorization of both the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. This legislation strengthens and funds the programs and services authorized under these acts in order to address the needs of these children who need our help and protection.

The purpose of both acts remains relatively unchanged. However, we do aim to strengthen these programs that serve these at-risk children and youth.

□ 1030

H.R. 1925 continues to fund the Basic Center Program, the Transitional Living Program, and the Street Outreach Program to meet the needs of runaway, homeless and street youth. Grants are awarded to local public and private organizations to establish and operate these community-based shelters that are not part of the law enforcement, juvenile justice, child welfare, or mental health systems.

This legislation also seeks to improve Federal coordination to ensure a collaboration between the United States Departments of Health and Human Services, Education, Labor, Housing and Urban Development, and Justice in providing programs and services targeting runaway and homeless youth.

H.R. 1925 increases Federal support for these at-risk youth by authorizing the Runaway and Homeless Youth programs at $105 million for fiscal year 2004 and at ''such sums'' for fiscal years 2005 through 2008.

Additionally, H.R. 1925 continues to provide Federal support for the National Center for Missing and Exploited Children to enhance efforts to locate and recover missing children and help prevent abductions and sexual exploitation.

This bill increases the authorization level of the National Center for Missing and Exploited Children from $10 million to $20 million for each of the fiscal years 2004 through 2008, mirroring the PROTECT Act, and extends the authorization of the remaining activities under the act as ''such sums'' for fiscal years 2004 through 2008.

As the Nation's resource center and clearinghouse for information on missing and exploited children, the Center provides assistance to families and law

enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

The Center acts to coordinate public and private programs that locate, recover, or unite missing children with their families; and it nationally disseminates information relating to innovative and model programs, services, and legislation that benefit missing and exploited children.

Mr. Speaker, it is important that we continue to support the National Center for Missing and Exploited Children; and I am pleased that H.R. 1925 accomplishes that goal.

H.R. 1925 does make several modifications to current law to streamline and strengthen the Federal support for the programs and activities that serve this very vulnerable segment of our country's youth population. The improvements made in this legislation will result in better services for at-risk youth. In fact, these improvements will benefit the Advocates for Bartow's Children, a basic center that is located in the Eleventh Congressional District of Georgia in Bartow County, my district.

Additionally, the work of the National Center for Missing and Exploited Children will continue to be supported, as they have played a role in many of the 1,074 cases of recovering of missing children in my home State of Georgia.

The Runaway, Homeless and Missing Children Protection Act makes small changes to these programs for at-risk youth. I would like to say that, although we are making some changes, these programs are already working well and efficiently. These are valuable programs that make a big difference in the lives of the children, youth, and families that rely on them. This bill enjoys support from both sides of the aisle, and the effort to pass this legislation has been truly bipartisan.

Mr. Speaker, this is much-needed legislation; and I would urge my colleagues to support H.R. 1925.

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

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

Mr. Speaker, I rise today in support of H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act. I am pleased to be an original cosponsor of this important and much-needed legislation which reauthorizes the Federal programs that protect and assist the most vulnerable young people in our society.

This legislation enjoys broad bipartisan support. I would like to thank the committee chairman, the gentleman from Ohio (Mr. BOEHNER), the chairman of the Subcommittee on Select Education, the gentleman from Michigan (Mr. HOEKSTRA), and my colleague, the gentleman from Georgia (Mr. GINGREY), the sponsor of H.R. 1925, for working diligently with us to ensure that this important legislation could move expeditiously through the process and remain something we can all support.

We would never get anything through the legislative process without dedicated, professional staff work; and this bill is no exception. I would like to also commend our committee staff, Denise Forte and Ricardo Martinez, as well as the staff for the majority, Whitney Rhoades, Krisann Pierce, and Rebecca Jones for their excellent work.

The programs funded under this act reflect what brings us together as a society. In the face of crisis, Americans want to lend a helping hand. That is what these programs do, they provide emergency shelter and services to young people in crisis, helping them get on a path to healthy, independent lives, and hopefully reuniting them with their families.

The programs funded under this act, Basic Centers, Transitional Living Programs, and Street Outreach Programs, are desperately needed in communities across the country. We have excellent programs operating in my own home State of Texas. During our subcommittee hearing, we learned of the tremendous work being done by the Washington, D.C., Latin American Youth Center through these programs.

We heard from a young man who was once homeless. Through these programs, he is now on the path to independence and possibly a college degree. I asked him how the program earned his trust so he was willing to leave the streets and take another life path. His answer was simple: They gave him a place to stay immediately.

I urge my colleagues to support this legislation so that other young people in need will have a place to stay, a place that will put them on a path to a better life.

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

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

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

I rise to support the Homeless and Runaway Youth Act, H.R. 1925. I would like to thank the gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), for their work on this committee.

The number of young people in our country who are currently homeless is truly alarming. Most of these young people are without any parental support. Many are simply fleeing abusive and dangerous situations. So it is critical that we provide these young people a safe haven, a place where they can have food and shelter.

But certainly young people need more than this. They need the help and the care of an adult. They need a relationship. I think that is important. I think whether a child is homeless because he simply has no parents or is fleeing an abusive situation, they all share one thing; that is that there is no adult in their life that they can really count on.

In my previous profession, 36 years of coaching, I dealt with a great many young people in situations like this where they had absolutely no support. I saw firsthand the difference a coach, a teacher, a mentor could make in the life of a young person.

This is one reason why I would like to, in conjunction with discussing this particular bill, mention the importance of an initiative that the President has recently promoted, which is to make a rather concerted effort in this country to promote mentoring. A mentor will reduce absenteeism from school by 50 percent, reduce teenage pregnancy, reduce drug and alcohol abuse and violent behavior.

Currently, we have 18 million young people in the country who need a mentor, so along with this bill I think a mentoring initiative is critical. I certainly support this bill and would like to thank again the chairman and the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), for their work.

Mr. HINOJOSA. Mr. Speaker, it gives me great pleasure to yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN) of the Committee on Education and the Workforce.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong support of H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act.

As a member of the Committee on Education and the Workforce, I would like to begin by commending the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), our ranking member, the gentleman from Texas (Mr. HINOJOSA), and the bill's author, the gentleman from Georgia (Mr. GINGREY), for their leadership in fashioning a sensible bipartisan consensus in this very important area of public policy.

Our Nation's most vulnerable youth needed us to set aside our differences and come together and step up to the challenge of getting them the help they need and deserve. I think in this bill we have done that.

Mr. Speaker, compared to the size of some of the other reauthorization bills that have come out of the Committee on Education and the Workforce, some may say this is a small bill. But I think we should make no mistake about it. This bill will be a big deal to the youth and the thousands of homeless and runaway children who, by virtue of our actions today, will have a better opportunity to reclaim their lives with the Federal support this bill provides. It will help throw many youth whose lives are sinking that life jacket they so desperately need.

For the first time, this legislation includes the specific authorization for Federal programs designed to help runaway and homeless youth, $105 million for fiscal year 2004, which represents a 19 percent increase for the worthy outreach, screening, counseling, referral, shelter services, and other services funded under the act.

It includes maternity group homes to support teen mothers' care for their young children as they begin their walk down the road to financial independence.

It sets the age of eligibility for needed services at 18, so vulnerable teens are not summarily kicked out of programs helping them turn their lives around after an arbitrary period of time.

It sensibly ensures that services for homeless and runaway youth are well coordinated with other Federal programs, like the McKinney-Vento Act, the Work Force Investment Act, and Temporary Assistance to Needy Families.

It also reauthorizes the National Center for Missing and Exploited Children, which has proven itself an invaluable tool to law enforcement since its creation nearly two decades ago.

Finally, Mr. Speaker, I want to thank the substantial bipartisan majority that turned back what I believe was an ideologically-driven attempt in committee to handcuff public health officials in efforts to ensure the reproductive health of the youth we are trying to reach with this legislation. Our unity across the aisle on this committee was a triumph for good science and common sense.

Mr. Speaker, I believe this is a very worthy piece of legislation and a good response to a critical public policy need. Again, I want to commend the leadership of the committee leaders on both sides of the aisle and again, the author of the bill, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the honorable chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from Georgia for yielding time to me. I congratulate him on moving this bill forward. Also, thanks to the ranking member of the subcommittee, the gentleman from Texas (Mr. HINOJOSA), with whom once again we have demonstrated that we have been able to work in a bipartisan way and move an important bill out of the subcommittee.

I rise in support of H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act. This authorizes Federal assistance for programs that serve runaway and homeless youth and missing and exploited children.

H.R. 1925 contains the reauthorization of both the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. This legislation strengthens the programs and services authorized under these acts in order to better address the needs of at-risk youth.

H.R. 1925 makes several modifications to current law to streamline and strengthen the Federal support for the programs and activities that serve this very vulnerable segment of our country's youth population. We have worked to protect runaway and homeless youth by keeping them off the streets, away from criminal activities, and out of desperate circumstances.

Additionally, we continue to support the Center in its efforts to locate and recover missing children and help prevent child abductions and sexual exploitation.

More specifically, H.R. 1925 defines the term ''group homes'' in the transitional living program to include maternity group homes, which are defined as community-based adult-supervised transitional living arrangements that provide pregnant or parenting youth and their children with supportive and supervised living arrangements in which the pregnant or parenting youth are required to learn parenting and other skills to promote their long-term economic independence and self-sufficiency in order to ensure the well-being of their children.

This provision affords pregnant and parenting runaway and homeless youth access to transitional living opportunities, an alternative to the environments of violence and despair that many young pregnant and parenting mothers face.

H.R. 1925 also adjusts the percentage allocations split between the Basic Center Program and the Transitional Living Program to address the increased need for transitional services that will enable more communities to serve the long-term needs of runaway and homeless youth.

A young man who was participating in the Transitional Living Program in the D.C. area told the members of the Subcommittee on Select Education during a recent hearing that when the Transitional Living Program that he is participating in ends, he is confident that he will be ready to make the transition to self-sufficient adulthood. The Transitional Living Program has been the bridge that he needs to safely begin this journey. It is important that this journey to self-sufficiency be available to more homeless youth.

□ 1045

H.R. 1925 enjoys bipartisan support and the staff and Members on both sides of the aisle have worked diligently throughout the process. We have also worked with the administration and sought the input of outside groups and programs in the field in crafting the legislation before us today.

I think that everyone involved in this process recognizes that these programs and services are vitally important to the at-risk population they serve. The Runaway, Homeless and Missing Children Protection Act makes minor changes to these programs for at-risk youth and children, programs which are already operating efficiently. This legislation includes provisions worked out by Members on both sides of the aisle and reauthorizes programs that should be supported by the Congress.

I would like to thank the gentleman from Georgia (Mr. GINGREY), the ranking member of the subcommittee, the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, for the work in passing this legislation and getting it to the floor today.

Mr. HINOJOSA. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from the State of Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 1925, the Runaway, Homeless and Missing Children's Protection Act. I would like to commend the gentleman from Ohio (Mr. BOEHNER); the ranking member, the gentleman from California (Mr. GEORGE MILLER); Select Education subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA); and Select Education subcommittee ranking member, the gentleman from Texas (Mr. HINOJOSA), for working together to produce a great piece of legislation. I also want to commend the gentleman from Georgia (Mr. GINGREY) for his introduction of this legislation which reaches out to one of America's youngest hard-to-serve populations.

According to the second ''National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children'' released in October of 2002, it is estimated that there are approximately 80,000 children reported missing each year, which is 2,000 children each day.

The Illinois Coalition to End Homelessness estimates that of the 150,000 that are homeless in Illinois, approximately 12,000 are unaccompanied teenagers. This resolution reaches out to our young people who are in need and who are in some of the most desperate situations. Unfortunately, we cannot make street life disappear or even make it reach a level of utopia or have the sense of morality that we would seek, but we can ensure that there are services made available to help ease the stress and fear of not having the security of a home or family.

I am pleased to support this resolution because it will provide grants to support emergency centers, long-term residential supports, and street-based outreach and education to those individuals that have been victims of sexual abuse or are sexually active. The 19 percent increase over fiscal year 2003, bringing the funding total to $105 million, is very promising. And I believe that as a result of it we will save many young lives from violence, disease, and death. By reaching out to help these young people turn their lives around, we are really helping our Nation decrease the number of teens that will resort to violence, drugs, and sex for survival.

I believe that this is a seriously important piece of legislation. And, once again, I want to thank the gentleman from Georgia (Mr. GINGREY) for his understanding and sensitivity in introducing it. I commend the gentleman from Ohio (Mr. BOEHNER); the ranking

member, the gentleman from California (Mr. GEORGE MILLER); and the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) for their leadership on bringing this to us today.

Mr. BOEHNER. Mr. Speaker, today we are considering H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act, which authorizes Federal assistance for programs that serve and protect runaway and homeless youth and missing and exploited children.

H.R. 1925 contains the reauthorization of both the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. This legislation strengthens these programs in order to address the unique needs of these at-risk youth. With this bill, we will ensure the protection of runaway and homeless youth, keeping them off the streets and away from dangerous circumstances by providing both emergency shelter programs and long-term supportive assistance. Additionally, we continue to support the National Center for Missing and Exploited Children and its efforts to locate and recover missing children and help prevent child abductions and sexual exploitation.

H.R. 1925 reauthorizes the Runaway and Homeless Youth Act (RHYA), and will continue to fund the Basic Center Program, the Transitional Living Program, and the Street Outreach Program. Grants are used to develop or strengthen community-based programs that are not part of the law enforcement, juvenile justice, and child welfare system. The Act has been successful in meeting the needs of runaway and homeless youth and in reuniting these youth with their families. There are, however, some specific improvements in H.R. 1925, including adjusting the funding allocation between the Basic Center Program and the Transitional Living Program to address the increased need for transitional services and enable more communities to serve the long-term needs of runaway and homeless youth. This legislation also clarifies that group homes in the Transitional Living Program may provide parenting youth and their children with a supportive and supervised living arrangement in which the pregnant or parenting youth learn parenting and other skills to promote their long-term economic independence and self-sufficiency in order to ensure the well-being of their children.

The Runaway, Homeless, and Missing Children Protection Act also addresses the needs of missing, abducted, and sexually exploited children by reauthorizing the Missing Children's Assistance Act. This legislation increases the authorization level of the National Center for Missing and Exploited Children from $10 million to $20 million for each of the fiscal years 2004 through 2008, extending the authorization that was begun in the PROTECT Act, and extends the authorization of the remaining activities under the Act through 2008.

I would like to thank Congressman GINGREY for his leadership as the sponsor of this bill, Subcommittee Chairman HOEKSTRA for his guidance on this bill, as well as Mr. MILLER and Mr. HINOJOSA for working with us in a bipartisan manner from the very beginning of the process.

This legislation includes provisions worked out by Members on both sides of the aisle, and reauthorizes programs that should be supported by the Congress. I would urge my colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act. For a program that is only funded at 90 million dollars it has had a large impact.

The Runaway and Homeless Youth Act (RHYA) programs provide funds to community-based, faith-based and public organizations to develop and expand comprehensive, cost-efficient, and effective management, shelter, housing and supports for youth in high-risk situations and their families. I am pleased this bill was completed in a bipartisan manner and will not prevent shelters from distributing contraception.

There continues to be a need for stable, residential environments that provide life skills supports for youth who are unable to live safely with their families, due to situations of child abuse, neglect, and parental substance abuse.

The current competitive grant mechanism for distributing RHYA funds to community-based, faith-based and public organizations is fundamentally sound and entirely appropriate given the relatively small size of the federal RHYA budget. Most state and local governments do not have the capacity at this time, given their budgetary problems, to absorb the burden of administering RHYA programs.

Congress established RHYA programs as low-cost, prevention and early intervention oriented program alternatives to State custodial child welfare, law enforcement, juvenile justice and mental health systems. The complimentary relationship between runaway and homeless youth serving programs and these various systems would be severely damaged if RHYA programs would be consolidated into any one of them.

The child welfare system in New Jersey is in crisis. Many youths slip through the cracks of the child welfare, juvenile justice and mental health systems. RHYA programs help provide supportive services, i.e., crisis intervention, counseling, housing, safety from the streets and other basic needs such as food, shelter and clothing.

RHYA funds help programs leverage state, local and private funding. Somerset Home, which serves some of my constituents, has a Transitional Living Program, a Basic Center Program and a Street Outreach Program. Federal funds represent $450,000 of their $2.5 million budget. The rest of the funding comes from state and local government with private funding from individuals, corporations, corporations and civic-minded groups comprising nearly $400,000 of the operating budget.

Somerset Home's Outreach Program ensures rapid engagement with young people on the street in an effort to prevent physical and sexual assault, commercial sexual exploitation, disease, long term homelessness, and death.

The Basic Center Program provides funds for emergency shelters for young people unable to live safely with their families and services while conducting efforts to reunite youth with their families or arrange for their placement in alternative supervised settings.

The Transitional Living Program provides transitional housing and life skill supports to older homeless youth.

Somerset Home facilitates health promotion, pregnancy prevention, academic achievement, employment, reduction in sexual exploitation, and other positive factors for youth in high-risk situations.

These services provide a vital safety net that protects youth from further victimization and exploitation. These youth run to the street and find their way to RHYA funded programs due to circumstances in the one such as sexual abuse, physical abuse, substance abuse and other forms of domestic violence. These youths are victims of the unthinkable actions of parents or guardians, entrusted with their care that has violated this trust. Together we can help these youth through the difficult transition from a difficult adolescence to a productive and maybe even happy adulthood.

Mr. Speaker, the nation's runaway and homeless need this program and I ask my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and pass the bill, H.R. 1925, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING THE 2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S ICE HOCKEY CHAMPIONSHIP

Mr. KLINE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 217) commending the University of Minnesota Golden Gophers for Winning the 2003 National Collegiate Athletic Association Division I Men's Ice Hockey Championship.

The Clerk read as follows:

H. RES. 217

Whereas on Saturday, April 12, 2003, the defending NCAA Division I Men's Ice Hockey champions, the University of Minnesota Golden Gophers, won the National Championship for the second straight year;

Whereas the University of Minnesota defeated the University of New Hampshire in the championship game by the score of 5–1, having defeated the University of Michigan 3–2 in overtime in the semifinals;

Whereas the Golden Gophers reached the 56th Annual Frozen Four by defeating Mercyhurst College 9–2 and Ferris State University 7–4;

Whereas the University of Minnesota received an automatic bid to the 2003 NCAA Division I Men's Ice Hockey National Championship Tournament by defeating Colorado College 4–2 in the Western Collegiate Hockey Association Tournament championship game;

Whereas the Golden Gophers became the first repeat NCAA Men's Ice Hockey champions in 31 years;

Whereas the University of Minnesota won their fifth NCAA Men's Ice Hockey title;

Whereas the team displayed academic excellence by maintaining an average grade point average above the university-wide average; and

Whereas all the team's players showed dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Minnesota Golden Gophers for winning the 2003 NCAA Division I Men's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the team's accomplishment, and invite them to the White House for a ceremony in their honor; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Minnesota for appropriate display, and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Ice Hockey Championship team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 217.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 217. I thank my colleague, the gentleman from Minnesota (Mr. SABO), for bringing this resolution forward.

Mr. Speaker, this resolution recognizes the achievement of the University of Minnesota men's hockey team, the Golden Gophers, for their NCAA Division I championship. The Gophers are the first team in 31 years to win back-to-back championships. With this fifth NCAA title, they are tied for third place in all-time championship victories.

This national championship team is to be commended not only for its athletic success but also and perhaps more importantly for their academic record. In addition to their achievements on the ice, the Minnesota men's hockey team was able to maintain a higher grade point average than the overall student body. This is a testament to the dedication of the team, the leadership of Coach Don Lucia, and the support of family and friends. It is clear this team has a winning spirit and a commitment to excellence.

I extend my congratulations to each of the hardworking players of the Minnesota Golden Gophers men's hockey team, to Coach Lucia and to the University of Minnesota.

I am happy to join any colleagues in honoring the accomplishments of this team and wish them continued success. I ask my colleagues to support this resolution.

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

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

Mr. Speaker, I rise today in support of H.R. 217, congratulating the University of Minnesota for winning the NCAA Division I ice hockey championship. Last month the Golden Gophers captured the national championship for the second straight year. College fans, students, athletes, and the general public were treated to an exciting hockey season and championship tournament. I want to extend my hearty congratulations to Minnesota's head coach and their student athletes for a job well done.

Also, Mr. Speaker, I wanted to extend my congratulations to the University of New Hampshire and their student athletes for a great season.

Winning a championship has brought national acclaim to the University of Minnesota. I hope that the Minnesota fans and the University community treasures this moment for many years to come.

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

Mr. KLINE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

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

The SPEAKER pro tempore. The gentleman from Texas (Mr. HINOJOSA) has 19 minutes remaining.

Mr. HINOJOSA. Mr. Speaker, I yield 5 minutes to the respectable gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentleman from Texas (Mr. HINOJOSA) for yielding me time, and commend my colleague, the gentleman from Minnesota (Mr. KLINE) who is handling the bill and the resolution on the majority side.

Mr. Speaker, Minnesota is a hockey State. I think we are the premiere hockey State in the country, and it has been a great year for hockey in Minnesota. Most recently, we have been excited about the, I suppose what you call, surprising success of the Wild in getting into the division championship in the NHL. But while they are new to our State, Golden Gophers have been playing hockey for 81 years. And that rich tradition we salute today as we congratulate them on winning a second consecutive NCAA championship.

But that is part of a rich tradition. This is their fifth national championship. In their 81 years, they have been in the NCAA Frozen Four Finals 18 times, 27 times to the NCAA tournaments. They have appeared in the national tournament for 13 consecutive years, an NCAA record; 12 conference playoff championships; 10 conference championships. So they come with a rich, rich tradition of outstanding hockey. Five national championships.

It is a unique team, a unique school with a rich tradition of good hockey, good athletes, good scholars. So we are proud of them. We are proud. We also know that unless there is some unusual circumstances, like pro hockey, most of the team is going to be back next year. Clearly, if you were to pick a favorite today for the NCAA hockey championship a year from now, the Gophers would lead the way.

So to Coach Don Lucia, to all his staff, all his players, the University administration, we say a hearty congratulations on your great success these last 2 years. We congratulate you for a rich tradition of hockey in the hockey State of the United States. We are proud of you and we wish you well in the future.

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

Mr. Speaker, I want to thank my colleague from Minnesota (Mr. SABO) for his remarks. He is right. Minnesota is the hockey capital of the world. He is right that we have been excited by not only NCAA hockey but by professional hockey. We are very proud of our Wild. But it is the Golden Gophers who we are here to commend today.

I am pleased as he is that we will see more of them again next year, and I am doubly excited by looking at my neighbors' kids, all of whom are in elementary school and look at their prowess that we will be a leader for a long time to come.

Again, my hearty congratulations to the team, to the Golden Gophers, to their coach.

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

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

I really enjoyed the remarks by my good friend, the gentleman from Minnesota (Mr. KLINE), and especially my friend, the gentleman from Minnesota (Mr. SABO). And I want to just share with both of you that we believe in south Texas that it is such a great sport that the community of south Texas has a big hockey coliseum under construction soon to be completed, probably in the fall, September or October. And I wish to invite both of the gentlemen from Minnesota (Mr. SABO and Mr. KLINE) to come to the opening. We are going to have on the Texas-Mexico border visitors from Mexico who also want to be as supportive of hockey as we in America are supportive of soccer.

□ 1100

So I want both gentlemen to know that they will be getting an invitation to that grand opening, and I hope that they will come and share in the excitement of bringing hockey to my great State of south Texas.

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

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume just to say thank you to my colleague from Texas and to commend him and the Great State of Texas for recognizing the great sport of hockey, and I appreciate the invitation. I hope that I have the opportunity to accept that invitation and join my colleague, the gentleman from Minnesota (Mr. SABO), for that visit. I hope that this occurs in February. I would be grateful for that consideration at least.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the resolution, H. Res. 217.

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

A motion to reconsider was laid on the table.

ENHANCING COOPERATION AND SHARING OF RESOURCES BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1911) to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense.

The Clerk read as follows:

H.R. 1911

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

SECTION 1. DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS JOINT EXECUTIVE COMMITTEE.

(a) ESTABLISHMENT OF JOINT COMMITTEE.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 320. Department of Veterans Affairs-Department of Defense Joint Executive Committee

''(a) JOINT EXECUTIVE COMMITTEE.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the 'Committee').

''(2) The Committee is composed of—

''(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate; and

''(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

''(b) ADMINISTRATIVE MATTERS.—(1) The Deputy Secretary of Veterans Affairs and the Under Secretary of Defense shall determine the size and structure of the Committee, as well as the administrative and procedural guidelines for the operation of the Committee.

''(2) The two Departments shall supply appropriate staff and resources to provide administrative support and services. Support for such purposes shall be provided at a level sufficient for the efficient operation of the Committee, including a subordinate Health Executive Committee, a subordinate Benefits Executive Committee, and such other committees or working groups as considered necessary by the Deputy Secretary and Under Secretary.

''(c) RECOMMENDATIONS.—(1) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing efforts between and within the two Departments under section 8111 of this title and shall oversee implementation of those efforts.

''(2) The Committee shall submit to the two Secretaries and to Congress an annual report containing such recommendations as the Committee considers appropriate.

''(d) FUNCTIONS.—In order to enable the Committee to make recommendations in its annual report under subsection (c)(2), the Committee shall do the following:

''(1) Review existing policies, procedures, and practices relating to the coordination and sharing of resources between the two Departments.

''(2) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and resources of the two Departments, with the goal of improving the quality, efficiency and effectiveness of the delivery of benefits and services to veterans, service members, military retirees and their families through an enhanced Department of Veterans Affairs and Department of Defense partnership.

''(3) Identify and assess further opportunities for the coordination and collaboration between the Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for benefits provided by either Department.

''(4) Review the plans of both Departments for the acquisition of additional resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of resources.

''(5) Review the implementation of activities designed to promote the coordination and sharing of resources between the Departments.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Department of Veterans Affairs-Department of Defense Joint Executive Committee.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (c) of section 8111 of such title is repealed.

(2) Such section is further amended—

(A) in subsection (b)(2), by striking ''subsection (c)'' and inserting ''section 320 of this title'';

(B) in subsection (d)(1), by striking ''Committee established in subsection (c)'' and inserting ''Department of Veterans Affairs-Department of Defense Joint Executive Committee'';

(C) in subsection (e)(1), by striking ''Committee under subsection (c)(2)'' and inserting ''Department of Veterans Affairs-Department of Defense Joint Executive Committee with respect to health care resources''; and

(D) in subsection (f)(2), by striking subparagraphs (B) and (C) and inserting the following:

''(B) The assessment of further opportunities identified by the Department of Veterans Affairs-Department of Defense Joint Executive Committee under subsection (d)(3) of section 320 of this title for the sharing of health-care resources between the two Departments.

''(C) Any recommendation made by that committee under subsection (c)(2) of that section during that fiscal year.''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is further amended by inserting ''(Public Law 107–314)'' in paragraphs (3), (4)(A), (4)(B), and (5) after ''for Fiscal Year 2003''.

(d) EFFECTIVE DATE.—(1) If this Act is enacted before October 1, 2003—

(A) section 320 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2003; and

(B) the amendments made by subsections (b) and (c) shall take effect on October 1, 2003, immediately after the amendment made by section 721(a)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 2589).

(2) If this Act is enacted on or after October 1, 2003, the amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN), and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

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

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

Mr. BOOZMAN. Mr. Speaker, for many years, the Departments of Veterans Affairs and Defense have been obligated by law to share health care resources. Congress enacted the original sharing law, Public Law 19–174, in 1982. Through a series of hearings and business meetings, our committee found that the law was being unevenly implemented and that much more could be done.

Congress recently reemphasized its commitment to this policy when it passed sections 721 to 726 of the Bob Stump National Defense Authorization Act for fiscal year 2003. Although our committee found evidence that sharing is working very well in some locations, the two Departments have never made a strong commitment to sharing and planning future health care activities. There are many reasons that the two Departments have not shared as much as they could, but we have found in general that there was a lack of committed leadership to implementing the goals of sharing.

The original sharing legislation established a VA–DOD committee to review policies and practices related to sharing of health resources. This committee was charged with identifying new or potential opportunities and making recommendations to VA, DOD and Congress. Our oversight activities revealed the joint committee had not achieved its full potential, and we made a number of changes to the committee's charge last year.

The significance of H.R. 1911 is that it would expand the purposes for which the original joint committee was

formed. It is not just health care where coordination and sharing is needed. There is a substantial amount of information that DOD maintains that is essential for the administration of various benefits, programs such as the Montgomery GI bill and disability compensation. Clearly, the government can be more responsive to future veterans and claims for benefits they earned if the two Departments can exchange information accurately and quickly.

H.R. 1911 would also increase flexibility for the joint committee to make recommendations in mutual interest areas. The committee would also be permitted to assess policy changes in both Departments in order to advance services and opportunities for the future. As a result, a more efficient system of delivery of health care and benefits to VA and DOD beneficiaries should evolve.

This is a goal I know both VA and DOD share, to provide continuity of care, prompt access to earned benefits, and better service to our current and former service members.

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

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

Mr. Speaker, I stand today in support of H.R. 1911, which would elevate an advisory committee created in last year's defense authorization. H.R. 1911 would elevate the charter of the joint executive committee established between the Department of Defense and the VA to review activities Departmentwide, rather than simply limiting its charter to health care.

We are pleased that the Department has asked for this authority. I appreciate the leadership of the gentleman from New Jersey (Mr. SMITH) on the bill we are going to consider today, and I thank the chairman of the Subcommittee on Health, the gentleman from Connecticut (Mr. SIMMONS), and their ranking member, the gentleman from Texas (Mr. RODRIGUEZ).

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

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank the committee for bringing this needed legislation to the floor. I also thank the Deputy Secretary of Veterans Affairs, Dr. Leo McKay, and David Chu of the Department of Defense for their leadership on this.

We have several key projects that put together DOD and VA health care: at Kirtland, in Las Vegas, and in my own congressional district of North Chicago. These projects help us realize fundamental facts: 15 million Americans have served our country in uniform, with 25 million of them still alive today and in need of VA care. But in many parts of this country, combining DOD and VA projects can help improve the care both of veterans and active duty personnel alike.

In my district, the North Chicago VA Medical Center and the Great Lakes Naval Hospital are combining. During the last administration, there were two attempts to close the North Chicago VA Hospital, but on June 19, 2001, VA released a capital asset realignment enhanced services study. That study pointed the way towards combining these two institutions, offering better health care for the veterans of northern Illinois.

I want to applaud the committee for bringing this legislation forward which codifies the existing agreements between DOD and VA and also enhances their ability to work in other places. Later on in this week, we will have the opportunity to increase the authorized level of spending that the DOD spends on its cooperative programs with the VA. I hope the House not only adopts this legislation overwhelmingly but that amendment as well. Our veterans and our active duty would both benefit from that.

Mr. BOOZMAN. Mr. Speaker, I yield myself the balance of my time, and I urge my colleagues to support H.R. 1911.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1911, a bill to amend Title 38 of the United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense. I support this bill because I support the men and women of our military whether they are currently enlisted or veterans.

H.R. 1911 establishes an interagency committee to be called the Department of Veterans Affairs-Department of Defense Joint Executive Committee. The Joint Executive Committee will operate with the goal of ''improving the quality, efficiency and effectiveness of the delivery of benefits and services to veterans, service members, military retirees and their families through an enhanced Department of Veterans Affairs and Department of Defense partnership.''

Both the Department of Veterans Affairs and the Department of Defense provide valuable services to help our service men and women. The Department of Veterans Affairs administers the laws the provide benefits and other services to veterans and their families. The Department of Veterans Affairs is responsible for insuring our veterans receive the medical care, benefits, social support, and memorials they so rightfully deserve after their valiant service to our America. The Department of Defense coordinate the activities of our activities of our armed services branches and ensures the professional and safe operations of our currently enlisted soldiers.

America's heroes are America's soldiers. The remarkable talent, bravery, and sacrifice of our military personnel was illustrated in the recent War in Iraq. We celebrated the safe return of our military personnel and we will revere them as veterans.

I support H.R. 1911 because the cooperative efforts of the Departments of Veterans Affairs and Defense to improve the quality of life for our soldiers and veterans. For example, Veterans Affairs and the Department of Defense are presently collaborating in the Defense Department's Prisoner of War/Missing Personnel Office to account for our missing-in-action from all of America's wars, and to provide case-specific information to their next-of-kin.

H.R. 1911, and the collaboration between the Department of Veterans Affairs and the Department of Defense, will establish better health services, benefits, and other programs for our soldiers and veterans. I support this bill because I support our soldiers and our veterans. They are our heroes.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1911.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. BOOZMAN. 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 H.R. 1911.

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

There was no objection.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1683) to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The Clerk read as follows:

H.R. 1683

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2003''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2003, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2003.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2003, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2004, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

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

Mr. Speaker, this is one of the most important bills the Committee on Veterans' Affairs brings to the floor each year. H.R. 1683 would provide, effective December 1, 2003, a full cost-of-living adjustment to the compensation veterans receive for their service-connected disabilities. Survivors receiving dependency and indemnity compensation, DIC, would also receive this increase.

The basic purpose of the disability compensation program is to provide a measure of relief from the impaired earning capacity of veterans disabled as a result of their military service. As of April, 2003, more than 2.4 million veterans were receiving service-connected disability compensation. These benefits are paid monthly and range from $104 for a 10 percent disability to $2,193 for a 100 percent disability.

Additional monetary benefits are available for our most severely disabled veterans as well as those with dependents. Spouses of veterans who died on active duty or as a result of a service-connected disability likewise are entitled to monetary compensation as the Nation assumes in part the legal and moral obligation of the veteran to support the spouse and children. Depending on their spouse's rank or grade in service, a spouse receives between $948 and $2,021 monthly.

Currently, there are more than 295,000 surviving spouses and more than 29,900 children receiving dependency and indemnity compensation. At the end of 2003, VA will have paid approximately $14.2 billion for the year in compensation benefits. With the cost-of-living adjustments estimated at 2 percent, that number will rise to approximately $14.6 billion for 2004, a $335 million increase.

I would like to commend the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD), the chairman and ranking member of the Subcommittee on Benefits, for considering this bill in a timely fashion, ensuring that veterans receive their COLA. As the new chairman of the subcommittee, the gentleman from South Carolina (Mr. BROWN) has proven himself a leader and advocate for our Nation's veterans and their survivors. I appreciate his diligence and dedication to the committee.

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

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

Mr. Speaker, I would like to thank the chairman of the full committee, the gentleman from New Jersey (Mr. SMITH), the Subcommittee on Benefits chairman, the gentleman from South Carolina (Mr. BROWN), and the ranking member, the gentleman from Maine (Mr. MICHAUD) for their spirit of bipartisanship in fashioning this legislation. Their work has resulted in an excellent bill, strongly supported by Members on both sides of the aisle.

H.R. 1683, the Veterans' Compensation Cost-of-Living Adjustment Act for 2003, will help our service-disabled veterans and their survivors to maintain the value of their compensation benefits despite any increase in the cost of living. Although we will not know the amount of the actual increase until the Consumer Price Index is computed this fall, the bill will provide for an appropriate increase in benefits for the year 2004.

Our Nation's veterans and survivors have earned these benefits, and we must never allow them to erode by the simple passage of time. This is a bill which deserves the support of all Members of this House. I urge my fellow Members to support it.

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

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

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I wish to thank the ranking member for yielding me this time; and I rise today in strong support of H.R. 1683, the Veterans' Compensation Cost-of-Living Adjustment Act of 2003. I would like to thank the chairman of the committee, the gentleman from New Jersey (Mr. SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership on the Committee on Veterans' Affairs.

Mr. Speaker, I fully support H.R. 1683 and am proud to be an original cosponsor of this measure. This legislation would provide important cost-of-living adjustments to the rates of disabled compensation payments for veterans with service-connected disabilities.

□ 1115

Mr. Speaker, this bill would also increase the rate of dependency indemnity compensation for survivors of certain service-connected disabled veterans. As in the past, the percentage would be equal to the increase for benefits provided under the Social Security Act, which is calculated based upon the change in the Consumer Price Index.

Mr. Speaker, our veterans and their survivors deserve the full and fair benefits of a grateful Nation. By providing this modest cost-of-living adjustment, we take a small step in the right direction. But we must continue to ensure that our veterans' earned benefits remain at a respectable level. Our veterans and their families deserve more, and we must continue to fight for their well-being. This bill will help many veterans and their family members to keep pace with the rising cost of living.

Mr. Speaker, I know that veterans and their survivors from my State of Maine will appreciate the efforts of our committee to bring forth this legislation. I fully support H.R. 1683 and urge my colleagues to pass this measure.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1683, the "Veterans Compensation Cost-of-Living Adjustment Act of 2003."

This legislation provides a financial boost to our deserving veterans. H.R. 1683 increases the disability compensation rates for veterans who have suffered injuries as a result of their service, and also increases the rates of compensation for dependency and indemnity compensation for the survivors of certain veterans. Specifically, H.R. 1683 increases the compensation for veterans, their dependents, the clothing allowance, and dependency and indemnity for surviving spouses with minor children.

Our veterans have made immeasurable sacrifices for all Americans. H.R. 1683 ensures that veterans get the cost-of-living adjustment

they need and deserve. This legislation will increase the compensation our veterans receive to offset the additional cost associated with inflation. This adjustment in compensation is very timely considering the present sluggishness of our economy.

More than 2 million veterans receive disability compensation each month as a result of injuries suffered in the course of military service. Nearly 600,000 spouses, children, and parents of veterans will also receive additional compensation and benefits as a result of H.R. 1683.

Mr. Speaker, H.R. 1683 is a bill that helps our heroic veterans live more comfortable lives. I support H.R. 1683 and I salute our veterans.

Mr. BOOZMAN. Mr. Speaker, I urge Members to support the Veterans' Compensation Cost-of-Living Adjustment Act of 2003, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1683.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1683.

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

There was no objection.

SELECTED RESERVE HOME LOAN EQUITY ACT

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1257) to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans.

The Clerk read as follows:

H.R. 1257

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 ''Selected Reserve Home Loan Equity Act''.

SEC. 2. PERMANENT AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) of title 38, United States Code, is amended by striking ''and ending on September 30, 2009,''.

SEC. 3. UNIFORM HOME LOAN GUARANTY FEES FOR QUALIFYING MEMBERS OF THE SELECTED RESERVE AND ACTIVE DUTY VETERANS.

(a) IN GENERAL.—Paragraph (2) of section 3729(b) of title 38, United States Code, is amended to read as follows:

''(2) The loan fee table referred to in paragraph (1) is as follows:

''LOAN FEE TABLE

Type of loan	Veteran	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2011)	2.00	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011)	1.25	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2011)	3.30	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2011 and before October 1, 2013)	2.15	NA
(B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2013)	1.25	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2011)	1.50	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011)	0.75	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2011)	1.25	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2011)	0.50	NA
(E) Interest rate reduction refinancing loan	0.50	NA
(F) Direct loan under section 3711	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25''.

(b) CONFORMING AMENDMENTS.—(1) Paragraph (4)(A) of such section is amended to read as follows:

''(A) The term 'veteran' means any veteran eligible for the benefits of this chapter.''.

(2) Paragraph (4) of such section is amended by striking subparagraph (B) and redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

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

Mr. Speaker, I am pleased that the House is considering today H.R. 1257, the Selected Reserve Home Loan Equity Act.

This legislation would save more than $50 million over 10 years and is similar to a bill the House passed in the 107th Congress, H.R. 2095. This measure makes the VA home loan program for members of the Selected Reserve permanent and reduces the funding fee charged to the Selected Reserve home loan applications to the same amount as that paid by active duty servicemembers.

Under current law, the reservists may participate in VA's home loan program through 2009. In the past decade, however, reservists have been increasingly called upon to participate on active duty for extended periods to support the national defense. Indeed, members of the Selected Reserve have become an integral part of America's total force, and they should be afforded the same home loan benefit as active duty veterans.

The CBO estimates that VA will guarantee 9,000 additional loans a year between 2010 and 2013 due to this legislation. Additionally, H.R. 1257 will provide uniformity in the funding fees charged to members of the Selected Reserve and active duty veterans for VA home loans. Today in most cases a reservist pays three-quarters of a percent higher funding fee than that charged active duty veterans.

This policy exists despite data indicating that the foreclosure rates for members of the Selected Reserve have been almost one-third lower than that of other veterans. Again, Mr. Speaker, with our country relying more and more on reservists, they certainly deserve equality in fees with other veterans.

Finally, this bill would affect the home loan guarantee fees for veterans qualifying for second or subsequent home loans with no downpayment. The fees for veterans who obtain a subsequent VA home loan would be raised from 3 percent to 3.3 percent for loans closed before October 1, 2011, and then reduced to 2.15 percent for loans closed between October 1, 2011, and September 30, 2013. CBO estimates that the bill would save $4 million in 2004, $4 million over 5 years, and $51 million over 10 years.

Mr. Speaker, this bill was unanimously recommended by our committee. I thank the gentleman from Illinois (Mr. EVANS) for his work in introducing this measure, as well as the chairman and ranking member of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD), for considering this bill in a timely fashion.

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

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

Mr. Speaker, I thank the gentleman from New Jersey (Chairman SMITH), the gentleman from South Carolina (Mr. BROWN), and the ranking member, the gentleman from Maine (Mr. MICHAUD), for their work in bringing H.R. 1257 to the floor. I support this bill because I believe the men and women who are defending this Nation by their service in Selected Reserve should be eligible to obtain a home loan from the Department of Veterans Affairs.

Under the current program, the home loan program for the Selected Reserve will expire on September 30, 2009. Since reservists may serve for a minimum of 6 years in order to qualify for this benefit, it is important for Congress to act this year to continue that program.

I believe this is a program that should be made permanent. I believe also that reservists should be charged with the same fee for a home loan as any other veteran. The bill does this. In order to pay for the costs of the bill, the measure contains a slight increase in the fees paid by veterans to use the home loan program a second or additional time without paying any downpayment.

This fee should not be needed; but I recognize that under our current budgetary restraints, it is a necessary part of the bill. Today's members of the Selected Reserve who are fighting for freedom around the world deserve to have a home when they come home. I urge all Members to support this legislation.

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

Mr. BOOZMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I thank the gentleman and the ranking member for introducing the Selected Reserve Home Equity Loan Act. I have served as a reservist in the U.S. Army for over 30 years, and I feel that this is an extraordinarily helpful piece of legislation for our reservists that will help hundreds of my colleagues in the Reserve in Connecticut, and literally thousands if not tens of thousands of reservists across the Nation, many of whom are deployed, on active duty, called up on active duty even as we speak here today.

By giving these reservists the opportunity to count on a guaranteed and ensured home loan through the Department of Veterans Affairs, this program promises them the American Dream of owning their own home. What better message for this body and this Nation to send to its deployed reservists than the message that when you come home we wish to extend to you the opportunity of taking a loan and buying a home.

We have come to appreciate the role of the reservists in our national security and in our military now more than ever. When I first joined the Reserves in 1970 after coming off of active duty service in Vietnam, it was rare for a reserve unit to be activated and deployed. In fact, from 1970 to 1990, my military unit was not activated and deployed for any purpose. But in the early 1990s, the deployments began, and members of the unit and finally the unit itself were activated and deployed on a number of occasions. And, in fact, my former unit is currently on active duty as we speak today, and all of its members have been called to active duty and deployed.

This changing role of the U.S. Reserves makes it all the more appropriate that legislation of this sort be crafted to extend these benefits to them. I thank my colleague and ranking member of the Committee on Veterans Affairs for his vision in seeing the importance of this legislation. I also thank my colleague, the gentleman from Arkansas (Mr. BOOZMAN), for his work on this important piece of legislation.

Mr. Speaker, I rise in support of H.R. 1911, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense.

H.R. 1911 was originally introduced by the gentleman from Arkansas, Mr. BOOZMAN.

As Chairman of the Subcommittee on Health for the Committee on Veterans' Affairs and a member of the Armed Services Committee, I have observed firsthand the need for enhanced sharing initiatives between the Department of Veterans Affairs and the Department of Defense. My experience on these two committees has given me a vision of the opportunities afforded by an effective pooling of VA and DOD resources—I was drawn to Mr. BOOZMAN's bill for this very reason.

The new mandate envisioned by this bill would lead to better services for active military servicemembers, reservists, dependents and veterans alike. This could be accomplished by elevating programs and areas of mutual interest of the Departments—such as the Montgomery GI Bill; VA's home loan guaranty program; various memorial affairs activities; general administrative and management systems; common information technology, records keeping and systems of records; and capital infrastructure, among many other possibilities.

This legislation would be of great benefit in seeking to bridge the divide between these two Departments and doing so in the interests of America, our active soldiers, sailors, airmen, Marines, dependents, veterans and the American people. Passage of this bill would have the additional benefit of conserving taxpayer funds, cutting down on administrative and bureaucratic waste and promoting better services to current and future veterans of our armed services.

I urge all my colleagues to support this legislation.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. MICHAUD).

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

I rise in strong support of H.R. 1257, the Selected Reserve Home Loan Equity Act, and I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) for their leadership on this issue. H.R. 1257 would make the home loan program for members of the Selected Reserve permanent.

□ 1130

Currently the program is scheduled to expire as of September 30, 2009.

In 1992, the Congress granted eligibility for VA home loans to persons who served in the Selected Reserve, including the National Guard. This benefit is a useful recruiting and retention tool. Mr. Speaker, this legislation would also equalize the fees charged to members of the Selected Reserve and active-duty veterans for VA home loans. Currently, qualifying members of the Selected Reserve are charged a higher funding fee than other veterans. According to VA, members of the Selected Reserve have a lower foreclosure rate than other loan guarantee beneficiaries. This higher rate is not justified.

Mr. Speaker, in recent years our Guard and Reserves have been increasingly called upon to participate on active duty for lengthy periods of time. As the recent military actions in Afghanistan and Iraq clearly demonstrate, the Selected Reserve is an integral part of America's total force. Clearly, reservists have earned the right to receive equal lower fees with other veterans.

I am proud to be an original cosponsor of H.R. 1257. This legislation will assist the many members of the Guard and Reserves living in my home State of Maine. I fully support H.R. 1257 and urge my colleagues to pass this measure.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Committee on Veterans Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding time. I will not take the 5 minutes because this bill has been very adequately explained by my good friend and colleague, the gentleman from Arkansas (Mr. BOOZMAN), and, of course, the author of the bill, the gentleman from Illinois (Mr. EVANS), our ranking member and a very close partner on all veterans issues. I want to commend him for this legislation. At a time when there is some partisanship when it comes to veterans issues, as I just made very clear at a press briefing that we had, the gentleman from Illinois and several members of the committee have always gone out of their way to keep the committee as nonpartisan as humanly possible. We do work in a very cooperative way. The bill under consideration really builds on the whole total-force concept that whether you be Selected Reserve or active Army or active military, we should not permit any distinction when it comes to home loan fees. This is a very important piece of legislation. I am very proud to be supporting it. I congratulate the gentleman from Illinois on his authorship of this fine bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1257, the "Selected Reserve Home Loan Equity Act."

H.R. 1257 amends Title 38 of the United States Code, "to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans."

I support H.R. 1257 because it is a way for this body to thank our Select Reservists the same way we thank the brave veteran men and women who have served their country so valiantly. The Department of Veterans Affairs provides our active and inactive military personnel with various services and benefits. One of the benefits provided is guaranteed home loans at reasonable fees.

Presently, members of the Selected Reserves are eligible for Department of Veterans Affairs loans. However, the current program is scheduled to expire at the end of fiscal year 2009. Moreover, Selected Reservists pay a higher fee on guaranteed home loans than do active duty veterans. H.R. 1257 grants Selected Reservists permanent access to guaranteed home loans just as like veterans. Selected Reservist will also be eligible for the same fee structure as veterans.

Our Selected Reservists are an important part of our exemplary military, and are integral to protecting our homeland and bringing peace throughout the world. Providing our military personnel, including members of the Selected Reserve with access to economically beneficial programs like guaranteed loans is one small way to thank them for their service.

Mr. Speaker, I support H.R. 1257, and I urge my colleagues to do the same.

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

Mr. BOOZMAN. Mr. Speaker, I urge my colleagues to support the Selected Reserve Home Loan Equity Act.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1257.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. BOOZMAN. 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 H.R. 1257.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1904, HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risks lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my namesake, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose 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 239 provides for the consideration of H.R. 1904 under a modified closed rule. The rule provides 1 hour of general debate in the House with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources,

and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill and provides that the amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The rule also makes in order the amendment printed in part B of the report if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee which shall be considered as read and shall be separately debated for 1 hour equally divided and controlled by the proponent and an opponent. Finally, the rule waives all points of order against the amendment printed in part B of the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1904, the Healthy Forests Restoration Act of 2003, is a measure that would enable the Secretaries of Agriculture and Interior to better protect communities, watersheds, and certain other at-risk lands from catastrophic wildfires by conducting hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands all across the United States.

The summers of 2000 and 2002 were the two largest and most destructive fire seasons in the past 50 years. Last year alone, Mr. Speaker, American taxpayers spent in excess of $1.5 billion to contain wildfires which claimed the lives of 23 firefighters. This subject hits particularly close to home for this Member because tragically, the summer before last, four of my constituents lost their lives fighting the Thirty Mile Fire in my district. A contributing factor in that fire and many similarly explosive wildfires destroying forests and rangelands at such an alarming rate is the unprecedented buildup of dead, dying, and diseased timber on these Federal lands. For a variety of reasons, including improved firefighting techniques and legally required environmental restrictions, the natural processes by which, until relatively recently, nature has rid forests of highly inflammable undergrowth have been overridden. The result has been to turn many of our forests and rangelands into virtual tinderboxes waiting to explode with oftentimes tragic results.

H.R. 1904 is designed to restore some much-needed balance to the management of our forests and rangelands. Through the use of environmentally responsible thinning, prescribed burns and other scientifically validated management practices, overstocked forests can be returned to a more natural balance, and the risks of catastrophic wildfires as well as insect and disease infestations greatly reduced.

The Congressional Budget Office estimates that implementing H.R. 1904 would cost $12 million in fiscal year 2004 and $278 million over the next 5 years. The bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act and is projected to impose no costs on State, local, or tribal governments. In fact, Mr. Speaker, Federal funds authorized under this act would actually benefit State, local, and tribal governments. Members from the West and Southeast, particularly, are acutely aware that the fire season will soon be upon us again in full force. We need to move this legislation as rapidly as possible.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill, H.R. 1904.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Washington (Mr. HASTINGS), for yielding me this time; and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this restrictive rule and the underlying bill. Typically during debate on the rule, the minority expresses its outrage at the process by which the underlying bill is coming to the floor. We talk about the limited time that we have had to consider the content of the bill as well as the lack of opportunities that we have to offer amendments. Today is no different. I again come to the floor in disgust by the majority's rule which makes in order a meager 1 of the 11 amendments that were offered by Democrats, many of which, I note, addressed some of the bill's most controversial provisions. These commonsense amendments held the potential to transform a controversial bill into one that the entire House can support. Instead, the American people will never hear a discussion on these amendments because the Republican majority has shut off debate.

As I examined the Healthy Forests Restoration Act, it became increasingly obvious that the only ''healthy'' thing about this bill is the pocketbooks of the timber and logging industries and the only ''restoration'' that is being done is in the campaign coffers of the majority just in time for election day 2004. President Theodore Roosevelt, the Republican conservationist, told Congress in 1907: ''The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life.''

We are now faced with a vote clearly indicative of the concerns raised by President Roosevelt nearly 1 century ago. Whether we answer the challenge made by the late President or allow his legacy to fall victim to an influential timber lobby is a decision that Members will have to make later today. Republicans have crafted a bill that makes their approach toward curbing wildfires quite clear: if there are not any trees in the forests, then there will not be any forest fires. This approach is as infantile as it is misguided. The reality is H.R. 1904 opens up thousands upon thousands of forest acres to logging and destruction. With the passage of this bill, much of the 150 national forests spread across some 230 million acres of land initially set aside for protection nearly 100 years ago will again be under attack.

The majority's drafting of a logging bill under the guise of wildfire prevention mocks the seriousness of the issue. In 2002 alone, wildfires burned more than 6.5 million acres at a cost to taxpayers of more than $1 billion. Hundreds of families were evacuated, and uncontrollable fires caused millions of dollars of damage and the death of firefighters. This bill not only loosens current law regarding the logging and controlled burning of our Nation's forests but it also eviscerates environmental studies and the ability of organizations and private citizens to submit appeals on the cutting down of as many as 20 million acres. Under the Republican bill, appeals are subject to unnecessary and unrealistic deadlines which insult the process. Federal judges are held to judicial deadlines that fail to consider caseloads and complexities of the appeal.

The irony of a December 2002 White House press release entitled ''Reducing the Threat of Catastrophic Wildfires and Improving Forest Health'' is shocking. The release notes, ''The President's Healthy Forest Initiative will ensure that needed environmental reviews and public review processes are conducted in the most efficient and effective way possible.'' It continues, ''The Departments of Agriculture and Interior will propose steps to promote early and more meaningful public participation on forest health project appeals.''

Well, Mr. Speaker, H.R. 1904 certainly ensures that the public review process is efficient. It just eliminates the process before it even begins. Efficient? Yes. Democratic and patriotic? Absolutely not. Democrats, on the other hand, have submitted a fair, realistic, and noncontroversial substitute. It places priority on the protection of communities and water supplies most directly threatened by potential wildfires. And it requires that 85 percent of any funds appropriated under the bill are spent for projects in communities and watersheds. The Democratic substitute also protects community infrastructure and expands areas protected from logging under the bill.

□ 1145

It does not alter current judicial review and appeals procedures, and it authorizes nearly $4 billion for hazardous fuels reduction work. The Democratic substitute is as strong as the majority's bill is in areas where our two sides agree. But, most importantly, the Democratic substitute is stronger in the areas where the majority's bill fails.

Teddy Roosevelt once noted, ''Forests are the lungs of our land, purifying the air and giving fresh strength to our

people.'' He continued: ''A Nation that destroys its soil destroys itself.''

This bill, Mr. Speaker, destroys our national forests and does little to preserve the strength of the American people. We must not allow the late President Roosevelt's warning to be realized by the 108th Congress. I urge my colleagues to oppose the rule and the underlying bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), a valued member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS), my friend and colleague on the Committee on Rules, for yielding to me this time.

Mr. Speaker, I rise in support of the modified closed rule and the underlying legislation, the Healthy Forests Restoration Act of 2003. In crafting this rule, the Committee on Rules has worked to maintain the bipartisan coalition of support this important legislation has gathered while also providing the minority the opportunity to offer a substitute amendment drafted by the gentleman from California (Mr. GEORGE MILLER) for the consideration of all the Members of the House.

I commend the gentleman from Colorado (Mr. MCINNIS) for introducing this bill and the House Committee on Resources, Committee on Agriculture, and the Committee on the Judiciary for the time and effort they have invested in bringing this very important and well-crafted legislation to the House floor.

I support balanced forest management designed to protect plant and animal habitats, while ensuring that forests are still available for the enjoyment of local communities. One way I believe we can attain this goal is through President Bush's ''Healthy Forests Initiative,'' which has been introduced as H.R. 1904.

The fire seasons of 2000 and 2002 were by most standards the worst the United States has seen in the past 50 years. Many scientists argue that these wildfires occurred because many forest have unnaturally high fuel loads, such as dead trees and dense undergrowth.

Unfortunately, it currently takes Federal land managers upwards of several years to carry out forest health projects such as controlled burning and thinning, as there are various bureaucratic and judicial obstacles that must be dealt with before a project can begin. H.R. 1904 would empower local land managers with the tools they need to expeditiously carry out forest health projects and would increase the speed and efficiency with which the United States Forest Service and other Federal agencies make regulatory decisions.

Furthermore, this legislation would improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuel reduction projects on National Forest System and Bureau of Land Management lands to help protect communities and forestlands from catastrophic wildfires. It would also direct Federal land managers to establish early detection programs for insect and disease infestation in forests before they reach epidemic levels.

Maintaining the health of our forests is critical and should not be impeded by needless bureaucratic obstacles. If forest health projects are not carried out, a forest will naturally cleanse itself through wildfires that can cause damage to the health of the forest ecosystems, endangered species and air and water quality.

The American people, their property, and our environment are threatened by catastrophic fires and environmental degradation. These unnaturally extreme fires are caused by a crisis of deteriorating forest and rangeland health, the result of a century of well-intentioned but misguided land management.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed to debate the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

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

I had hoped today that we would have a fair and balanced rule. Traditionally, when the Committee on Resources, formerly the Committee on Natural Resources, formerly the Committee on the Interior during my time here in Congress, has brought important bills to the floor, they have been under open rules with each and every Member being allowed to offer amendments. I had two amendments that would have improved this bill which might have given it a better chance of actually becoming law instead of just scoring big political points.

Unfortunately, neither of those amendments are to be allowed because the House is in a hurry. A hurry for what? So we can get out for golf games this afternoon? We are going to be done between 4 and 5 o'clock this afternoon so Members can make phone calls for the big Republican fundraiser tomorrow night? I do not know. But for some reason the United States House of Representatives cannot work after 4 o'clock in the afternoon and allow Members whose districts are most affected by this legislation an opportunity to offer amendments. That is absolutely outrageous, unconscionable, and of course violates everything the Republicans promised in the ''Contract on America'' when they took over the House.

But I am sure there is a good reason why they shut us down and they will not allow the amendments. Maybe because they are afraid some of those amendments might win, might improve the bill, might go against the wishes of the White House who is running this process.

We had a good, collaborative, bipartisan process going last fall. We reached agreement on a bill. It would have actually had a very good chance of becoming law. Instead, suddenly this bill springs up on a Friday afternoon to be considered in full committee the next Wednesday without one single public hearing, without even consideration in the subcommittee, and it was being driven by the White House.

The Republicans would never vote for this bill if we had a Democratic administration, even this exact bill. It gives total discretion to the Secretary of Agriculture and the Assistant Secretary who runs the Forest Service and the Secretary of the Interior over what and where they will apply this bill. They do not have to prioritize. They do not have to go and protect communities first. They do not have to protect old growth. No. In fact, this bill will rely upon harvesting old growth, which can be done without appeal by the Secretary under this bill. Sometimes only in thousand acre segments, sometimes in smaller segments, timber harvesting.

There is no money in this bill. This is a very expensive process. One hundred years of mismanagement of the national forests cannot be fixed on the cheap. There is no money in this bill. There was money in the bipartisan substitute last fall, but the White House will not allow them to ask for money because they want to pretend this can be done for nothing.

It cannot be done for nothing. They will just give the contracts to people, and they will go out there and clear the stuff out and just take what they get. But, guess what, the brush, the underbrush and the little dead poles and the small trees, they are not worth much. So what are they going to have to do to carry out this bill? They are going to harvest the old growth, the large fire-resistant trees that are what we should be leaving according to all the scientists while we clear out the understory and the underbrush.

But that will be harvested or not harvested at the discretion of Mark Ray and other bureaucrats in the administration. Appointed bureaucrats will have the discretion, total discretion without appeal, virtually without being able to go to court because their decisions have to get deference in the courts.

We could have done something real. We could have done something bipartisan. We could have done something that would become law. We could have done something that would begin to address the 100 years of mismanagement of our forests and deal with the real threats to my community.

There are going to be a lot of people talking today who do not have a darn thing at risk. I have got people and communities at risk. The largest fire in the country burned a good deal of

my district last year, and we are still threatened.

I feel very strongly about this, and I am offended that I cannot offer a single amendment, get one vote on one substitute, and the House is going to rush out of here at 4 or 5 o'clock for people's golf games or fundraising phone calls. That is outrageous.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Washington State for yielding me this time.

Mr. Speaker, I rise in support of the rule and in support of the underlying legislation, and I appreciate the passion that my friend from Oregon brings to this debate because I am trying very hard now to control very real emotion on my side. From my perspective, having represented rural Arizona in the Congress of the United States, having had the Rodeo-Chedeski fire burn hundreds of thousands of acres, Mr. Speaker, I bring to the floor a photo that is worth a thousand words of verbiage because it tells the tale of what transpired in the White Mountains of Arizona in the wake of the Rodeo-Chedeski fire, and it tells the story compellingly.

The area in the upper part of this photograph was treated. Effective forest management was utilized. The untreated area, there were delays through appeals and paralysis by analysis; and the Members see what happened.

I listened with interest to my friend from Florida who in curious fashion said we do not have to worry about trees if there are no trees there. I do not know what rhetorical point he was trying to make, but the fact is Members of this Congress, including 16 of my friends on the other side of the aisle, have signed on to this Healthy Forest Initiative because we have to get something done, precisely because of the concerns of my friend from Oregon (Mr. DEFAZIO) who preceded me here in the well, precisely because of the damage that is done to communities and to people who live in those communities and, yes, to endangered species.

Do my colleagues realize the Rodeo-Chedeski fire, we had air pollution caused by particulates that far exceeds what goes on in the rush hour in the metropolitan area of Phoenix? Do my colleagues realize that, in fact, the water pollution and the damage to watersheds and the ability of people in those areas to have healthy drinking water is taken away because of the fire?

Mr. Speaker, the fact is we are coming here. When we strip away all the histionics and all the theatrics and all the arguments about process, at the end of the day we are faced with this question: Will the House of Representatives, will this People's House, embrace an effective healthy forest initiative that is broad-based, that will preserve endangered species, that will preserve the integrity of watersheds, that will preserve air quality if we take these steps now? Because, make no mistake, Mr. Speaker, in the words of Professor Wallace Covington in Northern Arizona University, a widely respected forest health expert, the question is not if there will be another wildfire but when.

Do we continue through theatrics and delay to subject the people of rural America to the threat of catastrophic wildfire?

This is too important to leave to politics as usual. Rise in support of the rule, support the base bill, and reject any amendment that would try to restrict this to certain geographic areas.

I thank my colleagues for their time.

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

Just to answer my friend regarding what he thought was a rhetorical question, what I merely was suggesting was that the majority's bill will eliminate forests and if it eliminates forests then there will not be any wildfires.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, the fact is what happened in that last fire eliminated 100,000 acres of habitat to the Mexican spotted owl. So I would suggest to my friend, rather than any misguided notion on the motives on this side, I am actually working to protect the forests, and I thank him for his concern.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, if it is that this bill will not destroy forests, then I do not know how to read. It is just that simple.

Mr. Speaker, I yield 3½ 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, this is indeed a very serious bill we have on the floor today of the House of Representatives.

Some time ago, I visited with a couple parents of one of the firefighters who was killed in the fire in Washington State that the gentleman from Washington (Mr. HASTINGS) made reference to. It seems to me in the memory of all firefighters and for those families that the U.S. House of Representatives owes it to the men and women affected by fire to allow democracy on the floor of the House, to give time to a bill where we will consider some of these amendments that should have been allowed for a vote.

Why is the House in such a hurry that it cannot work past 4 o'clock in the afternoon when we have got firefighters potentially losing their lives out in these forests?

□ 1200

I am ashamed that on the floor of the House of Representatives with that loss we cannot allow a full and fair consideration of more than one single, lousy amendment to this bill.

I would posit that that great Republican, Teddy Roosevelt, would be spinning in his grave if he knew about this effectively closed rule, because he was a champion of participatory democracy and a champion of the forest. Neither democracy nor forest are served by this rule, which shuts off honest and full debate in this House.

Let me address just one amendment that this rule denies the House the opportunity to deal with, and that was an amendment I had, went to the Committee on Rules with, that would preserve the heart of our environmental policies when it comes to our forests. The heart of the National Environmental Protection Act simply requires our agencies to consider at least one alternative to the proposal on how they are going to deal with the fuel reduction program in a no-action consideration.

Is that too much to ask simply to preserve the heart of our environmental policy when it comes to our forests? Are the special interests so powerful on the floor of the House that we cannot even debate, we cannot even vote on an amendment to preserve the very heart of the EPA act when it comes to our forests?

It is not just me saying it is the heart; it is the law of the United States of America. I want to quote from the Code of Federal Regulations. Right now in our law, our agencies are compelled to one alternative, to consider no action when they consider these fuels reduction programs. It says: ''Alternatives including the proposed action. This section is the heart of the environmental impact statement. It should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for the choice among options by the decision-maker and the public.''

Is it too much to preserve the heart of environmental protection? My amendment would simply allow the House to vote that we should compel our agencies to think and use their scientific information to think about at least one alternative to the proposal.

We should be working arm in arm to design a bipartisan fuels reduction program, one that protects the public, one that does not allow one person in one bureaucracy to decide we are going down this road and blind ourself to the other. We got into this pickle due to ignorance, and now this rule will continue that path of ignorance in our forests. Reject this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I rise today in support of the rule for the Healthy Forests Restoration Act.

Mr. Speaker, the weeds are in the garden. We had a full congressional

hearing, open to the public, sunshine laws, in Flagstaff, Arizona. Some said they would come and did not show up. Everyone from both sides was invited.

The weeds are in the garden. In your own garden, you weed out those spindly, dry weeds. On the public lands of America, we are being stopped from weeding out those spindly pines called ''dog hair thickets.'' They add so much to the fuel load that when you visit rural Arizona this year, when you come to the Grand Canyon, visit Sedona, I want you to know if a fire starts in Sedona, Arizona, with the upwinds, with the prevailing terrain, it will overtake Flagstaff by that evening. There is nothing to stop it. We have got to be able to thin the forest with a holistic approach.

I want Members to know also the West is being devastated by millions of bark beetles. These bark beetles are growing at such an epidemic proportion that unless we are allowed to thin the forest, we will not be able to take care of this infestation.

I urge full support of the rule for the Healthy Forests Restoration Act. I ask Members on both sides to embrace the idea that we clean the weeds out of the garden.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, I rise today in strong support of a bill, but in equally strong opposition to the rule. I do not know how much longer that this House is going to continue to suppress the rights of the minority to be heard on the floor of the House. There was a little news last week about the 51 Democrats in Texas that used the rules of the house to go into Oklahoma to stop a bill from passing. Many people do not understand why they did that.

Today is another example of the frustration on the minority side when the rule does not allow free and open debate on this floor on issues. I disagree with my friend from Oregon and will oppose his amendment. I disagree with my friends on this side of the aisle who contend that this bill does all the bad things to our national forests, because it does not, in my opinion.

I have spent about 6 to 8 years working with chairman BOB SMITH of Oregon, and now the gentleman from Virginia (Chairman GOODLATTE) and listening to all of the opposing arguments. In the Committee on Agriculture we had an open rule. Anybody could offer an amendment and have full debate on these issues.

What is different about the floor of the House? Why is it that, day after day after day, we come here and we say we cannot debate these issues openly and honestly.

I do not understand this. This was not the Contract with America. Some of you remember when I used to stand with you when you were in the minority and oppose the majority on this side when they would not allow you to have your amendments. And we came up with a rule. We came up with a rule that said if you have got one Democrat and one Republican that is for something, put it out on the floor and let it be discussed. Give us a time limit, 5 minutes, 10 minutes, 1 minute; but just let it be debated.

That is what this House should be all about. That is not what the pattern of rules does. And to those who wonder why the 51 did what they did, remember, who is causing it in the House of Representatives? The same person, same persons, are causing it in the Texas legislature.

What are we afraid of? I am for you. I am for the bill. I think it ought to be voted on. But my colleagues on this side who have a different opinion have every absolute right to have their issues debated within the confines of reasonable time restraints.

I strongly urge my colleagues to oppose this rule today. It will pass. But I have asked the chairman and I ask the leadership and I ask my colleagues on the other side, please do not continue this pattern of not allowing free and open debate. We should not be afraid. We have a good bill today. I am prepared to argue and oppose amendments, I am prepared to support the bill. It is a good bill. But why do we not allow free and open debate?

The answer to that question, to those who wonder why the 51 in Texas exercised their rights under the rules, this is a good example of the frustration building on this side of the aisle.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, we have had some discussion on the floor already about a variety of different fuels reduction plans and whose is best. Let me just show you what a fuel reduction plan is from the environmental community.

This is a fuel reduction plan from the environmental wackos. They want to leave forests in a state where that is the only outcome when a fire starts. You have a conflagration. It is not just a fire; it is a fire that consumes everything in its path for miles around.

Such a fire was in my district in this last year, the 139,000-acre Hayman Fire, just one of several record-breaking fires that touched the West last year in the worst wildfire in Colorado history. The fire destroyed 133 homes and filled reservoirs with soot and sediment.

Another example of that: the Colorado Hayman Fire dumped colossal loads of mud and soot into Denver's largest supply of drinking water.

The air was filled with toxic gas. The State Department of Public Health and Environment advised people living as far from Denver as Wyoming to stay in their homes, shut their windows, and use fans and air filtration devices until the fire was extinguished.

This is a picture of Denver on June 8, the day before the fire. This is a picture of Denver on June 9, the day of the fire.

By the way, another good example of the bizarre rules in which we operate is that fire, the smoke from that fire, is not counted against Denver for clean air; but any kind of pollution that is prior to that is counted against our clean air days. But a smoke that completely almost blurs the city, that is not counted by EPA.

The Hayman Fire cost more than $39 million to extinguish and millions more in cleanup and restoration costs that continue to grow. The fire incinerated large areas of habitat for threatened or endangered species. One of those species may even disappear as a result of the fire.

This is not a partisan problem. In fact, the Democratic leader in the U.S. Senate last year became so fed up with the delays and procedural requirements blocking the implementation of thinning work in South Dakota that he inserted a sweeping rider in the 2002 supplemental appropriations bill suspending all legal and administrative requirements in an effort to get the work done.

The fact that such drastic action has to be taken to facilitate the completion is a striking commentary on how broken this process is. Congress should not have to legislate individual thinning projects. Support the rule and support the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and to the underlying bill. I heard my colleagues, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Arizona (Mr. HAYWORTH), speak with great passion about the need to pass legislation that would remove this threat of catastrophic wildfire; and I want to associate myself with their remarks and their concerns.

I heard my colleague, the gentleman from Arizona (Mr. HAYWORTH), talk about the broad-based nature of the bill before us today; but I would beg to differ with my colleague. There are more of us that would join the gentleman if the rule were more broadly structured and if the bill broadened the coalition.

In the end we are trying to raise trust with this legislation. We are trying to create a sense in all of our communities that are threatened by catastrophic wildfire that we will focus our efforts on the so-called red zones and in our watersheds where our water supplies are at risk. In Colorado, the red

zone is 6 million acres alone. That is where people and property come into contact with forests that are in unhealthy conditions.

I offered a number of amendments in the Committee on Resources and the Committee on Agriculture, and I distilled those down to two amendments that I took to the Committee on Rules. One would have focused 70 percent of the dollars that we would spend in the red zones where the risk is the greatest. That amendment was rejected by the Committee on Rules.

I offered a second amendment, also sponsored by my friend, the gentleman from Indiana (Mr. HILL), and the gentleman from Washington (Mr. INSLEE), which would streamline the NEPA process but not entirely toss it out. If we eliminate all public input, we are going to reduce the levels of trust, the levels of involvement; and in the end, we are going to see additional litigation and stalemate.

This legislation needs to be passed, but it has to come out of the House in a form that the Senate would support. I worry. I am concerned. I believe that this bill as it is constructed would not be acceptable to the Senate.

What are we going to find ourselves in again? We are going to be in a gridlock situation and see more litigation, more stall, more lack of attention to our forests; and in the end, our efforts are going to be counterproductive.

So I urge the Members to defeat this rule, to broaden the rule to allow debate, as my colleague, the gentleman from Texas (Mr. STENHOLM), so eloquently pointed out to us earlier. Let us go back to the days of more open rules, where we take the time in the House to really work together to create a broad-based bill that the Senate and the President could support.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I want to thank my colleagues, and in particular the gentleman from California (Chairman POMBO), the gentleman from Colorado (Chairman MCGINNIS), and the gentleman from Oregon (Mr. WALDEN), for their hard work in bringing this much-needed legislation to the floor.

□ 1215

Through President Bush's leadership, we are at long last taking proactive steps here today to provide some major relief from the regulatory quagmire that continues to put our forests and communities in serious jeopardy. The public health and safety risk posed by catastrophic fires can no longer be ignored. With each passing year that we allow good management to be hijacked by radical environmentalists, people's lives are put at risk. We can't stop these fires, but we know that by thinning our forests in an environmentally sensitive way we can make them healthier and more fire-resilient, reducing their fire size and destructive potential.

But analysis gridlock and the appeals and lawsuits by radical environmentalists have stymied good forest management. The Forest Service chief Dale Bosworth recently testified to Congress that his agency is being strangled by analysis paralysis. They spend up to 40 percent of their time in planning and assessment.

Mr. Speaker, clearly, Congress could not have intended our environmental laws to aid and abet a public health and safety risk and a risk to the environment that they were enacted to protect. I urge my colleagues to support the rule and allow us to consider this important bill which will restore some common sense to a system gone awry.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER), who has a great deal of insight with reference to environmental matters.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this bill.

Mr. Speaker, I caught a note common to both my friend, the gentleman from Oregon (Mr. DEFAZIO), and my friend, the gentleman from Arizona (Mr. HAYWORTH), that this is too important to play politics.

There is much divergence on opinion in terms of forest health. There are those in the environmental community that would point out that heavily logged areas actually are those that have suffered most in firefighting.

But there are many areas of agreement. The Democratic substitute captures those areas of agreement. It would focus funding and fire protection activity where it is needed most, in the sensitive interface surrounding communities. It would require that 85 percent of the funding be spent in and around those same communities and water supplies. It keeps the activities out of the controversial areas, like the roadless areas and old-growth forests. It shortens the appeals process but does not shut out the public or tamper with judicial review. Most importantly, it starts rebuilding trust between the many parties that are constantly at odds regarding policies regarding public land.

I understand why some of our friends in the rural communities, some of our environmental friends, get extremely cranky about this. We need to start rebuilding a sense of confidence and trust that we can work together to solve problems. This Democratic substitute would do so.

It would, unlike the underlying bill, actually put authorized money, $4.5 billion, that could be spent to help these timber-dependent communities revitalize their local economies, putting people to work to make communities safer.

In the long run, unless we are willing to take a broader view of what goes on in the flame zone where the drought areas are and those that have development encroaching in the forestlands, unless and until we change our view about how we manage and protect them, we are going to be faced with this problem time and time again.

But as dangerous as forest fires are, I would suggest as far as this institution, an inability of our being able to come together to work cooperatively to build the trust out in the broader community is equally as dangerous, equally as troubling.

I am going to vote against the rule and hope that we can change the nature of it so that people like the gentleman from Texas (Mr. STENHOLM) and I on this side of the aisle can debate our legitimate differences, offer up proposals, but allow the whole House to work its will.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I rise in support of this rule and the underlying legislation.

This rule is the result of many hours of committee work, many hours of considering all of the amendments that the opponents of this legislation and this rule right now say they have never had a chance to voice or to discuss.

This has gone through the Committee on Resources, it has gone through the Committee on Agriculture, it has gone through the Committee on the Judiciary and the Committee on Rules. At that point and at that time these folks well know that the rendering process, the deliberative process that is provided them in the committee is an opportunity to make those points at that time and avoid that same kind of confusion on this floor.

Now, this is reasonable and it is sensible legislation. It is reasonable if we want to protect the habitat for all species, including those that are endangered. It is responsible if we want to protect the watershed.

Mr. Speaker, the watershed in Idaho is not around the 201 communities. It includes that 35 million acres of Federal ground in the State of Idaho. That is where our watershed is. There is no watershed close to the communities. Most of that watershed is out in the forests. If Members really believe in clean water, then they have to have a clean watershed.

Finally, at no other time could I think of on this floor would this body not come together if they saw a disaster, a natural disaster, a flood, a coming hurricane, that we would not marshal every one of our forces, all of the elements that we have available to us and attack that potential disaster to preserve property, to preserve lives, to preserve habitat, to preserve clean water, and to preserve the values that we have in this Nation.

So I hope that Members will join me in supporting this rule, because those of us who really want habitat, those of us who really want clean water, and those of us who want to avert coming disaster ask for Members' support on this legislation and this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 3 minutes to my good friend, the gentleman from New Mexico (Mr. UDALL), a former Attorney General who had responsibilities with reference to the environment close up.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Florida for that introduction.

Mr. Speaker, I want to talk about the issue of how this bill was legislated, because I think it is very important that we understand the process that we went through. The process we used here is an abomination. When we were hearing this bill in the Committee on Resources, we did not even have a bill. It was a committee print is what we are talking about. So we didn't have a bill.

We were given very short notice. It was only a matter of days. That committee print was not even heard in committee. It was directly marked up. So we have completely cut out any legislative history for the Committee on Resources.

This is something that has been unprecedented. It is something on this floor of the House we should not stand for. That alone, that alone, the violation of the Committee on Rules of ramming through a committee print which is not even a bill, that alone should get Members of Congress mad about voting against this bill, and it should be a bipartisan vote against this rule that is before us today.

The thing that I do not understand is why. Why are our friends on the other side of the aisle so worried about letting the public be heard? They have short-changed the public. They have not had a hearing that has allowed the public in. This is something that I think goes to the heart of the democratic process.

The other two good, solid reasons to vote against this rule are that amendments in committee, very, very important amendments in this committee, were voted on in committee and yet denied here on the floor in the rule, in this closed rule process.

The first one was an amendment that I offered in the Subcommittee on Judicial Review, which was also offered in the Committee on the Judiciary by the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Michigan (Mr. CONYERS). Those amendments have been denied in this rule, even though there were close votes, so there is no attention to this on the floor.

Judicial review, why is that important? The judicial review provisions in this bill rig the system in favor of the Federal Government. The Federal agencies are favored over citizens. Basically, there are provisions telling the Federal judiciary, telling the judiciary, if there is any doubt here, if there is any ambiguity, decide on behalf of the Federal government.

We have never worked the system that way. This is an issue that should be debated on the floor. We have been denied the ability to debate this issue on the floor, and that alone I think, Native Americans were also shut out on an amendment. That is very important. There is a tradition of working in a bipartisan way.

The second amendment, in addition to judicial review, the second amendment which was offered in committee on this, apparently there was agreement by the bill's sponsor and by others in the room, saying, yes, we forgot Native Americans, we forgot Native Americans. But I have worked all day today to try to get, and since the committee hearing, a Native American amendment in there. Native Americans lost some of the biggest forests, as members from Arizona know. They lost some of the most largest forests in this devastation, and they should have an amendment, they should be included. We should be able to go forward with a Native American amendment. But, once again, it has been denied.

The democratic process has not been followed. Two crucial amendments have been denied on the floor. I would ask that all Members vote to defeat this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Arizona (Mr. FLAKE).

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

I have enjoyed this debate today and also have enjoyed this debate we have had over the past couple of years. It sounds as if we have not debated this issue at all. We have. We have had countless hearings, two in Arizona, on this issue. So this issue has been debated.

I would suggest that while we are fiddling here, Arizona is burning. That is what we saw last year, certainly. The largest of the wildfires across the country was in Arizona. We lost a half a million acres. I would suggest that those who say there are differing opinions as to whether or not treated forests fare better after a big wildfire or during a big wildfire than untreated forests, that debate was settled in Arizona. Pictures have already been shown today of the difference in the forests that have been treated and those that have not.

I had the good fortune to grow up just a few miles from where that fire was raging last year. To watch what has happened since then, to watch the devastation in those communities that have not been able to even get into the forest and to salvage what little is left because of lawsuits already filed, or the Forest Service having to wait an entire year to put out contracts, simply to go through the process that it takes.

In Arizona, 11 of the 15 decisions to implement mechanical fuel treatment methods were appealed, and two of those were litigated. We do have a problem.

The Native Americans were mentioned. They certainly need some more exemptions and need to have their process moved forward.

But I would like to suggest that if you look at the tribal forests, if you look at the reservation land in Arizona, if it fared far better than the other lands simply because they have a more expedited process, that is what we are looking for here.

This is not an extreme piece of legislation. It is more tinkering around the edges if we go with the substitute.

Let me just suggest that while we are talking about what is political and what is good policy, one of the debates that we had and one of the amendments that is part of the Democratic substitute would narrow the so-called red zone around communities where the Democrats would like us to focus all of our activity to one-half mile.

Now, if we consider that in Arizona the fire, the Rodeo-Chedeski fire at times had embers that actually jumped 3 miles, 3 miles, more than six times the so-called red zone that the Democrat substitute would protect, I would suggest that it does no good to go ahead and protect an area for a half-mile around a community when we have a fire that will jump as much as 3 miles.

So if we have a process that actually sets good policy, then we will set politics aside. I would suggest that is what this bill does. I would urge support of the rule and support of the underlying bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), who has been a leader on this issue.

□ 1230

Mr. WALDEN of Oregon. Mr. Speaker, I want to show you here on these charts what we are talking about. I think for the folks here in the Chamber and at home, they are tired of talking. They are tired of debating. They are tired of process debates. But what they are really tired of is fires.

Now, this is an area that the President of the United States visited last summer in Jackson County, the Squire's Peak Fire. It is an example of how a fire on treated land looks when it is burning. This is what it looks like after it has burned. So you wonder whether treatment works or not, here is your example. During the burn. After the burn. Here is where it had not been treated.

President Bush stood right here on this area and met with the firefighters who actually took this picture as they escaped this area. They had been doing work there prior to the fire and then converted over to be firefighters. This is what it looks like when you have not treated an area. This is what it looks like after that area burns. This is what it looks like.

I am tired of black forests. I want green forests. The underlying bill

would not touch Squire's Peak because it says 85 percent of the work has to be within half a mile. This is, I do not know, 6, 10 miles away from Medford. It was a long drive up there in the motorcade.

This is what I am trying to prevent from happening. I want treatment on these lands because it is people I represent whose homes are being burned, whose watersheds are threatened. Entire communities are on 30-minute evacuation notices. They are tired of us debating this and putting off decisions. We have another fire season upon us right now. 190 million acres of America's forest lands across this country are subject to this kind of fire if we do not do the kind of forest work that we are advocating in this legislation.

This is what you get. Who wants that? Do you think spotted owls thrive in this? No. Any endangered species? No.

So we want to get in and be able to do this work in an expedited manner that involves people at the front ends like the Western Governors Association that says needs to be done, so that we involve people in the planning process in the beginning rather than let them send in 37 cent appeals at the end when they have never participated in the project. So we do that. We bring them into the front end of this, and we streamline the appeals process.

Yes, we say to the courts, when you do a preliminary injunction every 45 days, you need to find out the effect of taking no action. Because when you are treating lands you are taking action, and you get fires that result in lands that look like that. When you delay and you do not take action, this is the outcome: burned, dead, sterilized forests and soils.

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

Mr. HASTINGS of Washington. Mr. Speaker, does the gentleman from Florida (Mr. HASTINGS) have any further speakers?

Mr. HASTINGS of Florida. Mr. Speaker, we have one more speaker, and we are waiting for her to return.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague and my distinguished friend and Member for yielding me time, and I thank the Members that are involved in this debate.

Mr. Speaker, I have been in this body for 17 years; and, as Members know, I work issues involving fire protection. I have been in every State in the country. I have been on the forest fires myself in California, Colorado, Montana, Oklahoma, Washington, and Idaho, to name a few, not as a Member of Congress but as one of those out there trying to learn lessons as to how we can better respond.

Mr. Speaker, I want to support the President's healthy forests initiative, but I am here today to put the President and the administration on notice because I am not happy.

Mr. Speaker, it was just 6 years ago when I chaired the Subcommittee on Research of the Committee on Science; and in looking for solutions to apply technology to solve problems with forests fires, I was able to put $14 million of DOD money into using our classified satellite system to detect forest and wildlands fires when they start and to have that information transmitted instantly to the local responders. It makes sense. You put the fire out when it starts, you do not have a problem.

Mr. Speaker, that was 6 years ago. The money was spent. The technology was developed. The software system exists, but there was a debate over which agency would head it up, the NRO, NOAA, DOD, FEMA. Guess where it is today, Mr. Speaker, as America burns? The software that we paid for to protect America's forests and wildlands is sitting in boxes in Crystal City because the agencies are feuding over who will run the program.

Mr. Speaker, I will not accept this. I have used the process available to me. I talked to Joe Allbaugh when he headed FEMA. I have talked to the administration, to the White House; and today we have no response. The use of this is scheduled for 2006; $7 million today would put the program in place in time for this fire season.

So if we do not have it in place, we are going to spend billions of dollars in the amount of money necessary to respond to forest fires when $6 million today would put into place the fire program that exists in boxes in Crystal City and has been sitting there for 4 years.

We should have offered an amendment to the bill, but I want to give the President the benefit of the doubt. But I am putting you on notice. If we do not get this program operational this year, it is the fault of the White House and this Congress, because the technology is there to detect and deal with these fires as soon as they occur. The firefighters know that. The State forest firefighter leaders know that. It is about time that we responded.

The SPEAKER pro tempore (Mr. TERRY). The Chair will state that the gentleman from Florida (Mr. HASTINGS) has 3 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 3 minutes remaining.

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

Mr. Speaker, at this time our speaker has not arrived, but I do wish to speaker vigorously in closing in opposition to this modified closed rule.

The gentleman from Texas (Mr. STENHOLM) put it best earlier, the question is how long are we going to shut down the minority views. This is patently obvious from the speakers that we have heard here today that several of them have amendments that would help this process, not harm it at all. And the will of this body is being thwarted by those who would shut off the debate for whatever reason, and it is difficult to fathom a good reason that Members who represent significant numbers of people in this country are not having an opportunity to be heard.

On one matter alone, the curtailing of judicial review, I can speak from personal experience that we talk an awful lot about what impact legislation has on various institutions that are the beneficiaries of what we did. In the Federal judiciary there can be no real guidelines when a judge is trying to understand the process that has come to him or her, and what we have done by restricting ing judicial review is cause the public to be shut out.

I think that is an abomination. I think this rule is too restrictive, and I would urge all Members to please oppose the rule, notwithstanding your views with reference to the substantive-based bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS), the sponsor of the bill.

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman yielding me time.

I would say I think the rule is very well structured. The rules takes into account all of the different parties that have come together on this bill and some of the parties who oppose this bill. It gives ample opportunity for those who oppose the bill, as well as giving ample opportunity to those of us who feel it is time that we take back the management of these forests and put it in the hands of what we call the ''green hats,'' our forest rangers.

What has happened over a period of time because of a very well-thought-out strategy, and that was in the seventies and the eighties, the radical environmental organizations, some of my colleagues will speak on their behalf today, they decided that they could never win the debate against the people that work for the Forest Service, for the VLM, the people that work in the forest every day of the week, the people that were educated in the forest.

So they decided what they needed to do is manage the forest through a paralysis by litigation, through paralysis by analysis, or through paralysis by emotional-based decision. So what they have done very meticulously is move this to Washington, D.C. where you have heard the argument just a few minutes ago that we in the United States Congress ought to be dictating to the United States Forest Service what the diameter of a tree is before they are allowed to cut it down. Give me a break. That we in the United States Congress ought to be dictating

to the Forest Service that we here in the U.S. Congress know that a fire is going to stop one half mile into the urban interface and not one inch beyond it; and that the U.S. Forest Service should not have the authority to go ahead and thin beyond that half mile. Come on.

This rule allows for ample debate. This is a well-structured rule, and I have been looking forward to this day for a long time to argue about the substance of the issue we have in front of us, and that is do we save our forests or do we not. And I think the answer is going to be very clear. I think with overwhelming support, bipartisan support, this bill is going to pass. I urge support of the rule.

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

Mr. Speaker, this is a fair rule and this issue, as has been repeated several times, this issue from a policy standpoint has been debated for a long time. It is time for us to take action in this body. So I urge my colleagues to support the rule and the underlying bill.

Ms. LEE. Mr. Speaker, I rise in opposition to the rule for H.R. 1904 which endangers our national forests and our civil rights.

This bill contains provisions whose impact may stretch well beyond national forests and into our courtroom struggles for civil rights, disability access, and labor protections, but this rule does not give us the opportunity to amend that language.

In the West, we recognize the dangers of fires and the need to protect our communities, but the so-called ''Healthy Forest Restoration Act'' is not the answer.

This bill ignores common sense ways to reduce the risk of fires to communities, while opening up our national heritage to the timber companies.

In addition to the potential damage to our national forests this bill also has the potential to wreck havoc on our judicial system, and our civil rights.

The far-reaching implications of H.R. 1904's judicial review provisions have sparked opposition to this bill from a diverse coalition, which includes national environmental, civil rights, disability, women's, and labor organizations, including the NAACP and the National Organization of Women.

This bill would place forest projects ahead of any other civil or criminal case before the courts, and it creates inequality in the courts by requiring judges to give deference to Federal bureaucrats.

This would tip the scales of justice in favor of proponents of logging and set a dangerous precedent for favoring agencies when courts consider the public interest that could affect disability, civil rights, and labor law, among other areas.

Rather than protecting national forests and communities, the Healthy Forest Restoration Act threatens our judicial system and our ecosystem with far-reaching consequences.

There are better solutions to preventing wildfires, than increasing rampant logging and interfering with the judicial process. I urge you to vote ''no'' on the rule and vote ''no'' on H.R. 1904.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that this vote will be followed by two votes on motions to suspend the rules considered earlier today. These votes will be on S. 330 and H.R. 1925 and will be 5 minutes each.

The vote was taken by electronic device, and there were—yeas 234, nays 179, not voting 21, as follows:

[Roll No. 195]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
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
Ferguson
Filner
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
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
Marshall
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
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
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—179

Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Boyd
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
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
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Abercrombie
Ackerman
Bell
Bishop (GA)
Boswell
Brady (PA)
Brown (OH)
Burns
Case
Combest
Conyers
Cox
Davis (TN)
Doyle
Istook
Miller, Gary
Moran (VA)
Nadler
Northup
Spratt
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1300

Messrs. LAMPSON, MILLER of North Carolina, SHERMAN, HOYER

and DOGGETT changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 195, I was inadvertently detained. Had I been present, I would have voted ''yea.''

Mr. BURNS. Mr. Speaker, on rollcall No. 195, I was inadvertently detained. Had I been present, I would have voted ''yea.''

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 195, had I been present, I would have voted ''yea.''

Stated against:

Mr. BELL. Mr. Speaker, on rollcall No. 195, I was unavoidably detained. Had I been present, I would have voted ''nay.''

Mr. BISHOP of Georgia. Mr. Speaker, on rollcall No. 195, I was unavoidably detained and was unable to register my vote. Had I been present, I would have voted ''nay.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 330.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 330, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 196]

YEAS—419

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Abercrombie
Ackerman
Bell
Boswell
Brady (PA)
Case
Combest
Conyers
Doyle
Gephardt
Istook
Miller, Gary
Moran (VA)
Nadler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI) (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1308

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BELL. Mr. Speaker, on rollcall No. 196, I was unavoidably detained. Had I been present, I would have voted ''yea.''

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1925, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and pass the bill, H.R. 1925, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 14, not voting 16, as follows:

[Roll No. 197]

YEAS—404

Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Cole

Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Akin
Bartlett (MD)
Blackburn
Coble
Flake
Franks (AZ)
Hart
Hostettler
Manzullo
Miller (FL)
Musgrave
Paul
Pence
Smith (MI)

NOT VOTING—16

Abercrombie
Ackerman
Boswell
Brady (PA)
Case
Combest
Conyers
Doyle
Ford
Gephardt
Istook
Larson (CT)
Miller, Gary
Moran (VA)
Nadler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised on H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act, there are 2 minutes remaining to vote.

□ 1316

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 197, there was an inadvertent malfunction of my card. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidably absent when recorded votes were taken on three matters. Had I been present, I would have voted as follows: House Res. 239, Rule for consideration of H.R. 1904, Healthy Forest Restoration Act, "nay"; S. 330, Veterans' Memorial Preservation and Recognition Act of 2003, "yea"; H.R. 1925, Runaway, Homeless and Missing Children's Protection Act, "yea."

HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 239, I call up the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to House Resolution 239, the bill is considered read for amendment.

The text of H.R. 1904 is as follows:

H.R. 1904

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 ''Healthy Forests Restoration Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuels reduction projects.
Sec. 103. Prioritization for communities and watersheds.
Sec. 104. Environmental analysis.
Sec. 105. Special Forest Service administrative review process.
Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
Sec. 108. Rules of construction.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purpose.
Sec. 302. Establishment of watershed forestry assistance program.

TITLE IV—INSECT INFESTATIONS

Sec. 401. Definitions, findings, and purpose.
Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
Sec. 403. Applied silvicultural assessments.
Sec. 404. Relation to other laws.
Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Conservation plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Safe harbor.
Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

SEC. 101. DEFINITIONS.

In this title:

(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term ''authorized hazardous fuels reduction project'' means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

(2) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000, under which—

(A) fire regimes on the lands have been moderately altered from their historical range;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been moderately altered from their historical range.

(3) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

(A) fire regimes on the lands have been significantly altered from their historical range

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been significantly altered from their historical range.

(4) DAY.—The term ''day'' means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

(5) DECISION DOCUMENT.—The term ''decision document'' means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' refers to the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan.

(8) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(9) INTERFACE COMMUNITY AND INTERMIX COMMUNITY.—The terms ''interface community'' and ''intermix community'' have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the ''Secretary concerned'', the Secretary of Agriculture'', or the ''Secretary of the Interior'' includes the designee of the Secretary concerned.

(12) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

(1) Federal lands located in an interface community or intermix community.

(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system or a stream feeding a municipal water supply system that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuels reduction project shall be planned and conducted in a manner consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

(d) TREE REMOVAL LIMITATION.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall plan and conduct an authorized hazardous fuels reduction project so as to maintain species composition, size class distribution, and density of trees, including old and large trees appropriate for each ecosystem type covered by the project, consistent with the purposes of this title.

(e) EXCLUSION OF CERTAIN FEDERAL LANDS.—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

(1) A component of the National Wilderness Preservation System.

(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

(3) Wilderness Study Areas.

(f) PROTECTION OF ROADLESS AREAS.—The Secretary of Agriculture shall not construct any new permanent road in any Inventoried Roadless Area as part of any authorized hazardous fuels reduction project.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) IN GENERAL.—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws.

(b) DISCRETIONARY AUTHORITY TO ELIMINATE ALTERNATIVES.—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act, the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

(f) DECISION DOCUMENT.—The Secretary concerned shall sign a decision document for each authorized hazardous fuels reduction project and provide notice of the decision document.

(g) PROJECT MONITORING.—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (c) can seek administrative redress regarding an authorized hazardous fuels reduction project.

(b) ELIGIBLE PERSONS.—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project.

(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) FILING DEADLINE.—

(1) TIME LIMIT ESTABLISHED FOR FILING.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

(2) WAIVER PROHIBITED.—The Secretary concerned may not agree to, and a district court may not grant, a waiver of the requirements of this subsection.

(b) DURATION OF PRELIMINARY INJUNCTION.—

(1) DURATION; EXTENSION.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

If an action brought against the Secretary concerned under section 703 of title 5, United States Code, involves an agency action on Federal lands in which the Secretary concerned found that the agency action is necessary to restore a fire-adapted forest or rangeland ecosystem, including an authorized hazardous fuels reduction project, the court reviewing the agency action, in considering a request for a prohibitory or mandatory injunction against the agency action, shall—

(1) consider the public interest in avoiding long-term harm to the ecosystem; and

(2) give deference to any agency finding, based upon information in the administrative record, that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem.

SEC. 108. RULES OF CONSTRUCTION.

(a) RELATION TO OTHER AUTHORITY.—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

(b) RELATION TO LEGAL ACTION.—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term ''biomass'' means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) PERSON.—The term ''person'' includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) PREFERRED COMMUNITY.—The term ''preferred community'' means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(b) VALUE ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) GRANT AMOUNT.—A grant under this subsection may not exceed $100,000.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

(4) Strengthened education, technical assistance, and financial assistance to nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSE.—The purpose of this title is to—

(1) improve landowner and public understanding of the connection between forest management and watershed health;

(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

''SEC. 6. WATERSHED FORESTRY ASSISTANCE.

''(a) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

''(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality, as described in paragraph (2).

''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

''(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

''(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management;

''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

''(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

''(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

''(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

''(A) the use of trees as solutions to water quality problems in urban and rural areas;

''(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

''(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

''(D) watershed-scale forest management activities and conservation planning; and

''(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

''(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal

share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

''(2) SPECIAL CONSIDERATIONS.—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

''(A) the acres of nonindustrial private forestland and highly erodible land in each State;

''(B) each State's efforts to conserve forests;

''(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

''(D) the number of nonindustrial private forest landowners in each State.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 2004 through 2008.''.

TITLE IV—INSECT INFESTATIONS

SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

(a) DEFINITIONS.—In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—The term ''applied silvicultural assessment'' means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

(2) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

(4) 1890 INSTITUTIONS.—The term ''1890 Institution'' means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(b) FINDINGS.—Congress finds the following:

(1) High levels of tree mortality due to insect infestation result in—

(A) increased fire risk;

(B) loss of old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values.

(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

(c) PURPOSE.—It is the purpose of this title—

(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

(a) INFORMATION GATHERING.—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

(A) infestation prevention and control methods;

(B) effects of infestations on forest ecosystems;

(C) restoration of the forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

(3) to disseminate the results of such information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the sole discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(C) congressionally designated wilderness study areas.

(2) CERTAIN TREATMENT PROHIBITED.—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

(3) ACREAGE LIMITATION.—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this section, the Secretary concerned shall provide an opportunity for public input.

(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

SEC. 404. RELATION TO OTHER LAWS.

The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the enrollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

SEC. 503. CONSERVATION PLANS.

(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

SEC. 504. FINANCIAL ASSISTANCE.

(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the actual costs of the approved conservation practices; or

(2) 75 percent of the average cost of approved practices, as established by the Secretary.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

The Forest Service and the United States Fish and Wildlife Service shall provide landowners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

SEC. 506. SAFE HARBOR.

In implementing the healthy forests reserve program, the Secretary of the Interior shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

(1) in units of the National Forest System (other than those units created from the public domain); and

(2) on private forest land, with the consent of the owner of the land.

(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2004 through 2008.

The SPEAKER pro tempore. The amendment printed in part A of House Report 108–109 is adopted.

The text of H.R. 1904, as amended, is as follows:

H.R. 1904

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 ''Healthy Forests Restoration Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS
Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuels reduction projects.
Sec. 103. Prioritization for communities and watersheds.
Sec. 104. Environmental analysis.
Sec. 105. Special Forest Service administrative review process.
Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
Sec. 108. Rules of construction.
TITLE II—BIOMASS
Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
TITLE III—WATERSHED FORESTRY ASSISTANCE
Sec. 301. Findings and purpose.
Sec. 302. Establishment of watershed forestry assistance program.
TITLE IV—INSECT INFESTATIONS
Sec. 401. Definitions, findings, and purpose.
Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
Sec. 403. Applied silvicultural assessments.
Sec. 404. Relation to other laws.
Sec. 405. Authorization of appropriations.
TITLE V—HEALTHY FORESTS RESERVE PROGRAM
Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Conservation plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Safe harbor.
Sec. 507. Authorization of appropriations.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

SEC. 101. DEFINITIONS.

In this title:

(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term ''authorized hazardous fuels reduction project'' means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

(2) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000, under which—

(A) fire regimes on the lands have been moderately altered from their historical range;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been moderately altered from their historical range.

(3) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

(A) fire regimes on the lands have been significantly altered from their historical range

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been significantly altered from their historical range.

(4) DAY.—The term ''day'' means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

(5) DECISION DOCUMENT.—The term ''decision document'' means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' refers to the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan.

(8) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(9) INTERFACE COMMUNITY AND INTERMIX COMMUNITY.—The terms ''interface community'' and ''intermix community'' have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the ''Secretary concerned'', the ''Secretary of Agriculture'', or the ''Secretary of the Interior'' includes the designee of the Secretary concerned.

(12) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

(1) Federal lands located in an interface community or intermix community.

(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system, or to a perennial stream feeding a municipal water supply system, that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuels reduction project shall be planned and conducted in a manner

consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LANDS.—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

(1) A component of the National Wilderness Preservation System.

(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

(3) Wilderness Study Areas.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) IN GENERAL.—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws. The Secretary concerned shall prepare an environmental assessment or an environmental impact statement for each authorized hazardous fuels reduction project.

(b) DISCRETIONARY AUTHORITY TO ELIMINATE ALTERNATIVES.—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act, the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

(f) DECISION DOCUMENT.—The Secretary concerned shall sign a decision document for each authorized hazardous fuels reduction project and provide notice of the decision document.

(g) PROJECT MONITORING.—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (b) can seek administrative redress regarding an authorized hazardous fuels reduction project.

(b) ELIGIBLE PERSONS.—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project. The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to satisfy the requirements of this subsection.

(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) FILING DEADLINE.—

(1) TIME LIMIT ESTABLISHED FOR FILING.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

(2) WAIVER PROHIBITED.—The Secretary concerned may not agree to, and a district court may not grant, a waiver of the requirements of this subsection.

(b) DURATION OF PRELIMINARY INJUNCTION.—

(1) DURATION; EXTENSION.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

(a) COVERED PROJECTS.—This section applies with respect to a motion for an injunction in an action brought against the Secretary concerned under section 703 of title 5, United States Code, that involves an agency action on Federal lands, including an authorized hazardous fuels reduction project, that is necessary to restore a fire-adapted forest or rangeland system.

(b) INJUNCTIVE RELIEF.—When considering a motion described in subsection (a), in determining whether there would be harm to the defendant from the injunction and whether the injunction would be in the public interest, the court reviewing the agency action shall—

(1) balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action agains the short-term and long-term effects of not undertaking the agency action; and

(2) give weight to a finding by the Secretary concerned in the administrative record of the agency action concerning the short-term and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

SEC. 108. RULES OF CONSTRUCTION.

(a) RELATION TO OTHER AUTHORITY.—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

(b) RELATION TO LEGAL ACTION.—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term ''biomass'' means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) PERSON.—The term ''person'' includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) PREFERRED COMMUNITY.—The term ''preferred community'' means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(b) VALUE ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) GRANT AMOUNT.—A grant under this subsection may not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—The Secretary concerned shall comply with applicable endangered species and riparian protections in making grants under this section. Projects funded using grant proceeds shall be required to comply with such protections.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

(4) Strengthened education, technical assistance, and financial assistance to non-industrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSE.—The purpose of this title is to—

(1) improve landowner and public understanding of the connection between forest management and watershed health;

(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

''SEC. 6. WATERSHED FORESTRY ASSISTANCE.

''(a) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

''(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to

protect water quality, as described in paragraph (2).

''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

''(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

''(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

''(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

''(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

''(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

''(A) the use of trees as solutions to water quality problems in urban and rural areas;

''(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

''(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

''(D) watershed-scale forest management activities and conservation planning; and

''(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

''(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

''(2) SPECIAL CONSIDERATIONS.—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

''(A) the acres of nonindustrial private forestland and highly erodible land in each State;

''(B) each State's efforts to conserve forests;

''(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

''(D) the number of nonindustrial private forest landowners in each State.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 2004 through 2008.''.

TITLE IV—INSECT INFESTATIONS

SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

(a) DEFINITIONS.—In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—The term ''applied silvicultural assessment'' means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

(2) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

(4) 1890 INSTITUTIONS.—The term ''1890 Institution'' means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(b) FINDINGS.—Congress finds the following:

(1) High levels of tree mortality due to insect infestation result in—

(A) increased fire risk;

(B) loss of old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values.

(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

(c) PURPOSE.—It is the purpose of this title—

(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

(a) INFORMATION GATHERING.—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

(A) infestation prevention and control methods;

(B) effects of infestations on forest ecosystems;

(C) restoration of the forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

(3) to disseminate the results of such information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(C) congressionally designated wilderness study areas.

(2) CERTAIN TREATMENT PROHIBITED.—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

(3) ACREAGE LIMITATION.—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

(4) PEER REVIEW.—Each applied silvicultural assessment under this title, prior to being carried out, shall be peer reviewed by scientific experts selected by the Secretary concerned, which shall include non-Federal experts. The Secretary concerned may use existing peer review processes to the extent they comply with the preceding sentence.

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this section, the Secretary concerned shall provide an opportunity for public input.

(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

SEC. 404. RELATION TO OTHER LAWS.

The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the enrollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

SEC. 503. CONSERVATION PLANS.

(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

SEC. 504. FINANCIAL ASSISTANCE.

(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the actual costs of the approved conservation practices; or

(2) 75 percent of the average cost of approved practices, as established by the Secretary.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

The Forest Service and the United States Fish and Wildlife Service shall provide landowners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

SEC. 506. SAFE HARBOR.

In implementing the healthy forests reserve program, the Secretary of the Interior

shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

(1) in units of the National Forest System (other than those units created from the public domain); and

(2) on private forest land, with the consent of the owner of the land.

(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2004 through 2008.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from California (Mr. GEORGE MILLER), or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 15 minutes, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes, and the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 5 minutes of debate on the bill, as amended.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise today in support of H.R. 1904, the Healthy Forests Restoration Act of 2003. This bipartisan legislation has undergone remarkable scrutiny and in fact is a rather modest response compared to the magnitude of the forest health crisis confronting this Nation. Over 190 million acres of public lands are at risk to damage from insects, disease and catastrophic wildfire. By that we mean if you have forests in your district or your constituents benefit from a forest either by receiving clean water from a forested watershed or they go hiking in a national forest on weekends, you need to support this bipartisan bill.

By catastrophic wildfire, we do not mean natural wildfires that burn across the ground and take out the brush. We mean the kind of fire that consumes the entire forest, shoots flames into the air hundreds of feet and takes out entire, huge trees.

We are proposing to treat less than one in six of the acres on Federal lands using the streamlined procedures authorized in the underlying bill. This is not a massive logging bill. This is perhaps an under action to the magnitude of the problem we have on our public lands.

Why are we doing this? Because these forest health problems are national in scope and because what is at stake here is far more than the loss of wood fiber.

Here is a map showing what is known as ''condition classes'' of forest and rangeland across the United States. As Members can see, while a good portion of the problem is in the western United States, there is also a lot of land in the eastern United States that is at risk to fire, insects and disease. Seventy-five percent of the National Forest land in Alabama is in condition class 2 or 3, the yellow and red we see here. Almost 1 million acres in Arkansas is in condition class 2 or 3; 730,000 acres in Illinois; half a million acres in Indiana; 2.1 million in Michigan; 4.2 million acres, all of this bright red, in Minnesota; 2.3 million in Missouri; nearly half a million in New Hampshire; almost a million in North Carolina; and nearly three-quarters of a million acres in Pennsylvania.

In those States alone, that roughly adds up to almost 12.5 million acres of land in the eastern United States. There are several other States in the East that have problems at least that severe. This bill will allow the Forest Service to reach out and treat only a fraction of this acreage using expedited procedures. I would hope my colleagues in the East would want to support this bill in order to protect their forests.

In addition, I support H.R. 1904 because it takes a comprehensive approach to water quality. If we do not get ahead of these catastrophic fires, this is what we will be left with on millions of acres of precious watersheds. If this hillside had been thinned and a normal healthy forest restored, a creeping fire through here would have done little damage. Instead, a catastrophic fire has created a dead hillside that cannot absorb water.

Here the intense heat of a catastrophic fire effectively turns the topsoil to glass and prevents percolation into the water table. A heavy rain event on a fire site like this will create massive flooding and transport large amounts of ash and soil into nearby streams, contaminating water for wildlife and downstream drinking water supplies.

Some suggest we should not do any hazardous fuels reduction projects outside the wildland-urban interface, that we leave watersheds and recreational lands to whatever situation fate has in store for them. This is the fate that the situation has in store for them; and if this is allowed to occur in the interior of our forests and then approaches the urban interface, nothing that is done will stop this from taking all of that land as well if it is allowed to get to this magnitude as it approaches that barrier. If this stand had been actively managed, a fire here would have done far less damage. That would make it a better place for everyone, better wildlife habitat, better recreation area, better watershed, better air quality and certainly a heck of a lot prettier. Sitting back and hoping for the best is not the way to get healthy forests.

Some have suggested that we spend almost all of our efforts and funds within a few hundred yards of inhabited areas. This is an illusion, and it is irresponsible. We cannot protect communities by doing all of the work near their boundaries. Fires over the last several years have raced miles and leaped as much as 2 miles away from the main fire, crossing huge firebreaks like interstate highways to burn hundreds of homes.

Sitting back, hoping for the best and letting existing bureaucratic processes continue to founder is not fiscally responsible. Last year, the Federal Government spent $1.6 billion fighting catastrophic fires. States spent hundreds of millions as well. We need to recognize that these huge expenditures are a land management problem. While we need to continue fighting fires, we need to be smarter and make investments in active land management in order to ultimately reduce these exorbitant firefighting costs.

We have listened to people from all over the country in putting this bill together. In addition to the remedial hazardous fuels reduction projects, the legislation now contains authorization to assess and attack the problem of major insect infestation that are threatening public and private forestland all over the country. We have added provisions to create cooperative watershed protection programs on private forestlands and a healthy

forest reserve program to ensure continued healthy management of private forestland.

As we came to the floor, we made adjustments in the bill to clarify the modest goals of hazardous fuels reduction. The bill now clarifies that there will be public notice and comment on all projects and, when projects are judicially appealed, the government will carry the burden of proof on the merits of the project. We will now require that all insect assessment projects receive outside peer review. We have clarified that the contentious debates over endangered species, roadless areas and old-growth policy are not a part of this modest bill.

Lastly, I want to point out that there is a truly impressive coalition of groups supporting this legislation. Labor unions, local conservation districts, county governments, professional land managers, volunteer firefighters and State officials have all come out in strong support of the underlying legislation. We have over 130 cosponsors of this bill, and it has been reviewed and overwhelmingly approved by three committees of the House.

As we speak, this year's fire season is getting under way. The experts at the National Interagency Fire Center expect much of the interior West, south/central Alaska, portions of California, western Great Lakes States and northern Maine to experience an above-normal fire season. Please join me and your colleagues from across the country in support of beginning to take steps to protect our natural resources for the benefit of our children and grandchildren who will wonder if we fail to act why we did not take the obvious steps we needed to take to conserve our forests. I urge my colleagues to support this bipartisan bill.

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

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

Mr. Speaker, I recently met with tribal chairmen/representatives from the tribes in Arizona with timber interests, the Inter-Tribal Council of Arizona. They had come to thank me for cosponsoring the Healthy Forests Act and to let me know that they supported the legislation and hoped for its passage. Unfortunately, for several of these tribes, they are already facing the devastating impacts of forest fires and insect infestation, two results that the Healthy Forests Initiative is meant to help prevent.

The chairman of the White Mountain Apaches recounted for me the mass destruction that the Rodeo-Chedeski Fire of 2002 had on the forest resources of the Fort Apache Indian reservation. This fire raged across the Apache-Sitgreaves National Forest and the Fort Apache Indian reservation, burning some 469,000 acres. It grew to 15 acres in the first 13 minutes of its life and continued to expand at a rate of 1¼ acres a minute.

Timber harvesting and processing was the main industry of the White Mountain Apache tribe, and it will be years before the jobs and income generated by that industry will be seen again. Even their burial grounds and the graves of their ancestors are in danger as a result of the environmental damage from the Rodeo-Chedeski Fire.

The bark beetle has decimated the forest resources of several of the other tribes, with the San Carlos Apache tribe having lost 40 percent of their forest due to the damage of this pest.

The question before us today is whether we are willing to learn from our mistaken belief that the best way to protect our forests is to leave them alone.

We made a decision a long time ago to manage our forests. Having made that decision, we now have a responsibility to manage them using the best science we have available.

Well-managed forests can withstand fire. In fact, forests that have been preventively treated to reduce hazardous fuel loads can benefit from periodic fires. These fires create forest openings for new growth, provide a variety of wildlife habitat and reduce fuel buildup.

The bill before us today will help us improve management of our forests in several important ways. The bill authorizes expedited approval of forest thinning and cleanup projects on 20 million acres of Federal lands. It authorizes applied silvicultural assessments on 1,000-acre plots to test treatments for insect and disease infestations. It provides grants for biomass energy production from the debris produced by the projects. And it establishes a new conservation easement system to protect ecologically important forests on private lands.

□ 1330

The cumulative effect of these changes will be healthier forests that are less likely to produce the catastrophic wildfires that have destroyed millions of acres of private and public forests in recent years. These catastrophic fires burn hotter, spread faster, and cause long-term, severe environmental damage, sometimes even sterilizing the soil.

Last year, 23 firefighters lost their lives fighting wildfires; and taxpayers spent about $1.5 billion to contain record-setting fires. In the rural communities nearest to forests, tens of thousands of people were evacuated from their homes, thousands of structures were destroyed, and tourist-dependent economies suffered significant financial losses.

Let us untie the hands of our forest managers and let them begin using the management practices that are best suited to prevent the wildfires that have already taken so much from us. I urge my colleagues to support H.R. 1904 and oppose the substitute.

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

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), one of the original authors of the bill.

Mr. WALDEN of Oregon. Mr. Speaker, I want to first acknowledge the comments of my colleague from Texas and appreciate his great leadership on this effort and his support of this bill. This legislation has 17 Democrat cosponsors. We have 137 overall filed on the bill. Three of those Democrat cosponsors are the ranking members of their committees. And I thank the gentleman from Texas (Mr. STENHOLM) for his leadership on this issue.

Let us talk about what this bill does.

This is land that was on fire at Squires Peak last year, 2002. This is in a treated area that is burning right now. This is where the Forest Service workers have gone in and done the treatments we are advocating in this bill.

Here is the aftermath. We can see the trees are green, some of the brush, but otherwise the forest is in pretty good health.

This is the fire burning the same location but just over the hill a bit from where the first photo was. This is a place where it had not been treated. See the severity of the fire, the density of the stands. This is what it looks like when that fire is finished, enormous catastrophic fire. In fact, there are still some trees burning there. Dense stands, black timber, scorched ground, sterilized soil, ruined habitat.

Here we see a pine beetle infestation in the Nez Perce National Forest. This is what we are trying to figure out the best way to treat. How do we get in there and deal with the forests like that and get the disease and the bug infestations out? This is the Tanner Gulch fire. It occurred in 1989. What is important about this, this was in my district. It is in the Wallowa-Whitman, and it wiped out a spring Chinook salmon run. We can see the burned trees, the destroyed hillsides and all the mud and all going down that stream. We ruined that habitat. These are unhealthy forests. The Moose Creek fire in Montana destroyed more timber on the Flathead National Forest than has ever been harvested on that Forest.

Human consequences of these kinds of fires, we lost 23 men and women last year fighting these fires or going to fight them. The American taxpayer spent $1.5 billion on 2002's record blazes.

So who supports this legislation? The professional biologists, the professional silviculturists, the Society of American Foresters, the National Association of State Foresters, the Western Forestry Leadership Council.

Let me tell my colleagues what the Society of American Foresters said in their letter dated May 29 of this year: ''Serious problems of insect and disease outbreaks, catastrophic wildfire, and invasive species are reducing the health of forests across the country. Professional forest managers need to be able to act now to address these

issues and the ecological, social, and economic conditions associated with them.''

The Society of American Foresters endorsing the underlying bill, 1904.

Finally, let us make the point, because there is a lot of misinformation out there, the provisions of this legislation do not touch national parks. They do not touch national wildlife refuges, wilderness areas, wilderness study areas, national monuments, or inventoried roadless areas. None of those areas fall under the precepts of this bill.

I urge passage of H.R. 1904 and urge rejection of the Miller-DeFazio substitute.

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

Mr. Speaker, I rise in opposition to the pending legislation. Others will come to the floor to discuss the threat of wildfire to the health and general welfare of segments of the American population. Others will come to the floor to discuss other elements of this legislation such as its provisions concerning insect infestation which threatens some of our forests and forest industries.

These are debatable issues, and the House will be presented with an alternative to the pending bill in the form of a substitute that will be offered by the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Michigan (Mr. CONYERS), and myself. We are not unmindful of the need to address the issues raised by this bill, but in our view we would do so in a more prudent and responsible manner.

There is one pending issue in this legislation, however, which transcends the debate over forest fires and forest health: the independence of our judiciary and right of Americans to seek redress from the courts when they believe they are aggrieved by a governmental action. Indeed, the judicial review provisions of this bill would set a dangerous precedent for anybody concerned with civil liberties, civil rights, workers' rights and any other issue that may come before our judiciary.

Consider this: Under this bill the Courts are told to expedite the consideration of any lawsuit involving forest hazardous fuels reduction projects. In effect, they are told to give priority consideration to these types of lawsuits and render a decision within 100 days of filing.

Terrorist trials, corporate crime cases, civil rights cases, name it, those would have to be put on the back burner because this legislation says that lawsuits involving cutting trees are the most important types of litigation there is before the courts. Incredible. Simply incredible. This bill tells the court that litigation involving thinning trees is more important than prosecuting suspected al Qaeda terrorists. To judge lawsuits over forest thinning projects more important than all other civil cases, let alone criminal cases, is seriously misguided. To make this policy law is absurd.

But the violation of our judiciary does not end there. By no means. For example, the sponsors of this measure have rigged the system in favor of the Federal agencies. The bill sets a brand new standard for injunctive relief by mandating that courts must give the greatest weight to what a Federal agency determines to be in the public interest. In essence, a directive to ignore the basis of appeal brought by the plaintiffs in a lawsuit.

Think about the ramifications of that for a moment. Think about it. Think about the precedent we would be setting. In my neck of the woods, for example, it would be like telling the families of coal miners who died in a mine explosion that if they sued the Mine Safety and Health Administration for alleged failure to adequately inspect the mine, when they walked into the courthouse, the judge by statute had already been ordered to defer to the Federal agency. Basically, to ignore the contentions of the aggrieved families.

Many of us have been here long enough to remember when conservatives did not trust the Federal Government, and they did not endorse expanded and unchecked Federal powers. These provisions have caused a whole group of organizations which have no interest in forest policy to take a stand in opposition to this bill. The NAACP, for example, is opposed to this bill. In a letter sent to all Members of the House, they state: ''We urge you to reject H.R. 1904 as it could severely impact the ability of our Federal courts to issue time decisions in civil rights, workers' rights, and other pressing matters, and change the fundamental balance that has been struck in our legal system.''

The effect of these provisions are to unfairly and arbitrarily shut the courthouse door on Americans, making the Federal Government far less accountable to its citizens. It is unfortunate that the sponsors of this bill chose to inject this controversial attack on the independence of our judiciary in a measure of this nature. These provisions are a poison pill, and they do a disservice to our addressing issues such as forest insect infestation and forest fires in a prudent and responsible fashion.

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

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

I want to respond to the gentleman from West Virginia (Mr. RAHALL). This bill, far from closing the courthouse door, opens it wide, makes it effective for those who seek redress in the courts to address the issue at hand. Right now, under current procedures, individuals who want no activity to take place in our forests at all will use our judicial system to delay action on our forests for 2, 3 years. If we have a forest that is prime for a forest fire because of the fuel density that is built up in it or because disease or insects have destroyed it, we need to take action promptly. That is what this does.

In no other area of the law that I know of is one allowed on appeal in the judicial process to raise issues that they did not raise at the outset, and that is also done commonly by extreme environmental groups who wait until the end. This cures that. It opens it up. The public is able to participate in the process throughout public comment, in the administrative process and in the appeals process, but it gets it done in a timely fashion.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, America's forest ecosystems are being decimated at an alarming rate by large-scale catastrophic wildfire and massive outbreaks of disease, insect infestation, and invasive species. In the State of Georgia alone, we have a little over 800,000 acres of Federal forest. Last year, 13,000 acres of those trees were infested and destroyed by the southern pine beetle. H.R. 1904 combats these infestations and assists land managers in reducing the susceptibility of forest ecosystems to severe infestations.

Prior to consideration of this bill in the Committee on Agriculture, I consulted Dr. James Sweeney, Interim Dean of the Warnell School of Forest Resources at the University of Georgia, and I got his views on the state of our forests. He said, ''We need to do a better job of prevention, a more efficient job of control, and a bigger effort at restoration. The Healthy Forests Restoration Act is a bill that needs to be passed.''

Mr. Speaker, Dr. Sweeney is an expert in forestry. With his recommendation and that of the Georgia Forestry Commission and Georgia Forestry Association, I support this bill.

Mr. STENHOLM. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, last summer, we all watched millions of acres of forestland burn up in wildfires; thousands of animals, including threatened and endangered species, killed or displaced; and, worst of all, dedicated firefighters losing their lives trying to extinguish these out-of-control blazes. These tragedies were compounded by the knowledge that these fires were preventable and resulted from misguided forest management policies designed with good intentions but leading to disastrous results. While the most devastating fires occurred in the West, all parts of the country, including Georgia and the Southeast, are at risk.

Moreover, millions of additional acres are destroyed or threatened by insect infestations each year, both on private and public forestlands. In Georgia, the Southern pine beetle has ravaged many forestlands, and in other parts of the South this insect damage is occurring at an alarming pace. It

threatens to destroy the forests with less fanfare than a wildfire but with the same devastating result.

This needless destruction can be prevented with additional research and active forest management. I support H.R. 1904 as a way to move towards the prevention of unnecessary forest fires and insect infestations. This legislation would assist our public land managers by allowing for the reduction of excessive fuels on the forest floors that are turning our lands into tinder boxes. It would also assist the Forest Service and our land-grant universities and colleges with needed research dollars into insect infestations and ways to turn this research into practical applications.

The bill would also help protect other forestlands through the Watershed Assistance program, designed to assist landowners in protecting critical watershed areas, and the Healthy Forests Reserve Program, developed to rehabilitate degraded forest ecosystems through the use of conservation plans. It even advances the use of renewable fuels by providing grants for the use of biomass for energy production.

□ 1345

Mr. Speaker, with the help of H.R. 1904, hopefully we will see less damage from wildfires and insect infestations in the future. It is time to start preventing these massive wildfires, instead of simply reacting to them once they have already started burning.

The legislation is good for Georgia, good for the South, and good for the forestlands of America. I urge the passage of this much-needed legislation.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE) and ask unanimous consent that he control said time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of H.R. 1904. The bill before us represents a compromise achieved after arduous and intense negotiations which began in earnest last fall. It is certainly not everything that I would have wanted, that is the nature of compromise, but it is a noteworthy attempt to deal with a very real problem of forest fires on lands where fire has been too long suppressed in regions that are increasingly populated.

If used properly, the tools provided in this bill will ease the path of projects that are carefully designed to reduce the risk of fire in those forests where fire would most threaten lives and homes and water supplies. This is not meant to be a bill that increases commercial logging or to give the Forest Service carte blanche. The projects undertaken through this bill ought to be environmentally sound and carefully planned, especially given the remarkably immature nature and state of our knowledge of forest ecology and fire management.

The compromise negotiated with the gentleman from Virginia (Chairman GOODLATTE), the gentleman from California (Chairman POMBO), the gentleman from Colorado (Chairman MCGINNIS), and the gentleman from Oregon (Mr. WALDEN) and the White House is designed to help ensure that the vision of this bill that I just outlined is actually the one that comes to pass.

Let me describe some of the key elements of the compromise. Most important, the compromise rewrites section 107 to ensure that courts still have the latitude they need when they consider whether to grant injunctions. It does this in several ways.

First, it makes clear that this bill does not change the basic test courts use when deciding whether to issue an injunction. Instead, the bill lays out some matters that must be weighed when courts apply two of the standard tests.

Specifically, the bill makes clear that both undertaking a project and not undertaking a project can have short-term and long-term costs and benefits that need to be weighed. Balancing harms, to use the legal term, is not a simple matter that involves assuming that a project would produce harms that matter only in the short-term or that it would produce nothing other than benefits over the long term.

Third, the bill makes clear that while the court should give weight to the views an agency holds concerning balance of harms, the court has no obligation to defer to the agency and no reason to heed the agency at all if its findings are arbitrary and capricious. In other words, the agency cannot, and I emphasize, cannot, do as it pleases when it pleases.

What all these technical concerns add up to is this: courts will continue to be able to issue injunctions against forestry projects that harm the environment, either while a case is pending or permanently.

The compromise also puts in place other protections against questionable projects. To be more specific, it limits the geographic reach of the expedited projects created by the bill; it requires that an environmental impact statement or environmental assessment be conducted on every project covered by this bill; it removes language that could be construed to weaken the Roadless Rule; it ensures that notice and comment periods will be sufficient to allow genuine airing of fire projects; and it requires experimental projects in response to insect infestations to be treated as true experiments with an objective, outside peer review and with recourse to the courts.

In short, while this bill does create expedited procedures, it is not devoid of safeguards to protect our forestlands, which belong to all the people of our Nation, today and in future generations.

This bill will require careful monitoring along the way; and if the version emerging from conference is worthy of support, our task will have just begun. Implementation must be carefully monitored to make sure the new law lives up to its intended purpose.

Those purposes are worthy, the protection of lives and property; the implementation of sensible forestry projects to prevent fire; the return of our forests gradually to something more like their natural fire cycle.

Right now, this bill is our only chance to achieve these goals. I urge its adoption, and I oppose the substitute.

Mr. INSLEE. Mr. Speaker, I yield 1½ minutes to the gentleman from the great State of Oregon (Mr. DEFAZIO).

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

Mr. Speaker, there are some grounds for agreement here. This chart shows what we want to prevent. Fires are not partisan. In fact, last fall we negotiated a bipartisan agreement, something that was not everything the timber industry wanted; and it certainly was not everything the environmentalists wanted. But that approach was abandoned several weeks ago. Now the White House is calling the shots here, and they are going to jam through a bill.

There are a lot of reasons to oppose this bill. I mean, one is do we trust appointed bureaucrats with our precious natural resources? They created this problem through 100 years of mismanagement; and this is giving all the discretion in terms of appeals, protection of old growth. Even the courts have to give deference to the judgment of the appointed bureaucrats. I do not think the Republicans would support that for a Democratic administration. I would not support it for a Democratic or Republican administration.

But there are another 5 billion reasons to oppose this bill. There is no money in it. The bill we wrote last fall admitted that this is an expensive proposition. Undoing 100 years of mismanagement is very expensive.

There is no money in this bill, and they are going to finance this bill potentially by cutting the very resource that should be protected, what we wanted to restore.

We just heard about low-intensity fires. We want to go back to low-intensity fires, big old trees, widely spaced in Eastern Oregon and down through the intermountain States.

But we give all of the discretion on the harvest to the Secretary of Agriculture and his or her appointees, and we say there is no money and that we are going to finance this by putting contractors out there and having them remove things and paying for the

projects that way. If you do that, guess what they are going to take first? They are going to take out the big old trees. They might not bother with the brush and poles and dead stuff, which is what we need to be targeting.

This is not the bill we should be voting on today, and not a single Democratic amendment was allowed. What the heck kind of a process is this?

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STENHOLM. Mr. Speaker, in the distribution of time, I heard that, I believe, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, yielded his time for management to the gentleman from Virginia (Mr. GOODLATTE).

Did anyone claim the time on the Democratic side for the Committee on the Judiciary?

The SPEAKER pro tempore. That 5 minutes is controlled by the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Mr. Speaker, no one doubts the need to reduce the threat of forest fires after last summer, when our country experienced the second-worst fire season in 50 years. However, H.R. 1904 is not the answer, and, contrary to its name, does little to make our forests healthier.

Sections 106 and 107 of this bill make unwise changes to the Federal appeals and judicial review process. Under the guise of expediting fire control programs, the intent of these two sections is clear: to limit public input and to shift the review authority from an independent judiciary toward Federal agencies run by political appointees.

Section 106 of this bill would limit the amount of time the public has to file a legal challenge to a mere 15 days, inclusive of holidays and weekend days. Clearly, this time limit is not long enough for someone to grasp and analyze how a project will affect the health of their family and the communities around them.

Ironically, this provision could exacerbate the problem it proposes to address. I suspect more people might dash up the courtroom steps and file preemptive lawsuits against projects, since failing to do so closes the door thereafter.

Section 106 also attempts to limit the time judges have to review cases and mandates that they inform congressional committees whenever they extend injunctions beyond 45 days. Besides making judges postpone other important cases, like criminal matters, civil rights or terrorism, this provision makes judges subject to constant legislative scrutiny.

Section 107 also seeks an unwise change in American legal standards by requiring courts to give unprecedented deference to Federal agency findings when considering whether to grant a restraining order or injunction. This provision would essentially allow the executive branch agencies to decide what is in the public's best interest without taking the concerns of judges or communities into consideration.

This so-called Healthy Forests Restoration Act is anything but. It is yet another example of the Bush administration rolling back our environmental protections. Now is the time for those who understand how important the environment is for future generations to stand up to this administration.

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

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. REHBERG).

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

Mr. REHBERG. Mr. Speaker, the last speaker talked a little bit about the need for this legislation as a result of last year's fires. I am insulted by that. It is almost as if the tree did not burn in your district, there was no disaster.

It happened year after year after year in Montana. In 1988, I was surrounded by fires. It happens every year in the State of Montana. In the Year 2000, we burned 1 million acres.

When are we going to wake up and say enough is enough? This legislation goes a long ways toward solving the problem. I remember 1988. I thought to myself, God, I hope now the legislature, the Congress, wakes up and understands that fire can be a tool if it is a prescribed burn, if it is a controlled fire. Grazing can be a tool. It not only controls the underbrush, but also controls weeds.

We can have control within our forests, management controls within our forests. It does not have to be looked on as a bad thing. It is a good thing. It can keep our forests safe.

To those preservationists who have tipped the scales of our justice system against doing the right thing, I tell them you are loving our forests to death.

Do you like this? Because this is exactly the way the people of Montana feel with the forest fires coming in. I hope you will support this legislation.

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

Mr. Speaker, I want to respond to the charge that the Healthy Forests Restoration Act cuts the heart out of the National Environmental Policy Act.

The fact is, this bill requires the Forest Service and Bureau of Land Management to conduct environmental reviews of forest thinning projects in accordance with NEPA. The most important element of NEPA is the environmental review of the proposed project, the project that is to be implemented; and that review is retained under the bill.

The bill also gives agencies discretion to limit environmental review to the proposed project only, which means an agency would not have to consider multiple alternative project options that are not likely to be implemented as is currently required under NEPA. Under current law, land management agencies are required to analyze multiple alternatives, devoting scarce resources to hypothetical projects instead of to developing additional projects in other vulnerable areas of our forests.

□ 1400

Mr. INSLEE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, America deserves a fuels reduction program in our forests that protects two American icons: first, small towns; and second, big trees. This bill does neither. This bill is doomed to failure in not protecting either small towns or big trees, for three reasons.

The first reason is, it does not provide the money that is necessary to do the job. If we take a look at this map, the Forest Service suggests there are 190 million acres needing treatment. They propose to do about 2.8 million in the next year, this tiny little red dot. That is the combination of three States.

They want to propose to do a tiny little red dot, and they do not authorize a dollar for the fuels reduction program. They are so fixated on red tape they forget green money. They cannot do the job without it. Our bill does that job.

Second, the bill does not target our precious resources to protect human property and life first as a priority, unlike our bill, which does. It is not just me that says this. There are a dozen letters to the Republican chairman of the committee responsible for this bill pleading for help for our local communities to protect against a fire in the crucial wildline-urban interface.

A letter from Donald Vanderhoof, Mayor of the city of Glenwood Springs, said, ''Unfortunately, H.R. 1904 does not provide local communities with the necessary tools to mitigate future fires. Despite the fact that 85 percent of the land within the community protection zone is non-Federal, H.R. 1904 channels funds to Federal land projects.''

They have not provided monies for small communities where the rubber meets the road and the fire hits the edge of their town; our bill does.

Third problem, their bill does not protect big trees. Now, there is a bipartisan consensus that there is some thinning that is appropriate in the forest, but we do not thin trees like this multiple century-old tree. Their bill allows that to be done. Their bill does cut the heart out of NEPA, because the very heart of NEPA is considering alternatives to what size trees they are going to thin.

It seems to me that our Federal agencies ought to think about what size they are going to thin and study alternatives in the NEPA process. Their bill cuts that out. Instead, essentially, they want to sell these big trees

to generate money. That is where they propose to get money for this program.

That is a little bit like somebody who is sick selling their good kidney to treat the bad one. They end up with no kidneys. That is what they are proposing to do to forests. They want to let the Forest Service finance this plan by cutting down big trees to do these thinning projects. It is unnecessary, it is wrong, it is against what their constituents want and ought to be defeated. Support the Democratic substitute.

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

Mr. Speaker, we keep hearing that the Healthy Forest Restoration Act increases protection for communities from wildfires by speeding up the implementation of forest thinning projects. That is true. That is why we keep hearing it.

To my friend, the gentleman from Washington, and his response, that little, bitty red dot, many of us who have spent considerable amount of time studying this problem believe that by reallocation of current forest services we can deal with this. It does not require all of the new money that some propose if we in fact readjust the manner in which we regulate the forests of our country.

Even the critics of this bill acknowledge, as the gentleman from Colorado (Mr. UDALL) states in his dissenting remarks to the Committee on Agriculture report, that streamlining of the administrative appeals process would be appropriate for high-priority fuel reduction projects.

In a Dear Colleague, the gentleman from California (Mr. GEORGE MILLER) argues that his substitute provides for expedited treatment of Federal lands that pose a risk of wildfire to local communities. Under the bill, the U.S. Forest Service and the Bureau of Land Management would have to conduct a full environmental analysis of each proposed thinning project, but the agencies would not have to analyze a full range of alternatives to the proposal, as current law requires.

The bill would set a 15-day time limit for filing lawsuits challenging the fuel reduction project once the agency has formally announced a final decision and would urge the courts to the maximum extent possible to rule from within 100 days from when the suit was filed.

Critics of the bill seem to want it both ways. First, they argue that the bill does not do enough to implement these projects. Then they argue in favor of continuing the unnecessary and time-consuming analysis of alternative projects under NEPA and against reasonable time limitations on legal challenges.

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

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

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

Mr. INSLEE. Mr. Speaker, I yield myself the remaining 1 minute.

Mr. Speaker, I think it is important to address what the Environmental Protection Act does. It is intended for taxpayers to ask agencies to think twice about what they do. It is intended to ask agencies to look at alternatives to what they do, to figure out what the best alternative for the taxpayer dollar is and for the environment.

The reason this bill cuts the heart out of the Environmental Protection Act is that it stops any consideration of any alternative to exactly what one person who works for this agency may say.

Now maybe cutting 18-inch trees is the appropriate thing in one forest, but maybe it is appropriate to cut 12-inch trees or 8-inch trees in another one. What they have done is taken away from taxpayers the right to ask their government employees to consider what the right size trees ought to be in these projects. That is the heart of the Environmental Protection Act.

It is an unfortunate step and an unnecessary one, because we ought to preserve both our big trees, our small towns, and our citizens' rights.

Mr. STENHOLM. Mr. Speaker, I yield 2½ minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I rise today in support of H.R. 1904, the Healthy Forests Restoration Act. Our Nation's forests are facing a crisis, a crisis that, if not addressed, could have an overwhelming effect on the property and livelihood of Americans all across these United States.

Tens of millions of acres of public and private forests throughout the country face catastrophic damage from a host of pests, like the southern pine beetle and the red and white oak borers throughout the South and Midwest.

The southern pine beetle is the most destructive insect pest of pine trees in the southern United States. From 1960 through 1990, this insect caused $900 million of damage to pine forests. This aggressive tree killer is a native insect that lives predominantly in the inner bark of pine trees. During epidemics, southern pine beetle infestations often begin in weakened or injured trees, but the populations can invade and overcome healthy, vigorous trees by attacking in large numbers over a short period of time. These attacks are not limited to private or public lands. This insect destroys indiscriminately.

Red and white oak trees in the South are also facing serious conditions. In Arkansas, Missouri, and Oklahoma, over a quarter of standing saw timber are red oak trees, and it is expected that we will lose up to 33 percent due to borer infestations and related causes. This translates to over $1 billion in losses in those three States alone.

These pest outbreaks are not normal. Although oak borers are frequently found in oak-dominated forests, scientists report that the current outbreak is of epidemic proportions. Nearly 1 million acres of national forestlands, almost one out of every three acres, in Arkansas are at risk of losing key ecosystem components. These acres will be eligible for the expedited procedures authorized by this bill.

In addition to its original intent to address catastrophic wildfires, H.R. 1904 will also allow us to act fast due to the threat unhealthy forest conditions present to our southern forest ecosystems, air quality, and water quality. We must act fast to help protect our national and private forests throughout the southern and eastern United States and the jobs they provide.

I urge my colleagues to support this measure.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend, the gentleman from Virginia, for yielding time to me.

Mr. Speaker, my friend, the gentleman from Washington (Mr. INSLEE), offered a rather imperfect analogy when he talked about someone selling their kidney to deal with financial problems.

No, Mr. Speaker, the problem is not the analogy to a kidney, and the problem is not with cutting the heart out of environmental regulation. The problem we are confronting, Mr. Speaker, is that we have cut the very heart out of rural communities in the western United States who live surrounded by national forests.

In Arizona, in the Rodeo-Chedeski fire of last summer, nearly a half million acres and over 400 homes were destroyed. If there is a silver lining to the pyrocumulous clouds, it is the very real human tragedy; not an abstraction, not a governmental study.

But we have had paralysis by analysis. The Forest Service has spent a quarter of a trillion dollars of their time and their financial resources to say, stop these projects because of lawsuits. What we ask for is what is reasonable, what is reasonable at long last, to have a true, balanced policy. This is an important first step. Support the legislation.

Mr. POMBO. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. MCINNIS), the subcommittee chairman.

Mr. MCINNIS. Mr. Speaker, I want to personally thank the chairman for all the efforts he has put in regarding the infestation we have had, regarding the forest fires, and the gentleman's focus in this committee to get this piece of legislation out before the fire season besets us.

I also want to thank the chairman of the Committee on Agriculture, the gentleman from Virginia (Mr. GOODLATTE). He has gone way out of his way to help move this bill forward. It is a very, very important bill.

I need to clarify a couple points here. I say to the gentleman from Washington (Mr. INSLEE), I know what his ethics are like. His ethics are, in my book, of a very high standard.

What I would do is to say to the gentleman that Glenwood Springs, which the gentleman quoted from the letter from the mayor, is my hometown. I grew up at the bottom of Storm King Mountain, where I, with 12 others, took 15 firefighters, deceased firefighters, off it.

I know something about fire, I know something about this bill, and I know something about the gentleman's ethics. The gentleman would be well advised to disassociate himself from the letter that he quoted in his comments, which was obtained through very deceitful means, as has been acknowledged this morning by the City of Glenwood Springs.

So I do not think the gentleman is aware of that. I just want the gentleman to be aware of how that letter was obtained.

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

Mr. MCINNIS. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I see a copy of one of these letters was sent to a fellow congressman from Colorado. I was provided these by my staff.

If these are inaccurate copies, please advise me. But everything I have read, as far as I know, is accurate. If these are inaccurate copies, please advise me; and I will correct the RECORD.

To date, I have 12 letters from cities and counties in Colorado claiming that they are not taken care of.

Mr. MCINNIS. Reclaiming my time, Mr. Speaker, I am talking specifically about a letter. I am not saying that the signature is inaccurate, that it is a fraud. I am saying that the way it was obtained was very, very deceitful. I would be happy to talk to the gentleman after we are finished here about that.

In regard to the comments of the gentlewoman from Wisconsin (Ms. BALDWIN), I am not sure she has read the bill, with all due respect. It does not cut out public input. It does not stop the judiciary process. I have not seen the gentlewoman at one meeting, I have not seen her at one negotiating session where we discussed the details of that.

Frankly, I consider it a cheap shot when one of my colleagues stands up here in front the American public and talks about a bill that we so firmly believe in on a bipartisan basis to stop and help us do something about these fires and bugs, and the gentlewoman stands up and acts like we are shortcutting the judiciary process, like we are cutting out the public input. Sure, I take insult with those kinds of remarks, and I do wonder whether or not the bill was read before staff or somebody drafted those comments for the gentlewoman.

Let me talk in regard to the comments of the gentleman from West Virginia (Mr. RAHALL). His comments about the bugs and the Miller substitute, if we look at the substance of the Miller substitute, unless it has been changed in the last 15 minutes, it contains nothing of substance within the four corners of that. I am talking about the substance part of the bill with regard to bug infestation.

We have to do something to help our people in the South. These bugs are throughout the country, but that is their biggest focus right now.

This bill is about between what we call the green hats and the black hats. Let me read the Oregonian Newspaper out of Oregon in the district of the gentleman from Oregon (Mr. DEFAZIO).

□ 1415

By the way, the gentleman from Oregon (Mr. DEFAZIO), we did not have an agreement. We came this close to an agreement, and you and the gentleman from California (Mr. GEORGE MILLER) negotiated in absolute good faith. Unfortunately, we could not get there; but we did not have an agreement. I wish we would have inked an agreement. I wish we would have had it because it would have been signed in by now.

I do acknowledge, by the way, although they are strongly opposed to what we have today, which is not different than what we had yesterday, I do acknowledge the good-faith efforts of the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Oregon (Mr. DEFAZIO).

Let me quote the newspaper in Oregon: ''By its words and actions, the Sierra Club has shown what it wants. It wants the status quo, no logging, only a handful of small thinning projects and more devastating fires like those that swept Oregon and the rest of the west this summer. On the issue of forest thinning for which national polls have found overwhelming support, the real extremists include the Sierra Club.''

This is a good bill. It has got good merit, and it deserves your support.

Today the House will consider among the most important pieces of environmental legislation in a generation. The bipartisan Healthy Forests Restoration Act is focused on addressing the single largest, most complex and destructive challenge facing the management of our Federal lands—catastrophic wildfire and exploding epidemics of insect and disease outbreaks. Mr. Speaker, these are the destructive symptoms of America's forest health crisis.

During the last Congress, as most of us remember, my colleagues GEORGE MILLER, GREG WALDEN and PETER DEFAZIO were nano-inches from reaching a bipartisan agreement for the ages. But ultimately, because of the invidious attacks of certain special interest groups, and because of the late stage in which those talks began, we were unable to cement a deal. Let me note that I have immeasurable respect for Mr. MILLER and Mr. DEFAZIO for enduring unwarranted ostracism from the national environmental movement throughout that process. That community, in my opinion, showed its radical colors when they attacked these two icons and champions of the environmental cause. So I admire these two statesmen and deeply hope that we can continue to work together as this bill moves through the process.

Colleagues, I believe this bill enjoys strong bipartisan support because of emerging areas of solid agreement. It's my hope and expectation that these areas of agreement will provide the foundation on which a Congressional majority can arise.

As I see it, the pillars of agreement are these:

First, America is facing a forest health crisis of colossal proportions. a century of wholesale fire exclusion has been proven by the years to be a foolhardy pursuit—catastrophically so. Fire is part of nature's way—it replenishes, it rejuvenates, it restores. Shunned for a century, however, wildfire has returned to the landscape with a searing vengeance, burning bigger, hotter, and with a runaway ferocity than nature never intended. At the same time, unnatural forest stand densities have left our forests in a weakened state; their defenses susceptible to insect and disease epidemics.

The second principle of agreement is this: The primary symptom of America's forest health crisis, catastrophic wildfire, has done shocking harm to our environment. The summer of 2002 provided too many horror stories of wholesale environmental destruction to discuss in this one setting—stories of our air and water fouled, of old growth forest ecosystems left barren and black, of threatened and endangered species dealt irreversible ecological impacts.

One has to wonder about the sanity of a person who would chain themselves to treetops in an effort to ''Save the Forests'' while watching silently; seemingly unconcerned, as environmental calamities like the Hayman, Biscuit and Rodeo fires destroy some of America's most biologically rich forest ecosystems.

The third area of agreement is that the bureaucratic status quo on our Federal forests and rangelands is not working. Most reasonable people would agree that if shouldn't take upwards of several years to get a thinning project near a community through the Federal maze of analysis, appeals and lawsuits, but that is exactly what the status quo has brought us.

Witness what took place over the course of the last several years on the Black Hills National Forest. Most of us remember these rather notorious projects—they are the Wildland Urban Interface projects that South Dakota's senior Senator rescued from a bureaucratic swamp with some legislative language in an emergency spending bill last Congress. Senator DASCHLE, apparently tired of the viscous cycle of analysis, appeals and lawsuits tormenting these projects, took matters into his own hands and legislated these projects into forward movement.

But for those of us who aren't the Majority Leader of the Senate, and for those of us who don't face a pliant environmental community when we start tinkering with environmental laws, extravagant bureaucracy and delay is what we're up against.

That brings us to the final point of agreement—reasoned and prudent steps must be taken by Congress to make sense of this process gone mad. But as we alter the manifestly broken status quo, certain priorities must

be rigorously adhered to. Foremost, the public must be given an expansive opportunity to engage decision-makers at all stages of project development and implementation. That cannot change. Meaningful public participation is an imperative. The real success of the Healthy Forests Restoration Act, in my opinion, is that it streamlines bureaucratic process in a way that honors the fundamental role that public participation plays in informed decision making. Anyone who argues that this bill provides anything other than a thorough, overlapping and robust opportunity for public participation is being disingenuous—or maybe they just inhaled too much carbon and mercury from one of last summer's big fires.

This brings me to the bill, Mr. Speaker, which proposes to address the root causes of this analysis paralysis. I will briefly describe it.

The Healthy Forests Restoration Act establishes streamlined procedures to expeditiously implement hazardous fuels reduction projects on Forest Service and BLM lands (1) near communities in the wildland urban interface, (2) on high risk lands in the proximity of municipal water sources, (3) on high risk lands that encompass habitat for threatened and endangered species where Federal wildlife officials have identified catastrophic wildfire as a threat to the viability of the species, and (4) on high risk landscapes particularly susceptible to disease or bug infestation. No wilderness areas, wildlife refuges, national parks, national monuments, other special congressional designations would be eligible under the bill's expedited procedures. The bill prohibits permanent road building in Inventoried Roadless Areas.

The bill codifies the bipartisan WGA 10-Year Strategy's robust public input and participation requirements. The WGA strategy was endorsed by numerous government and nongovernment organizations, including leading environmental groups like the Wilderness Society. The bill also requires an additional public meeting for all projects implemented under this Act over-and-beyond that which is required under current law.

In codifying the WGA framework, the bill also cements the bipartisan plan's express priority on focusing management actions on lands near communities and on at-risk lands in proximity to sources of municipal water.

The WGA plan is widely regarded as the holy grail of wildfire policy. This bill gives that bipartisan plan the status of Federal law.

The expedited procedures outlined in the bill are these. First, the legislation would give the Forest Service and the Bureau of Land Management (BLM) discretionary authority to limit analysis during the NEPA phase to the proposed action only, meaning the agencies would not be required to analyze and describe a number of different alternatives to the preferred course. While expediting the analysis phase, this procedure ensures that all projects will receive an exhaustive analysis of all potential environmental effects.

Next, the bill would provide a limited waiver of the Appeals Reform Act for forest health projects implemented under the Act, instead directing the establishment of an alternative review process under which persons could seek administrative redress against forest restoration projects. The Forest Service is the only Federal land management agency with an administrative appeals process memorialized in statute—a 1992 Appropriation Rider called the Appeals Reform Act. In practice, this means that a forest restoration project implemented on at-risk lands on the White River National Forest (or any other forest) faces a significantly higher administrative appeals bar than the exact same project would encounter if implemented in Yellowstone National Park or the Canyons of the Ancients National Monument (BLM). With the National Fire Plan's emphasis on interagency cooperation, this makes little sense. This bill would put the Forest Service on more even footing with its sister agencies.

With regard to judicial review, the bill would require the Federal courts to reconsider and reauthorize any preliminary injunctions on a 45-day interval, while requiring the courts to more fully weigh the long-term environmental risks associated with management inaction. The 45-day preliminary injunction language is modeled on a proposal first offered by Senator FEINSTEIN last summer, who I hasten to add, has been a real leader on this issue in her own right.

Additional provisions of the bill (1) facilitate the utilization of the otherwise valueless wood, brush, and slash removed in conjunction with the forest health project in the production of biomass energy, (2) authorize Federal programs to support community-based watershed forestry partnerships, (3) direct additional research focused on the early detection and containment of insect and disease infestations that have reached epidemic proportions, and (4) establish a private forestland easement program, supported by groups like Environmental Defense, focused on recovering forest ecosystem types in decline.

These provisions were included in this bill in recognition of the fact that America's forest health is not just a western wildfire issue. In particular, rampant insect and disease infestations should be in the front and center of any discussion about forest health legislation. This bill places them there.

I would also note that in the self-executing manager's amendment, the terms of a compromise between myself and Mr. BOEHLERT were incorporated into this legislation. Mr. BOEHLERT and his staff showed tremendous good faith in helping us improve and clarify an already outstanding piece of legislation. I commend him for his good faith and leadership.

It is with that, Mr. Speaker, that I urge the House to adopt this landmark environmental legislation.

Ms. BALDWIN. Mr. Speaker, I yield 1½ minutes to myself to respond to the gentleman.

Mr. Speaker, the gentleman who just spoke made reference to earlier remarks I had claimed on behalf of the Committee on the Judiciary.

As you may be aware, the Committee on the Judiciary received referral on this bill for sections 105 through 108, a very narrow part, to engage in scrutiny in what we believe is our area of expertise. And I would certainly defer to the gentleman on his areas of expertise. But you may or may not be aware that numerous civil rights organizations in this country have taken a strong stance against those provisions. I specifically spoke to sections 106 and 107 of the bill that create a new sort of inequality, a tipping of the scales, an unevening of the playing field which I find very dangerous in terms of a precedent.

What this bill does in those provisions is it tilts the playing field by giving executive agencies with political appointees greater weight on the issue of injunctive relief and other provisions than the public or other parties. And that is a slippery slope that I think we should not go down. I certainly object to the gentleman's characterizations of my understanding of those provisions in the bill.

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

Mr. GOODLATTE. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Virginia (Mr. GOODLATTE) has 3 minutes remaining. The gentleman from California (Mr. POMBO) has 3 minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining. The gentlewoman from Wisconsin (Ms. BALDWIN) has 1 minute remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO) for purposes of control.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. POMBO) has 4 minutes remaining. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, might I inquire who has the right to close.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) has the right to close.

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

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

Mr. Speaker, I quarrel not with the intentions of anyone who has spoken here today. I am proud to be a co-sponsor of this legislation because I believe it does what needs to be done in order to break an impasse on how we deal with our Nation's forests.

We have heard the arguments against for year after year after year. The bottom line is the situation is not getting better. It is getting worse. I have read carefully this legislation, the specific points that seem to be coming under the most attack, and I do share the belief of my colleagues on this side of the aisle that it does all of the bad things that they allege it does.

Is it perfect legislation? Probably not. But I have traveled and visited some of our forestry areas, and I have seen the results of good management and sound science. Some of those, not my colleagues, but some of those organizations who oppose time and time again legislation like we have on the floor today, oppose it not from the sound science and good management but from a deep visceral feeling of how our Nation's natural resources ought to

be cared for; and I respect that, but I differ very strongly with that because I do not believe that we can do those things necessary to maintain and improve our Nation's forests without applying sound science and good management.

The public should not be left out, and the public is not left out. But those who have learned to use the law in ways that keep things from happening by constantly and consistently going to the courts are not doing our Nation the service that they allege that they are doing.

I urge support of the basic bill. I urge opposition to the amendment. Let us give those in charge of our Nation's forests a chance to do a better job than what is done under current law.

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

Ms. BALDWIN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from Wisconsin (Ms. BALDWIN) for yielding me time.

I have spent a great deal of time on this legislation studying it. I have friends on both sides of the aisle, and I respect and understand the general intent of this. I sincerely do.

We have a huge problem in the Pacific Northwest forests. But I have a great concern about the provision regarding the insect assessments. Apparently, there has been an amendment that allows for the Secretary to no longer have sole discretion on the reviews, but she would still appoint the panel that makes the reviews of these assessments. Frankly, this administration has a dismal record of appointing objective panels.

I introduced an amendment that would have offered a National Academy of Science provision that would have allowed a truly independent body within 60 days to review these. Had that passed, I would have been very inclined to support this amendment or this legislation. But it did not.

We must address this problem of fuel overload and insect infestation in an expeditious manner, but we need to make sure it is not used as a cover to engage in intents that it was not designed for.

So I would hope that when this legislation goes to the other body we can address that. There is no need to give the Secretary such broad latitude. We can have independent assessments, and I would encourage this body to insist upon those.

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

Mr. Speaker, we do have a problem. And I think that everybody who has come to the floor today to talk about the underlying bill has recognized that we have a serious problem. The gentleman from Oregon (Mr. DEFAZIO) talked about 100 years of mismanagement in our forests, and I think it is the only thing that he said that I really did agree with him on, because there has been a hundred years of mismanagement in our forests. We went from what I believe was a point of cutting too many trees, and we had the clear cuts and all of the resulting environmental degradation and the problems that resulted out of that. And as a response to that, we had a number of environmental groups and people that came to this floor over the years that said we cannot continue to treat and manage our forests this way. And the pendulum swung all the way in the other direction. And a lot of folks that over the years have worked on the issue really did believe they were doing the right thing, but they were not.

The problem is they adopted a policy of hands off, keep man out, we do not want to impact the natural state of our forest. But what they forgot was we are part of nature and we are part of the impact on our forests. So when you take man out of it and you control all of the fires that would have burned over the last 30 or 40 years, you ended up with all of this underbrush that grew up in our forests. And our forests today are much more dense than they were naturally. And the underbrush is much more full than it would have been naturally. And we ended up with a situation where a hundred years ago if a small fire had started, it would have burned along the bottom of the forest and that would have been a natural, healthy event. But today that same fire starting in our forest gets into that underbrush, climbs up the trees and gets into the crown of the trees and destroys the forest. It sterilizes the ground. It destroys our watersheds. It destroys the communities that have grown up in these areas.

So we have to do something about that. And what we have tried to do over the last couple of years is negotiate out a way of dealing with the current situation that we have in our forests. And I do give the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Oregon (Mr. DEFAZIO) credit because they did negotiate with us. And the gentleman from Oregon (Mr. WALDEN) and the gentleman from Colorado (Mr. MCINNIS) spent literally dozens and dozens of hours working this through and trying to come up with a compromise.

Mr. Speaker, I believe the underlying bill is a compromise. It does not do everything I want. It does not do everything that the people in my communities want. But it does begin to move in the right direction, and that is what we are trying to do.

I listen to the opponents of this legislation. It is as if they dusted off their arguments that they had during the 1970s and rolled them out again. They have absolutely nothing to do with the underlying legislation.

This is a middle-of-the-road moderate compromise to deal with a very real problem that we have today. That is what we are trying to do. You can take an extreme position if you want. You can run out as far to the left as you possibly can and hold up your flag, but that does absolutely nothing to protect the health of our forests today. What we are trying to do is stop the risk or lessen the risk of a catastrophic fire starting in our forests.

The gentleman talked about the provisions that deal with insect infestations. We spent literally hours and hours going over that provision trying to come up with something that would limit the research to a small area and allow the researchers, the biologists, the scientists to come up with a way of stopping these insect infestations from spreading to the forests. That is what we are trying to accomplish with this bill. I would hope that my colleagues would at least try to moderate their rhetoric and join us in supporting this bipartisan compromise.

Today the House of Representatives will consider landmark environmental legislation—the bipartisan Healthy Forests Restoration Act. Mr. Speaker, I'm proud to note that this critical environmental legislation originated in the House Resources Committee earlier this year. Actually, it's the upshot of years of sweat equity on the part of a number of Members, many here and others not, each of whom believed deeply in the importance of restoring our forests to a healthy state.

Since its introduction earlier this year, the bipartisan bill has run the legislative gauntlet through three committees, where it has been discussed, debated and redebated more times than I care to discuss. With another bleak wildfire season bearing down us, clearly there's been more than enough talking. The time for action on the part of the united States House of Representatives is now.

Mr. Speaker, H.R. 1904, authorized by Representatives MCINNIS and WALDEN along with Chairman GOODLATTE and myself, is as important as any environmental legislation to pass through this Congress in a long time. And make no mistake about it, this legislation is vital to protecting our natural environment.

With 190 million acres at unnaturally high risk to catastrophic wildfire and massive insect and disease outbreaks, cherished forest ecosystems and all that they sustain are squarely in harm's way. Air quality, water quality, the viability of old growth forests and threatened and endangered species, all are directly threatened by America's forest health crisis. Last summer we experienced these ecological horrors first hand. We all watched the images on TV, and many of us witnessed first hand, as the Nation's forestlands were denuded, air quality was despoiled, and sources of drinking water for millions were devastated. The scope of the destruction was breathtaking .

The good news is that our Federal land managers can slow this destructive environmental march, if only Congress will let them. Currently, it typically takes upwards of several years for forest managers to get a scientifically validated thinning project through the bureaucratic maze of analysis, documentation, appeals and lawsuits. This bureaucratic pace is unacceptable given the size of the environmental destruction that awaits.

With this understanding, the legislation's underyling premise is simple and clear: With 190 million acres at unnaturally high risk to catastrophic wildfire, it is indefensible that it takes Federal land managers upwards of several years to maneuver forest health projects

(like thinning and prescribed burns) through sundry procedural requirements. Under the Healthy Forest Restoration Act, forest management projects on certain high-risk landscapes would still be subject to rigorous environmental analysis as well as administrative challenges and lawsuits, but these multiple processes would be completed in a matter of months, rather than years as is currently the case.

On one point I want to be particularly clear: This bill goes to unprecedented lengths to ensure that the public has a full and thorough opportunity to participate in the decision-making process. The bill codifies the bipartisan Western Governor Association 10-Year Strategy's robust public input and participation requirements, ensuring that interested persons will have numerous opportunities to engage decision makers during all phases of a project's development and implementation. The WGA strategy was endorsed by numerous government and non-government organizations, including leading environmental groups like the Wilderness Society. The bill also requires an additional public meeting for all projects implemented under this Act—a public meeting over and beyond what is currently required. Finally, the bill locks in place the public notice and comment requirements currently required during the environmental analysis phase for a wildfire mitigation project.

Mr. Speaker, this is a thoughtful and balanced approach to addressing what amounts to a cataclysmic environmental problem. The common-sense nature of this bill is borne out by the overwhelming bipartisan support it has received. At last check, there are nearly 140 cosponsors of the Healthy Forests Restoration Act, 16 of whom are Democrats, who hail from all parts of the country and all ideological stripes. It's hard to imagine anything but a common sense legislative package drawing this kind of broad-based support.

I would also note that Congressman SHERWOOD BOEHLERT, a Member with whom I have had any disagreements, has been a constructive partner in helping shape this legislation. The self-executing managers amendment makes perfecting amendments to an already outstanding legislative package. Mr. BOEHLERT deserves high praise for his leadership and goodwill in this process.

Mr. Speaker, the House has a chance today to do something meaningful, important and lasting. Imperiled as they may be, our forests are a great national asset, deserving of the immediate attention and care of this House.

They are an unmistakable part of our heritage. The bipartisan Healthy Forests Restoration Act will ensure that this natural inheritance is healthy, vibrant and thriving into the future.

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

Mr. Speaker, the gentleman from California (Mr. POMBO) is quite right. Our forests were mismanaged a century ago. And we have had a great challenge in the last century because people live in and around these forests and we must fight forest fires. But the fact of the matter is if you fight forests fires, you are going to have this density building up. Many of our forests have several times the amount of firewood growing in them than is normal, than is natural. So the fires that occur are not natural forest fires.

I have heard the gentleman from Washington (Mr. INSLEE) say that we are cutting the heart out of our environmental laws. Nothing could be further from the truth. The fact of the matter is our environmental laws will be retained. This measure is quite modest. It only applies to a little more than 10 percent of the land that is subject to these catastrophic wild fires because of this density of the forests that has built up.

The fact of the matter is, if we do not pass this legislation, the abuse of those environmental laws by extremists will cause us to burn the heart out of our Nation's forests. This is a responsible response to that.

This is something that will allow the people who know how to manage our forests to apply scientific analysis of the forests. And with public comment, with local government input, with an appeals process both administratively and through the courts, we will get a prompt and expeditious response to the problem that we are seeing every year now in our national forests. It will give us the opportunity to begin the process of making those forests safer and healthier for the animals that live in them, for the air that we all breathe, for the streams that we all recreate in and are so important to our communities; and it will give us the opportunity to have a better environmental and economic future for rural America. I urge my colleagues to support this legislation.

Mr. GOODLATTE. Mr. Speaker, I have discussed with Mr. MATHESON from Utah the issue of local preference contracting for hazardous fuels reduction projects. I agree with Mr. MATHESON that this issue needs to be addressed and I pledge to work with the gentleman from Utah as H.R. 1904 goes to conference.

Mr. Speaker, it is with great pleasure that I submit the following exchange of letters with the respective Committees of jurisdiction with regard to H.R. 1904, the Health Forests Restoration Act of 2003 for printing in the CONGRESSIONAL RECORD:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 19, 2003.

Hon. W.J. ''BILLY'' TAUZIN,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to recognize your Committee's jurisdictional interest in H.R. 1904, the Healthy Forests Restoration Act.

I appreciate your recognition of the need to move this legislation expeditiously. The U.S. Forest Service is predicting another very dangerous fire season and Congress needs to get the tools contained in H.R. 1904 implemented for the Forest Service post haste. I recognize that your decision not to request a sequential referral of this bill does not waive, reduce or otherwise affect any jurisdictional interest the Energy and Commerce Committee may have in the bill.

I will support the appointment of conferees from your Committee on those sections of the bill the parliamentarians determine are in the Energy and Commerce Committee's jurisdiction if a conference is convened.

Thank you again for your cooperation in this matter.

Sincerely,

BOB GOODLATTE,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 20, 2003.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: I am writing with regard to H.R. 1904, the Health Forests Restoration Act of 2003, which was reported to the House on May 9, 2003. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Energy and Commerce jurisdiction over the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable resources, as well as public health and quarantine.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 1904. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 1904 or similar legislation.

I request that you include this letter as part of the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 15, 2003.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 1904, the Healthy Forests Restoration Act of 2003.

Our Committee recognizes the importance of H.R. 1904 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I agreed not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our jurisdictional interest will be included as part of the Congressional Record during consideration of this bill by the House.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 19, 2003.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your May 15, 2003 letter concerning your committee's jurisdictional interest in H.R. 1904, the Healthy Forests Restoration Act. I welcome this opportunity to respond.

I appreciate your recognition of the need to move this legislation expeditiously. The U.S. Forest Service is predicting another very dangerous fire season and Congress need to get the tools contained in H.R. 1904 implemented for the Forest Service post haste. I recognize that your decision not to request a sequential referral of this bill does not waive, reduce or otherwise affect any jurisdictional interest the Transportation and Infrastructure Committee may have in the bill.

I will support the appointment of conferees from your Committee on those sections of the bill the parliamentarians decided are in the Transportation and Infrastructure Committee's jurisdiction if a conference is convened.

Thank you again for your cooperation in this matter.

Sincerely,

BOB GOODLATTE,
Chairman.

Ms. DEGETTE. Mr. Speaker, I agree that 50 years of aggressive fire suppression necessitate an increase in fuels reduction. But H.R. 1904 is not the answer and public comment is not the enemy.

Last year, wild fires swept across the West and my home state of Colorado was particularly hard-hit. The Hayman fire ultimately burned over 138,000 acres and the area surrounding Cheesman Reservoir, which provides much of the drinking water for my Denver district.

Thinning efforts must focus on the wildland-urban interface. But H.R. 1904 fails to prioritize and fund efforts where they would have the greatest impact. The Miller-DeFazio substitute would guarantee that 85 percent of funding for thinning projects is spent near communities and watersheds; and provides for accelerated consideration of forest thinning projects near communities in non-controversial areas.

I am also concerned about the ways in which this bill overreaches. Specifically, H.R. 1904 attempts to limit the amount of time the public has to file a legal challenge to any fuel reduction project to a mere 15 days, places limitations on the time judges have to review cases and mandates that they inform congressional committees whenever they extend injunctions beyond 45 days. There are reasons that groups like the NAACP and Planned Parenthood have come out against this bill and they have little to do with their positions on the state of our nation's forests. They have correctly foreseen the very real threat that this bill poses to fair process for administrative appeals and the undue burden it places on our court systems.

And the public has little recourse. Shutting the public out of the decision making process will not facilitate or streamline anything. Many communities throughout the West are ready and eager to play a role in sustaining the forests that surround their homes. They should be meaningfully engaged in land management decisions that affect them, rather than closed out of the process altogether as H.R. 1904 proposes.

I urge my colleagues to oppose this ill-considered legislation and instead support the logical and worthy substitute from my Democratic colleagues.

Mr. WELDON of Florida. Mr. Speaker, last year the U.S. taxpayers paid $1.5 billion to fight forest fires and twenty-three firefighters lost their lives. In fact, over the past few years, taxpayers are expected to pay billions more to fight forest fires unless changes are made in forestry management. Many of the fires we have seen over the past several years could have been prevented, billions of tax dollars could have been put to better use, and dozens of lives could have been saved. Furthermore, critical forest habitat would have been saved for the enjoyment of future generations of Americans and for wildlife, including endangered species.

Too many of our nation's forests continue to be damaged by out of control forest fires, insect infestations, diseases, and invasive species. Today, Federal forestry experts estimate that 190 million acres of federal forest are at risk for catastrophic wildfire. Unfortunately, current laws put too many barriers and delays in the way of properly managing our forests, meaning that these forests will remain at risk for years to come unless better management practices are implemented in a more timely manner. It currently takes several years for forest management plans to get through the bureaucratic and legal quagmire. During this delay, too many forests suffer damage from fires and insects and billions of dollars—and in some cases human lives—are lost.

Last year, the President proposed a Healthy Forests Initiative to facilitate better management of forests. Bipartisan legislation was introduced in the House of Representatives, The Healthy Forests Restoration Act of 2003 (H.R. 1904) to address this concern. Many of the proposals contained in this legislation were put forward during the Clinton administration but were never acted upon by that administration.

Under current rules, it is estimated that federal land managers will only be able to address the catastrophic fire threat in about 2.5 million of these 190 million acres each year. This is unacceptable.

In 2002, then-Senate Majority Leader TOM DASCHLE (D-South Dakota) included an environmental rider to allow for logging in the Black Hills of South Dakota to protect these forests from catastrophic fires. Senator DASCHLE recognized the dangers that these potential catastrophic fires could pose to the forests and communities of South Dakota. Under the Daschle provision all court cases to block forestry management plans in the Black Hills were prohibited. H.R. 1904 does not go nearly as far as Senator DASCHLE's plan. H.R. 1904 allows appeals to be made, but expedites the process so that it does not take several years to approve forest management plans.

This is a common sense solution to a very serious problem. H.R. 1904 finds the middle ground between the Daschle plan, which prohibited challenges, and the current system, which allows flammable underbrush to pile up, forests to become dangerously dense, and forest fires to rage out of control while the courts are jammed with suits over forestry management plans.

Through the use of environmentally sensitive thinning, prescribed burns, and other scientifically validated management practices, our nation's forests can be returned to a sustainable balance, the risks of catastrophic wildfire and disease infestations can be reduced, and habitat for wildlife will be preserved.

This bipartisan legislation reforms the current forest management system so that forest management plans can be approved and implemented in a timely process while still respecting the right of public participation in the decision making process. I believe that this legislation will aid us in this effort and I support its passage.

Ms. HOOLEY of Oregon. Mr. Speaker, today I want to talk about an issue that is very important in my home state and in my congressional district—hazardous fuels reduction. Oregon has been hit hard by wildfires in recent years, and there is no question that we must take steps to make up for years of neglect of our federal forests.

First of all, I want to praise Mr. WALDEN and Mr. DEFAZIO for their tireless work and passion on this issue. Both of these fine Congressmen have spent countless hours over the past several years working together to address this very real problem, and I appreciate their hard work. Last Congress, I was pleased at the progress they were making, and was disappointed that, because of the lateness in the year, they did not have the opportunity to complete negotiations and bring the fruits of their efforts on fire prevention to the floor. Had they had time to do so I would have supported their legislation.

While I appreciate the efforts that Mr. WALDEN has put forward, and while I agree 100 percent with his goals of creating healthier forests and preventing fires, I have concerns about the legislation, H.R. 1904, which we are considering on the floor today.

I am first and foremost concerned about the fact that this legislation does not provide any additional funds to undertake the projects necessary for healthy forests. The legislation being discussed last year included funding, and today's DeFazio substitute also includes the money important to protect our forests. Without money we face an impossible task. The best intentions are well and good, but we need money to fight this battle against fire and insect infestation.

Second, I am concerned that this legislation, in the name of reducing ''red tape,'' gives complete authority to the Secretaries of the Interior and Agriculture. Regardless of which party is in power, I am concerned about allowing the Secretaries to set their own rules, regardless of congressional intent and public opinion.

I have reasons for these concerns. Last Congress I led a bipartisan charge with Republican Congresswoman MARY BONO to require Country of Origin Labeling on agricultural products. This proposal was strongly supported by farmers in my home district, and passed the House of Representatives overwhelmingly. My proposal was signed into law last Congress. Despite this overwhelming support in my district, and despite the voice of the Congress, the Secretary of Agriculture has repeatedly blocked implementation of Country of Origin Labeling. I have other examples as well, and I do not feel comfortable giving the

Secretaries this much leeway in determining our national priorities. The public needs to be involved in the process.

Mr. Speaker, I am urging swift consideration of fuels reduction legislation in the Senate as we have a huge problem in the Pacific Northwest that must be addressed before the heat of summer. This is a real problem and we need a real solution with money to match the talk. I hope that when the Senate considers this legislation they will provide funding to address the need for fuels reduction in our national forests. I also hope that they will allow local participation in fuels reduction proposals, and will not give such total authority to the Secretaries.

In closing, I would urge the Senate to work quickly to send the House hazardous fuels reduction legislation that many of us from timber communities can support.

Mr. KIND. Mr. Speaker, I rise in opposition to the underlying bill and in favor of the Miller substitute.

Mr. Chairman, there are few things more heartbreaking than to tune into the evening news and watch as wildfires once again bring devastation and loss to our neighborhoods in the West.

In Wisconsin, we have been relatively lucky: It has been over 130 years since Wisconsin experienced the magnitude of destruction many of today's western fires have wrought. On October 8, 1871, the same day as the Chicago fire, the great Peshtigo fire ravaged 2400 square miles and became known as the Nation's worst forest fire, in terms of lives lost, in history.

Mr. Speaker, Democrats agree with our colleagues from across the aisle—that the recent propensity of wildfires are a result of years of forest mismanagement in combination with years of sustained drought have created the undeniable need to develop a sensible hazardous fuels reduction policy on our public lands.

Unfortunately, the bill offered by my colleague, Mr. MCINNIS does not get us there. It fails to target our resources to where they are needed most—the areas surrounding our interface communities and municipal water supply systems. And like so many other policies championed by this administration, the bill does not provide any funding mechanism to provide those interface communities new financial resources to treat non-federal lands within their community protection zones. Mr. Speaker, fire does not recognize a federal tree from a non-federal one and if communities are unable to treat abutting lands the underlying bill will do practically nothing to stop a wildfire's terrible destruction.

Furthermore, the underlying bill needlessly undermines the National Environmental Policy Act (NEPA) by eliminating its core requirement, the consideration of alternatives to a planned activity such as logging or thinning. This was the intent of Congress in passing NEPA.

But perhaps most troubling to me, as a former prosecutor, are the unprecedented judicial review provisions of the bill. This section is necessary, say its proponents, because ''frivolous appeals'' have hamstrung the forest service's efforts to prevent fires.

Unfortunately, a recent GAO report refutes that argument and found that 95 percent of thinning projects have proceeded in a timely manner, even when challenged in court.

The judicial review section of this bill requires challenges to Forest Service's action be filed within 15 days—A time limit very few communities would be able to meet. Furthermore, this provision forces courts to make changes to their docket—regardless of the volume or nature of pending cases—to force a decision within an arbitrary 100-day deadline.

Finally, this section establishes a new standard for injunctive relief by directing courts to give deference to the agencies when deciding whether to issue a permanent injunction against an activity even when that activity has already proven to be illegal.

Mr. Speaker, in contrast, the Miller substitute provides federal resources where it will do the most good. Unlike the underlying bill, it authorizes $4 billion for hazardous fuel reduction and dedicates 85 percent of the available funds to communities that are most at risk. The substitute also provides $500 million in funds to communities to address fuel buildup on adjacent private lands.

Furthermore, the substitute expedites fuel reduction programs around communities and watersheds without gutting NEPA or imposing dangerous judicial review provisions that are opposed by all of the major civil rights groups.

Mr. Speaker, I join my Republican and Democrat colleagues today in calling for a sensible hazardous fuels reduction policy on our public lands—one that will actually protect our citizens and reduce the occurences of these devastating fires. It is my hope, that the result of the policy we make today will allow the citizens of the western states, like the citizens of Wisconsin, to go 130+ years without knowing firsthand the awful loss wildfires often bring.

I urge my colleagues to vote ''yes'' for the Miller substitute.

Mr. SCHIFF. Mr. Speaker, I rise today to express my strong opposition to H.R. 1904, the poorly-named Healthy Forests Restoration Act.

This bill is a wolf in sheep's clothing. It preys on our legitimate concerns and fears about the impact of deadly forest fires in the upcoming fire season. Indeed, we must acknowledge the destruction that has been caused by poor fire management practices over the past century. But H.R. 1904, the McInnis-Walden bill, is the wrong solution. It is not only inadequate to address these failures, it is deeply harmful to our environment.

Under the guise of helping to protect communities from forest fires, this bill actually undermines critical environmental laws. Even more egregiously, it also violates our core democratic values by restricting the rights of Americans to seek redress in courts for grievances against the Federal Government.

H.R. 1904 should be defeated because it fails to protect our communities from wildfire. It allows the logging of remote backcountry with no requirement that at-risk homes and communities closest to forests are protected first. It does not provide sufficient funding for local fire districts, communities, or tribes for fire prevention.

In addition, this bill undermines existing environmental protections. It provides exemptions from the National Environmental Policy Act, the cornerstone of all environmental legislation. Without these critical NEPA safeguards, this bill will allow commercial logging projects to proceed with minimal environmental analysis or public involvement. As a result, old-growth forests and roadless areas would not be adequately protected.

The Miller substitute is a great improvement over H.R. 1904. While H.R. 1904 in effect would allow logging in remote areas, the Miller substitute explicitly prioritizes thinning projects that are closest and most threatening to at-risk communities and water supplies. The Miller substitute aims to protect our rarest and most precious trees, prohibits new road construction, and limits the total amount of federal land eligible for thinning projects. It requires environmental reviews of forest thinning projects, making exceptions only for projects within half a mile of an at-risk community.

We can all agree that destructive forest fires must be prevented through improvements in our forest management practices. But we must not let our eagerness to avert these tragic fires blind us to the flaws of this bill, which essentially offers a carte blanche for timber companies to log in remote forests. I urge my colleagues to vote for the Miller amendment and to oppose the McInnis bill.

Mr. LEVIN. Mr. Speaker, I rise in opposition to this flawed forest bill as well as the patently unfair procedure in which this legislation is being considered today by the House of Representatives. Neither the bill nor the procedure we are following brings credit to this body.

Last night in the House Rules Committee, Democrats brought forward eleven amendments and asked the Committee to allow the House to debate them today. Many of these amendments were thoughtful and constructive. All of them deserved to be debated by the full House, yet the Republican-controlled Rules Committee denied all but one of the amendments. The result is that we will have a severely curtailed debate on a very divisive piece of legislation with little opportunity for Members to improve the bill.

This is a lost opportunity. Clearly there is a significant public divide in this country on forest policy issues, and the best way to bridge these differences is to have a full debate in which alternative proposals can be debated. Instead, the Rules Committee has adopted a procedure in which Members will be effectively gagged. Sadly, this practice has become the norm whenever the House considers controversial bills.

I also disagree with the substance of the legislation before the House today. This so-called ''Healthy Forest Restoration Act'' is not an effective response to the wildfire problems we have experienced in recent years. The bill seeks to weaken longstanding environmental protections, including the landmark national Environmental Policy Act, under the guise of fighting wildfires. But the severe fires we have experienced are not the result of our nation's environmental laws; they have been due, in large measure, to a combination of severe drought, the overgrown conditions of many federal forests resulting from past fire-suppression policies, and the growing number of settlements adjacent to forested areas.

I will vote for the substitute that will be offered by representatives MILLER, DEFAZIO, RAHALL and CONYERS. In my view, the substitute more effectively deals with the wildfire threat by focusing federal resources on protecting the communities most at risk from forest fires. Specifically, the substitute would dedicate 85 percent of the available funding to fire abatement projects near vulnerable communities. There is no similar guarantee in the underlying bill which allows logging to take place in roadless areas and old-growth forests far from

the communities at risk. If the substitute is not adopted, I urge my colleagues to join me in opposing final passage of this bill.

The SPEAKER pro tempore. All time for general debate has expired.

REQUEST TO REMOVE MEMBER AS SPONSOR OF H.R. 1904

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be removed as a sponsor of the bill. He was put on there through staff error. I want to make sure I am appropriate procedural-wise to get the name off before we get locked into it.

The SPEAKER pro tempore. On the bill that is currently under consideration?

Mr. MCINNIS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair is informed it is too late to remove the name from the bill. It has been reported.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. GEORGE MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Hazardous Fuels Reduction Act of 2003''.

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

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Hazardous fuels reduction projects authorized.
Sec. 4. Collaboration and public input process.
Sec. 5. Expedited planning and implementation process.
Sec. 6. Development of definitions of old and large trees.
Sec. 7. Ongoing projects and existing authorities.
Sec. 8. Preference to communities with fire prevention ordinances.
Sec. 9. Sunset.
Sec. 10. Authorization of appropriations.

SEC. 2. DEFINITIONS.

(a) LAND TYPE AND FIRE REGIME DEFINITIONS FROM FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION.—In this Act:

(1) CONDITION CLASS 2.—The term ''condition class 2'' refers to lands on which—

(A) fire regimes have been moderately altered from their historical fire return intervals;

(B) there exists a moderate risk of losing key ecosystem components; and

(C) vegetation attributes have been moderately altered from their historical range.

(2) CONDITION CLASS 3.—The term ''condition class 3'' refers to lands on which—

(A) fire regimes have been significantly altered from their historical fire return intervals; and

(B) there exists a high risk of losing key ecosystem components.

(3) FIRE REGIME I.—The term ''fire regime I'' refers to lands—

(A) on which historically there are low severity fires with a frequency of 0–35 years; and

(B) are located primarily in low elevation forests of pine, oak, and pinyon-juniper.

(4) FIRE REGIME II.—The term ''fire regime II'' refers to lands—

(A) on which historically there are stand replacement severity fires with a frequency of 0–35 years; and

(B) are located primarily in low- to mid-elevation forests, rangelands, grasslands, or shrublands.

(5) FIRE REGIME III.—The term ''fire regime III'' refers to lands—

(A) on which historically there are mixed severity fires with a frequency of 35–100 years; and

(B) are located primarily in forests of mixed conifer, dry Douglas Fir, and wet Ponderosa pine.

(b) OTHER DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE UNIT.—The term ''administrative unit'', with respect to Federal lands, means a unit of the National Forest System or a land management district of the Bureau of Land Management

(2) AT-RISK COMMUNITY.—The term ''at-risk community'' means a geographic area designated by the Secretary concerned as any area—

(A) defined as an interface community on page 753 of volume 66 of the Federal Register, as published on January 4, 2001, or consisting of a collection of homes or other structures with basic infrastructure and services, such as utilities, collectively maintained transportation routes, and emergency services;

(B) on which conditions are conducive to large-scale fire disturbance events; and

(C) for which a significant risk exists of a resulting spread of the fire disturbance event, after ignition, which would threaten human life and property.

(3) BEST VALUE CONTRACTING.—The term ''best value contracting'' means the contracting process described in section 15.101 of title 48, Code of Federal Regulations, which allows the inclusion of non-cost factors in the contract process.

(4) COMPREHENSIVE STRATEGY.—The term ''Comprehensive Strategy'' means the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(5) FEDERAL LANDS.—Except as provided in subsection (c), the term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior acting through the Bureau of Land Management.

(6) GOODS FOR SERVICE CONTRACTING.—The term ''goods for service contracting'' means the contracting process described in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means a project—

(A) undertaken for the purpose of reducing the amount of hazardous fuels resulting from alteration of a natural fire regime as a result of fire suppression or other activities; and

(B) accomplished through the use of prescribed burning or mechanical treatment, or combination thereof.

(8) INVENTORIED ROADLESS AREA.—The term ''inventoried roadless area'' means one of the areas identified in the set of inventoried roadless areas maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.

(9) LOCAL PREFERENCE CONTRACTING.—The term ''local preference contracting'' means the contracting process described in section 333 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108–7; 117 Stat. 277), that gives preference to local businesses.

(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply'' means reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (or the designee of the Secretary) with respect to National Forest System lands; and

(B) the Secretary of the Interior (or the designee of the Secretary) with respect to public lands administered by the Secretary through the Bureau of Land Management.

(c) EXCLUDED FEDERAL LANDS.—This Act, including the expedited process described in section 5, does not apply to any Federal lands—

(1) included as a component of the National Wilderness Preservation System;

(2) where logging is prohibited or restricted by Act of Congress, presidential proclamation, or agency determination;

(3) included in a wilderness study area; or

(4) included in an inventoried roadless area.

SEC. 3. HAZARDOUS FUELS REDUCTION PROJECTS AUTHORIZED.

(a) CONSISTENCY WITH IMPLEMENTATION PLAN.—The processes authorized or required by this Act shall be consistent with the implementation plan for the Comprehensive Strategy to reduce hazardous fuels on Federal lands.

(b) PRIORITY HAZARDOUS FUELS REDUCTION PROJECTS.—

(1) PROJECTS ON CERTAIN LANDS.—In implementing hazardous fuels reduction projects under this Act, the Secretary concerned shall give priority to projects on the following Federal lands and other lands:

(A) Lands that are located within one-half mile of an at-risk community where fire regime I, fire regime II, or fire regime III exists and that are in condition class 2 or condition class 3.

(B) Lands where fire regime I, fire regime II, or fire regime III exists that are in condition class 3, or condition class 2 if the lands are intermingled with condition class 3 lands, and that are located in such proximity to a municipal water supply system that a hazardous fuels reduction project should be carried out in order to reduce the risk of harm to such system or the quality of a municipal water supply resulting from an unusually severe wildfire.

(2) LIMITATION ON OTHER PROJECTS PENDING COMPLETION OF PRIORITY PROJECTS.—With respect to projects on Federal lands in a State, the Secretary concerned shall complete all projects on Federal lands identified in paragraph (1) in that State before carrying out projects in areas outside of those Federal lands in that State.

(c) COMPLIANCE WITH LAND MANAGEMENT PLANS.—A hazardous fuels reduction project planned and conducted under this Act must be consistent with the land and resource management plan, land use plan, and other agency plans and regulations applicable to the Federal lands covered by the project.

(d) PROJECT CONTRACTING.—To conduct a hazardous fuels reduction project under this Act, the Secretary concerned shall use local

preference contracting and best value contracting. Payments under a contract entered into to implement a project under this Act shall only be made on a fee-for-service basis. The Secretary concerned shall not use goods-for-service contracting to implement a project under this Act.

(e) OLD GROWTH AND OTHER LIMITATIONS.—In conducting a hazardous fuels reduction project under this Act, the Secretary concerned—

(1) shall not construct new permanent or temporary roads;

(2) shall maintain all old and large trees and the structure, function, and composition of late-successional forest stands appropriate for each ecosystem type, until the process required by section 6 is complete and Congress formally adopts or rejects the recommendations by Act of Congress;

(3) shall focus on thinning from below when using mechanical treatment.

(f) ACREAGE LIMITATION.—Not more than 20,000,000 acres of Federal land may be treated using the authorities provided by this Act.

(g) FUNDING PRIORITY.—Of funds expended for hazardous fuels reduction projects under this Act, at least 85 percent shall be expended on projects on lands described in subparagraphs (A) and (B) of subsection (b)(1). Upon forming cooperative agreements with the appropriate parties, the Secretary concerned may use these funds for treatment of non-Federal lands.

(h) MONITORING.—

(1) MONITORING REQUIRED.—The Secretary concerned shall establish a balanced multiparty monitoring process in order for Congress to assess a representative sampling of the hazardous fuels reduction projects implemented under this Act.

(2) REPORT REQUIRED.—Not later than one year after the expiration of this Act, as provided in section 9, the Secretary concerned shall submit to Congress a report containing, at a minimum, the following:

(A) An assessment of the cumulative accomplishments or adverse impacts of the fuels reduction projects conducted under this Act.

(B) A description of the ecological effects of the projects conducted under this Act.

(C) A description of the economic viability, impacts, and costs of the projects conducted under this Act.

SEC. 4. COLLABORATION AND PUBLIC INPUT PROCESS.

(a) PROCESS REQUIRED.—

(1) DEVELOPMENT.—As a condition on the selection of hazardous fuels reduction projects under section 3, the Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties, consistent with the implementation plan for the Comprehensive Strategy. The collaborative process developed by the Secretaries may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

(2) REQUIRED MAPS AND PUBLIC MEETINGS.—As part of the process developed under subsection (a), the Secretaries shall—

(A) produce maps, at the appropriate landscape scale, designating the condition class of Federal lands and other lands and including a fire risk assessment based on natural and human-caused factors, including insect and disease mortality, associated with those lands;

(B) make such maps readily available for public inspection; and

(C) hold a public meeting by administrative unit to discuss condition class and associated fire risk factors and to identify priority areas for the hazardous fuels reduction projects.

(b) PUBLIC NOTICE.—

(1) QUARTERLY NOTICE.—The Secretary concerned shall provide quarterly notice of each hazardous fuels reduction project proposed to be conducted using the expedited process described in section 5. The quarterly notice shall be provided in the Federal Register, in a local paper of record, and on an agency website. The Secretary concerned may combine this quarterly notice with other quarterly notices otherwise issued regarding Federal land management.

(2) CONTENT.—The notice required by paragraph (1) shall include, at a minimum, the following information regarding each hazardous fuels reduction project contained in the notice:

(A) Specific identification that the project is a hazardous fuels reduction project for which the expedited process described in section 5 will be used, including a clear statement whether the agency intends to use a categorical exclusion or to prepare an environmental assessment or environmental impact statement.

(B) A description of the project, including as much information on its geographic location as practicable.

(C) The approximate date on which scoping for the project will begin.

(D) Information regarding how interested members of the public can take part in the development of the project pursuant to the expedited process described in section 5.

(c) PUBLIC MEETING.—Following publication of each quarterly notice under subsection (b), but before the beginning of scoping for the project pursuant to the expedited process described in section 5, the Secretary concerned shall conduct a public meeting at an appropriate location in each administrative unit of the Federal lands regarding those hazardous fuels reduction projects contained in the quarterly notice that are proposed to be conducted in that administrative unit. The Secretary concerned shall provide advance notice of the date and time of the meeting in the quarterly notice or using the same means described in subsection (b)(1).

(d) FINAL AGENCY ACTION.—The Secretary concerned shall provide notice in the local paper of record and on an agency website of any final agency action regarding a hazardous fuels reduction project for which the expedited process described in section 5 are used.

(e) PUBLIC PETITIONS FOR INCLUSION OR EXCLUSION OF LANDS.—

(1) RIGHT TO PETITION.—An entity referred to in paragraph (4) may submit to the Secretary concerned a petition, with supporting evidence, that requests the inclusion or exclusion of an area of Federal lands in subsection (a) with regard to condition class.

(2) EVALUATION.—The Secretary concerned shall respond to a petition under paragraph (1) by public notice of a public viewing of the area in question, within 90 days of receipt the petition, with the petitioner and any other interested parties.

(3) RESPONSE.—The Secretary concerned shall accept or deny the petition within 180 days of its receipt, based on the site evaluation under paragraph (2) and a specific review of the historical conditions, forest type, and present fuel loads of the Federal lands covered by the petition.

(4) AUTHORIZED PETITIONERS.—A petition under paragraph (1) may be submitted by any of the following:

(A) A political subdivision of a State.

(B) A federally formed resource advisory council or provincial advisory committee.

(C) A resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

SEC. 5. EXPEDITED PLANNING AND IMPLEMENTATION PROCESS.

(a) SCOPING.—The Secretary concerned shall conduct scoping with respect to each hazardous fuels reduction project for which the expedited process established by this section are to be used.

(b) CATEGORICAL EXCLUSIONS.—

(1) PRESUMPTION NEAR COMMUNITIES.—If a hazardous fuels reduction project covered by section 3, for which the collaborative and public input process required by section 4 is used, covers Federal lands located within one-half mile of an at-risk community, the project is deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment. However, within one-half mile of an at-risk community, the Secretary concerned shall vary the treatments used to achieve heterogeneity of forest conditions and to ensure forest health.

(2) EXTRAORDINARY CIRCUMSTANCES EXCEPTION.—Paragraph (1) shall not apply to Federal lands located within one-half mile of an at-risk community if extraordinary circumstances exist with respect to the lands.

(3) EXTRAORDINARY CIRCUMSTANCES.—In the case of a hazardous fuels reduction project for which a categorical exclusion applies under paragraph (1), if extraordinary circumstances exist with respect to the project, the Secretary concerned shall follow agency procedures (as contained in CEQ regulation 1508.4, Forest Service Handbook 1909.15, chapters 30–33, as of August 22, 2002, and Bureau of Land Management Handbook H–1790–1, 516 DM 2.1–2.10) related to categorical exclusions and extraordinary circumstances.

(4) APPEALS.—Hazardous fuels reduction projects implemented using a categorical exclusion under paragraph (1) are not subject to appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals.

(c) ENVIRONMENTAL ASSESSMENTS.—

(1) IN GENERAL.—With respect to priority lands identified in section 3(b), if a categorical exclusion does not apply under subsection (b) to a hazardous fuels reduction project under section 3 for the lands, the Secretary concerned shall determine, consistent with the National Environmental Policy Act of 1969, whether an environmental assessment will be sufficient to meet the requirements for the project under such Act.

(2) CONTENT.—An environmental assessment prepared for a hazardous fuels reduction project under section 3 shall—

(A) be concise, if possible not more than 10–15 pages;

(B) describe sufficient information and analyses for determining whether to prepare an environmental impact statement or a finding of no significant impact;

(C) state the need for the proposed action;

(D) describe alternative actions, as required by section 102(2)(E) of the National Environmental Policy Act of 1969;

(E) briefly describe the environmental impacts of the proposed action and alternatives;

(F) list the agencies and persons consulted, as required by section 1508.9 of title 40, Code of Federal Regulations, with respect to National Forest System lands;

(G) reference supporting data, inventories and other documents on which the Secretary concerned relied to make the decision; and

(H) involve interested agencies and the public in the preparation of the environmental assessment.

(3) AVAILABILITY OF DECISION DOCUMENT.—When the decision document is complete for a hazardous fuels reduction project under section 3 for which an environmental assessment or categorical exclusion memo is prepared, the Secretary concerned shall—

(A) provide notice of the decision document in the Federal Register, the local paper of record, and an agency website, including notice stating how the documentation listed in subparagraph (B) will be available; and

(B) make the environmental analysis document, administrative record, and decision document or memo for the project, pursuant to section 215.2 of title 36, Code of Federal Regulations, readily available for public review.

(4) APPEALS.—Notwithstanding the appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals—

(A) persons must file any administrative appeal of a project under this subsection within 30 days after the date of issuance of the decision document for the project;

(B) the Secretary concerned shall resolve any appeal not later than 20 days after the closing date for filing an appeal; and

(C) the Secretary concerned shall stay implementation of the project until the end of the 15-day period beginning on date on which the Secretary concerned resolves any administrative appeal that complies with the requirements in subsection (d).

(d) ADDITIONAL LIMITATION ON ADMINISTRATIVE APPEALS.—Notwithstanding section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), if a draft document prepared pursuant to the National Environmental Policy Act of 1969 for a hazardous fuels reduction project covered by section 3 was available for public comment, the Secretary of Agriculture may require that a person filing an administrative appeal with respect to the project must have been involved in the public comment process for the project by submitting written comments raising specific issues with regard to the project.

(e) STATEMENT OF COMPLIANCE.—A catagorical exclusion memo or environmental assessment decision document prepared under this section shall include a short statement as to how the hazardous fuels reduction project complies with the requirement of section 3(c).

SEC. 6. DEVELOPMENT OF DEFINITIONS OF OLD AND LARGE TREES.

(a) USE OF NATIONAL ACADEMY OF SCIENCES.—The Secretary of Agriculture and the Secretary of the Interior shall jointly enter into a contract with the National Academy of Sciences for the preparation of recommended definitions of old and large trees appropriate for each ecosystem type to be used for purposes of this Act.

(b) QUALIFICATIONS.—To be eligible to serve on the panel of the National Academy of Sciences used to prepare the recommended definitions of old and large trees, a member of the panel shall have scientific expertise in the characteristics of old growth and the seral stages of forest types.

(c) SUBMISSION OF RECOMMENDED DEFINITIONS.—Not later than one year after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary of Agriculture, the Secretary of the Interior, and Congress the recommended definitions of old and large trees appropriate for each ecosystem type.

SEC. 7. ONGOING PROJECTS AND EXISTING AUTHORITIES.

Nothing in this Act shall affect a hazardous fuels reduction projects for which scoping has begun before the date of the enactment of this Act or affect authorities otherwise granted to the Secretary concerned under existing law.

SEC. 8. PREFERENCE TO COMMUNITIES WITH FIRE PREVENTION ORDINANCES.

In determining the allocation of funding for the Community and Private Land Fire Assistance program under section 10A(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C 2106c(b)), the Secretary of Agriculture shall prioritize funding to those communities that have taken proactive steps through the enactment of ordinances and other means to encourage property owners to reduce fire risk on private property.

SEC. 9. SUNSET.

The provisions of this Act shall expire at the end of the five-year period beginning on the date of the enactment of this Act, except that a hazardous fuels reduction project for which a decision notice, or memo in the case of a categorical exclusion, has been issued before the end of such period may continue to be implemented using the provisions of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL FOREST SYSTEM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on National Forest System Lands, there are authorized to be appropriated to the Secretary of Agriculture $1,943,100,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(b) BLM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on Federal lands described in section 2(b)(2)(B), there are authorized to be appropriated to the Secretary of the Interior $1,888,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(c) OTHER LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on tribal lands, nonindustrial private lands, and State lands, there are authorized to be appropriated to the Secretary of the Interior $500,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

□ 1430

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 239, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) will control the time in opposition.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Already today we have heard a lot of heated exchange on the subject of fire policy. Our Republican colleagues will make impassioned speeches about the need to pass this legislation to protect communities. The President has implored the Congress to act. And without question Democrats and Republicans agree that this is a critically important issue to so many of our western communities, to the health of our forests, to the safety of those communities and to those who are engaged in firefighting during the fire year in the western United States.

But there is a big difference between these pieces of legislation. There is a big difference between talking about catastrophic wildfires and really helping communities that are at risk. There is a world of difference between wildfire legislation put forth by my colleagues on the Republican side of the aisle and the alternative that we are proposing on this side of the aisle. That really comes down to an issue about the priorities of these communities.

Yes, we have drawn an area around these communities of a half mile which we have slated for fire treatment; and if we treated all those communities we would use up all of the money that is in the budget for the treatment of those fires, those where we engage in catastrophic fires, not necessarily the largest fires that take place in the western United States or in the United States, including Alaska, where huge fires rage very far from communities, far from where people live. Those are destructive fires in many ways, but they are not the catastrophic fires where we engage in the intensity of firefighting, the risk of human life, and the risk to property.

So we think in our legislation that we have made a decision that we will concentrate the resources on that, we will do it in a bill that is essentially noncontroversial, that addresses the problem, that can go to work right away, can create the jobs in the community that are necessary to provide for the health of our forests and the safety of our communities.

It is very clear, I think, when we look at both bills. Westerners understand the difference between smoke and fire, and I would suggest that the Republican bill is a lot of smoke if we are talking about protecting those communities. I think it is important to understand what are the distinctions in the bill. We provide direct aid to local communities to treat private lands and public lands because they are intermingled. To suggest you are going to do one without the other is to put the other at risk.

In fact, we find that there is not the aid to local communities in the Republican bill. Our provisions are noncontroversial and will speed up the thinning projects. I think when my colleagues read the legislation presented by the committees, they will see, as we have already heard comments from so many organizations that are deeply concerned about the due process provisions of this law, that will make it much more difficult, certainly delay its consideration in the Senate.

We create the new jobs quickly, providing that aid for the treatment on public and private lands, and we target the resources to those communities that are at risk and to the watersheds in those communities that are at risk. That is what we should be doing. That is what we should be doing. And we should especially be doing that when we consider the budget requests of this administration, which requested less money in this budget for hazardous fuel treatment than in the previous year.

The Department of the Interior requested stable funding in this year. The fact of the matter is, in total, what we see is there is less money to treat fewer acres. That is why we had to set some priorities.

Yes, we would like to think that we could second-guess nature, that we could go out to where lightning is going to strike, treat that area this year, and we would not have a fire there next year. But the fact of the matter is, in the urban-suburban interface, where communities have moved into the forest, where there is a risk, where there is a different urgency about fighting a fire because of properties and threats to communities where we put people most at risk in fighting those fires, that is where we ought to have the priority.

That is really what this legislation does. It makes a decision that the Congress, living within the budget constraints, and I hope the Committee on Appropriations will add additional money to this, but living within those constraints, let us treat those lands where we have the most critical need on this.

The suggestion in the Republican bill is that if we just cut down enough big trees, enough big valuable trees that are not the problem with fire, therefore we can pay for the treatment of more lands. In California, it is suggested that we could cut down many of the areas of the giant sequoia monuments, where we are preserving some of the oldest trees on the face of the earth, that we could cut down these trees and pay for treatment in Southern California or Northern California. That is a Faustian bargain the public does not want.

We have heard much discussion here about how fires used to creep along the forestlands. The suggestion we have to cut down the biggest trees so fires will once again creep along the forestlands is a mistake. What we need in many instances, and what many communities can do on a priority basis, is mechanical treatment and controlled burns to get rid of that understudy of brush that then allows those fires to jump into the crowns. But that is not what the Republican legislation does. It does not put the priority in the protection of those communities.

Mr. GOODLATTE. Mr. Speaker, I yield 15 minutes of my time to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, and ask unanimous consent that he be allowed to manage that time in opposition.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. POMBO) will control 15 minutes of the time.

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

Mr. Speaker, last year this Nation lost 6.9 million acres to catastrophic forest fires. That is an area larger than the entire State of Vermont. The Federal Government spent $1.6 billion in a losing effort to save that forestland. The Healthy Forest Restoration Act would expedite hazardous fuels reduction projects on a fraction of the 190 million at-risk acres in our national forests.

The Miller substitute seeks to throw us back into the morass of inaction and delay that is destroying our natural resource base. According to the Chief of the Forest Service, last year the Forest Service spent over $250 million on land management projects. Forty percent of that amount, over $100 million, was wasted on process delays. If we continue to approach catastrophic fire losses like this, we will have lots of lawyers and still lose the forests.

The Miller substitute would reinstate the opportunities for procedural delay and even adds new unnecessary steps. This will drag the system even further into the mire that is exposing forest after forest to catastrophic fire threats.

The substitute forces 85 percent of funding for hazardous fuels reduction to be spent within one-half mile of an at-risk community. This arbitrary standard provides little meaningful protection to towns caught in the path of raging fires, the pictures some of which we have seen already in the debate, that have been observed to leap up to 2 miles past the main fire. By throwing almost all the projects into a narrow useless belt around towns, the substitute ignores the peril to watersheds, wildlife, particularly endangered species, and the forest itself.

The basic approach of the Miller substitute seems to be: If you can't beat it, wreck it. The most puzzling aspect of the substitute is that it totally ignores most of the bill. It does a thorough job of heaping needless process delays on the hazardous fuels reduction projects, but it ignores the threat of insect infestation on public and private lands. In my part of the country, it is the disease and insect infestations that are the greatest threat in the east and the south. The substitute refuses to accept the watersheds protection and healthy forest reserve programs created by H.R. 1904.

The Healthy Forest Restoration Act is a balanced approach to responsible conservation of our public and private forest resources. It addresses forest health problems and promotes good stewardship across the Nation. The Miller substitute is a scheme to undermine fire protection efforts and effectively pretends there are no other forestry problems worth addressing. The labor unions, conservation associations, State and local governments, and professional foresters who support H.R. 1904 disagree.

Mr. Speaker, I urge the defeat of the Miller substitute and the passage of this outstanding bill, a first step to ending the carnage of our Nation's forestlands.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I rise in support of the Miller-DeFazio substitute, H.R. 1261. I do so because I think we need a positive vision, and that positive vision is the Miller-DeFazio substitute.

Protecting homes and keeping people safe must be the top priority of wildfire policy. Forest Service researchers believe making homes firewise and creating defensible space near communities is the best way to achieve this goal, one that could be realized within a short period of time.

Advocating for fuel reduction treatments to be focused on community protection zones does not mean the rest of the forest is left to burn. Restoration treatments focused on prescribed burning and small diameter thinning must proceed in the forest dependent on frequent fires, such as the Ponderosa Pine. More than 50 southwest conservation organizations have been calling for precisely this type of action since 1996. With continuing droughts and tight budgets, focusing on the community is the most effective, commonsense approach.

The Miller-DeFazio substitute is the definitive middle ground and is the only option that addresses hazardous fuels reduction and community protections.

H.R. 1261, the Miller-DeFazio substitute, protects old-growth forests, promotes thinning from below, guarantees due process, protects the NEPA review process, and, in complete contrast to H.R. 1904, actually provides guaranteed funding directly to communities, States, and tribal governments for protection of their people, their homes, and their businesses.

This is an effective solution before us today, and I ask, no, indeed I implore, that we vote for the solution in the Miller-DeFazio substitute.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, the Miller amendment would eliminate title 4, and it is about management techniques on an accelerated basis to stem the exploding insect epidemics.

To say that a research program is a ruse for commercial timber harvest is to ignore the plain language of this legislation. Large-scale studies are needed to test and demonstrate the effectiveness of treatments. This title creates a partnership between the Forest Service and academia to bring the very best minds in this country to solve these problems.

We want to talk about a new insect, the Hemlock woolly adelgid. It has come into the eastern part of this country. It came in 1950, and by the early 1990s this had spread into 11 States from North Carolina to Massachusetts, causing extensive Hemlock decline. This map shows where it is now spreading.

This insect, the adelgid, kills infected trees in 3 to 5 years after attack and spreads quickly. This next picture here shows these egg sacs that have up to 300 eggs apiece and how to identify a tree that has this insect. It feeds on the needles, and when they are done, here is what a Hemlock tree looks like. A beautiful Hemlock tree now looks devastated.

We need research. We need the ability to stop these insects that will destroy the Hemlock forests in the East. The substitute is removing the ability to do this. This substitute is not about helping fight the insects that are destroying the forests in this country.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise also in strong support for the Miller-DeFazio substitute, and I hope that everyone in this room will proudly support that amendment as well. It puts local people first in making decisions about forest fire prevention, and it will get people to work right now before other emergencies come up. It focuses research where they are needed the most, in areas surrounding communities where people live.

I say that, Mr. Speaker, because last year we were also faced with one of our forest fires in Los Angeles, the Angeles National Forest, right on the periphery near cities that both I and the gentleman from California (Mr. DREIER) represent. By contrast, H.R. 1904 is a bill that ignores the needs of communities near forests.

H.R. 1904 drastically revises our legal review process and will create gridlock in our court system by virtually guaranteeing that every fire prevention plan be contested. It gives priority to those cases over all other legal matters, including cases pertaining to murder and civil rights.

□ 1445

That is why many groups and organizations that I work with, the NAACP, the Mexican American Legal Defense and Education Fund, and the National Organization of Women, and all other major environmental groups oppose H.R. 1904. H.R. 1904 ignores regional approaches to fire protection that has been carefully crafted with input from our local communities, industry, environmentalists, and State government. If we want a plan to truly protect our forests and our environment and the people that live there, then do the right thing and vote for the Miller-DeFazio substitute.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I rise today in opposition to the amendment specifically because it sets a one-size-fits-all policy across the country. The gentlewoman just spoke about local control, local coordination. That is exactly what this amendment does not do. Imagine for a minute looking down on one's own garden and being told you cannot weed anywhere but within 6 inches of your tomato plants. That is what we are telling the forest officials across the West, they have a half-mile diameter radius outside their city. That is where they will concentrate the money and weed the forest. That is where they will take out the small diameter, dog-hair thickets. Mind the scientists and the experts that proved that the vector fires, the pattern of where the fires are going to come from, where the prevailing winds and terrain are, never mind being able to thin in those areas so the firemen have a fall-back position, thinning is only within a half mile of town. That is it, no fall-back. This binds the hands of the Forest Service. Vote ''no'' on the amendment.

Mr. GOODLATTE. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON).

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

Mr. CANNON. Mr. Speaker, first of all, I would like to thank those people who have worked so hard on both sides of the aisle on this bill, and I rise in support of the underlying bill and in opposition to the amendment in the nature of a substitute.

Last year's wildfire season was among the most destructive in half a century. With frightening speed and growing intensity, wildfires swept across pristine forest preserves around the country destroying homes by the hundreds and forcing evacuations of thousands of residents, and blighting America's skies with thick, black, choking smoke. Over 190 million acres are now at heightened risk of wildfires.

The incidence and severity of these fires can be reduced through the controlled reduction of fire accelerants. For several years, procedural and legal obstacles have precluded land managers from taking timely steps to address these dangers. Currently, it takes several years to propose, analyze, reanalyze, litigate, and appeal preventive management options.

The Healthy Forests Restoration Act of 2003 helps provide Federal land managers with the tools to ensure timely and effective response to wildfire threats.

H.R. 1904's judicial review and expedited administrative procedure provisions formed the basis of the Committee on the Judiciary's consideration of this legislation and comprised some of its most critical components.

Specifically, section 104 streamlines procedures for implementing threat reduction projects on Forest Service and Bureau of Land Management lands near at-risk communities, on fire-prone lands near municipal water sources, on lands that encompass habitat for endangered species, and on lands particularly vulnerable to disease and insect infestation. The Secretary must permit an environmental assessment or environmental impact statement for each of the authorized hazardous fuel reduction project.

Section 105 requires robust public participation throughout the process by requiring the Secretary of Agriculture to develop a formal administrative appeals process for persons who wish to challenge the implementation of forest preservation efforts.

Harmonizing the Forest Service's administrative appeal mechanism with the highly protective appeals process employed by the Department of the Interior promotes public participation, safeguards procedural due process, and permits the more timely implementation of urgent forest protection measures.

Section 106 pertains to the judicial review that requires the Federal courts to reevaluate the factual conditions underlying preliminary injunctions halting threat reduction projects every 45 days. This is critical. Presently, injunctive stays may remain in effect for years before courts reach the merits of a legal challenge, with sometimes catastrophic consequences. Periodic judicial reappraisal of the circumstances predicating injunctive relief will better equip courts to assess and address hazardous forest conditions.

Finally, under the current system, Federal courts focus almost exclusively on the consequences of implementing fire reduction projects. Section 107 of this legislation simply requires Federal courts to also assess the consequences of inaction.

This section, as amended by the gentleman from Virginia (Mr. GOODLATTE), also instructs Federal courts to weigh the factual and scientific assessments of forest threat conditions provided by the Forest Service and Bureau of Land Management when reviewing threat reduction initiatives. This guidance is consistent with Congress's plenary authority to determine the level of probative value courts may ascribe to agency determinations.

For millions of Americans, particularly in western States such as Utah, which I represent, the threat of forest conflagrations is not a hypothetical possibility, but a daily reality. H.R. 1904 enjoys overwhelming bipartisan support in the areas most threatened

by forest fires. Passage of the Healthy Forests Restoration Act will help reduce the growing prevalence of forest fires that have destroyed irreplaceable natural resources, including endangered species, and that have threatened hundreds of communities over the last several years.

I urge my colleagues to help safeguard America's forests from increasingly intense and common conflagrations. As chairman of the Bicameral Western Caucus, I can personally attest to the urgency of passing this bill, and encourage my colleagues to support this carefully tailored, proenvironmental legislation and to oppose the amendment in the nature of a substitute.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this substitute amendment, not because I think it is perfect, but because I think it is a better choice than the underlying bill. The substitute is partly better because what it includes and partly because of what is not in it.

Most importantly, the substitute includes some of the best parts of the McInnis-Walden bill the Committee on Resources approved last year. Like last year's bill, the substitute earmarks most of the fuel-reduction money for projects to protect our communities and their water supplies.

In both the Resources and Agriculture Committees, I tried to amend the bill to restore the requirement that at least 70 percent of the money for forest thinning projects go to protect communities and their water supplies. That 70 percent requirement was in the McInnis-Walden bill last year, but it is not in this year's bill. So on this very important opportunity, the substitute is more in line with the bill I voted for last year.

Also, the substitute has a sunset clause. I think it should be included because that title is strong medicine to respond to an emergency situation. It is only sound policy to allow it to work for several years and then look at how well it has worked. A sunset clause will make sure that happens. The substitute also includes essentially the same provisions on administrative appeals as those in last year's bill. The purpose is to cut red tape and to speed up the resolution of appeals to avoid unnecessary delays.

I think those provisions are appropriate and have included similar ones in my own bill on this policy area. However, the new bill does not include any of those provisions. It simply allows the Secretary to establish any kind of appeals process the administration prefers. This is essentially a blank check. I do not think that is a good idea because it does not ensure that the result will strike the right balance between the need to avoid unnecessary delays while still affording local governments and other interested parties a meaningful opportunity to appeal things they find objectionable.

At the same time, the substitute does not include some of the most troubling parts of the new bill. Unlike the bill, the substitute does not go beyond the scope of last year's McInnis-Walden bill approved by the Committee on Resources. Many parts of the bill are absolutely new. There are things on which we have had no hearings and which threaten to bog us down in new controversies. They may have some merits, but I think it would be better to consider them separately, not as a part of this bill.

Finally, as I said, the substitute is not perfect, with all due respect to the gentleman from California (Mr. GEORGE MILLER). If it was just up to me, it would be different in several respects. In fact, it would read just like the bill H.R. 1042, the bill I introduced with my cousin and colleague, the gentleman from New Mexico (Mr. UDALL). I would have a broader definition of the wildland urban interface. If we are to truly address the risks to communities and their water supplies, we must include lands that are sometimes outside an arbitrary mileage limit from the edge of a particular community.

That is why my bill uses a definition based on the one developed by our Colorado State forester. On this one point, H.R. 1904, as well as my bill, is closer to the Committee on Resources bill from last year. But, unfortunately, my bill is not one of the choices before the House. We have to choose between H.R. 1904 and the substitute.

The substitute builds on the bill the Committee on Resources passed last year, while H.R. 1904 throws away some of the best parts of that bill and adds many new and troublesome provisions. I think the substitute is the better choice, and I urge its adoption.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, who supports our bill? I would tell my colleague from Colorado, the Colorado State forester supports our bill.

Mr. Speaker, the Society of American Foresters, the National Association of State Foresters, and the Western Forestry Leadership Council support the underlying bill, H.R. 1904. These are the professionals in the field in the forests who want to do the work to prevent this kind of catastrophic fire. These are the people who come to us every day and say free our hands so we can do what we were trained to do in the colleges and universities across this country, to cut the underbrush, to tend to the garden for more than half a mile.

There is no scientific, underlying purpose to limit the scope of either of these bills to half a mile. There is not. That is a political decision somebody made. Members want to talk about the abuse we are getting on this side for somehow doing away with NEPA? Check the substitute, page 16, that grants the Secretary's categorical exemption, and let me read from line 4. The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment. They do not even have to do an analysis. We require an environmental assessment or an EIS in these areas, but theirs to do hazardous fuels says they can do whatever they want as long as it is within a half mile from the community, no NEPA required. There is a specific exemption from NEPA. That is on page 16, beginning line 4, categorical exclusion.

But let us talk about what is really at stake here, and that is what we do to prevent fires from engulfing our communities, destroying our watersheds, wiping out habitat of threatened and endangered species. And let me quote from the National Association of Forest Service Retirees who wrote: ''The big fires of 2002 came roaring out of interior forests, and nothing but a change in the weather stopped them. The consequences of only thinning around communities will be to give residents a false sense of security that may put property and their very lives in danger.''

Mr. Speaker, a false sense of security. That is what the Miller-DeFazio substitute gives people in communities. We say we are solving the problem, but we are only going a half mile back. We ought to be stopping catastrophic fires that affect the watersheds and people; but they would not qualify for the kind of quick, hazardous fuels reductions that we both want to see happen throughout the forests.

Once again, where does this not apply? The legislation does not touch national parks, national wildlife refuges, wilderness areas, wilderness study areas, national monuments, or roadless areas. It does not get into any of those areas. This is a very small step forward, 20 million out of 195 million acres we want to get an expedited process in to see if we cannot make a difference. We want to do the assessments and the research to figure out what the best way to stop the bug and disease infestation we have seen in our forests.

Mr. Speaker, we are going to wipe out our hardwood forests and our softwood forests across this country if we debate this to death and do not act. I urge defeat of the Miller-DeFazio substitute, and I urge enactment of H.R. 1904.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, first of all, let me rise today on behalf of the Miller-DeFazio substitute because I believe it is the much

better bill before this body today, and let me tell Members why.

□ 1500

We are talking here about trying to deal with forests that are overgrown, a situation that has grown over 100 years; and we are trying to find out a way to get those forests healthy. The approaches that are before us here are pretty radical. The bill that has been offered by the majority in this case does some unprecedented things in terms of judicial review. It really in fact guts some of the injunctive relief provisions and slants the whole process towards the Federal Government.

I hear on their side of the aisle talk all the time, limited government, we want limited government. What they are voting for is giving the Federal Government the balance of the power when you get into court on injunctive relief. And so they are tipping the scales in behalf of the Federal Government. And who else is in court? The citizen. That is who is in court. The citizen is in court with the Federal Government. And so this majority bill is basically saying, when you get into court and you start looking at these tough issues, citizens raise good concerns, well, it doesn't matter that they have raised good, proper concerns, let's rig the court system, let's rig the court system so it comes out in behalf of the Federal agencies.

I hear talk all the time in the Committee on Resources, oh, we have got to limit the Federal Government, we have got to watch these Federal agencies, we have got to keep an eye on them. You are not doing that in this bill. This bill is just opening the gates wide open for Federal agencies to abuse that power. The Miller-DeFazio substitute does not have a judicial review section. It does not have that egregious section. So it is better by far just on that account. But what Miller-DeFazio does is actually focus the Federal Government on thinning in the areas where it is needed most. The base bill is completely unfocused. You do not have a clue where they are thinning. Miller-DeFazio focuses in and says, let's look at urban-wildland interface, let's look at municipal watersheds, let's spend our time and resources in those areas. That is a significant difference here.

Another significant difference is in the NEPA process. I beg to differ with the gentleman from Oregon who says that our bill does some unfair things in terms of NEPA. We allow the citizens to participate with their forests, participate in the process. The underlying bill, the base bill, does everything it can to cut the citizens out of the process, shorten the deadlines, weight the judicial system against them. When it comes to allowing citizens to participate in their forests, these, after all, are the forests of the United States of America. The public owns these forests. What we are doing in this base bill is gutting the ability of the citizens to actually participate in the process.

And so the better bill today is Miller-DeFazio. I would urge everyone to vote for that. And if that is not adopted, to vote down the base bill, the bill that is before us, because it is unbalanced, it is unfair, and it hurts citizens' ability to comment on their forests.

Mr. POMBO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, 190 million acres of our Federal forests and rangelands are at unnaturally high risk to catastrophic wildfire. Currently, only 2.5 million of these acres are treated by forest managers. This is due to the immensely bureaucratic, litigious process that prevents proper forest management. The Miller amendment does not address this.

An example of the crisis facing our national forests was evident last year when a fire was blazing out of control in the Sequoia National Forest. The fire, called the McNally Fire, was raging dangerously close to an ancient sequoia grove within the National Sequoia Monument. Firefighters were prevented from controlling the blaze for several days because it was too dangerous.

In total, the McNally Fire charred over 150,000 acres of the forest; and it could have decimated the sequoia trees, some of which are over 1,000 years old. Responsible stewardship would have prevented this problem and would have minimized the amount of trees, habitat, and watersheds that were destroyed in the Sequoia National Forest. The Miller amendment would almost guarantee that this fire could happen again.

The McNally Fire is just one example demonstrating why the Healthy Forests Restoration Act is necessary. The enhanced flexibility given to local forest managers in the bill will better protect our forests. By streamlining procedures and ensuring public participation, forest management projects will be finished within months rather than years. The Miller-DeFazio amendment falls short of this goal.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank all of those who participated in the process of the healthy forests reform legislation for doing a pretty good job. I think we are moving in the right direction. In this piece of legislation today we are moving significantly in the right direction. It does not go the whole way that all of us want to do, but we move significantly in the right direction. For those Members who will support the Miller amendment and oppose the underlying bill, the democratic process is a never-ending story, so we will always have opportunities to do what we want to do in this constant management regime.

The other thing is, we do something, I think, that is extraordinary in the underlying bill and that is that it deals with the hydrology, or the watershed approach, to our national forests. This kind of approach takes out the fragmentation piece by piece, the politically charged process of dealing with what we need to deal with, and that is healthy forests. What were they like 10 years ago? They were not very well 10 years ago. What were they like 20 years ago? Healthy forests did not exist 20 years ago. But what were they like 500 years ago? It was a natural process. What we are trying to do in this legislation is go through a process to get back to restore the prodigious bounty of nature and our healthy forests.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, my Republican colleagues should hear themselves over there. I have been sitting up in my office listening to this debate. They are saying our forests are diseased. They are right. But I ask, when was the last time they supported adequate funding for forest disease research in any of our bills?

They rightfully worry about fires devastating our forests. But I ask, when last did they support any kind of growth control, any kind of control that would prevent neighborhoods from butting up against our forests?

Their solution is right, cut the trees. Because if there are no trees, there will be no forest fires.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I must at this time speak in opposition to the Miller-DeFazio amendment. As a member of both the Committee on Agriculture and the Committee on Resources, I saw the evolution of the McInnis-Walden bill, H.R. 1904, heard it debated at length and heard it amended at length. The base bill provides desperately needed safeguards for our Nation's forests. It is well crafted, it is thorough, it is comprehensive.

I have five major concerns with the Miller-DeFazio amendment:

Number one. As has been stated many times today, the one-half-mile thinning zone is not adequate obviously to protect many homes and many residential areas. Many fires have jumped further than the one-half-mile limit.

Number two. The Miller amendment does not adequately address bug and insect outbreaks. This has been particularly a big problem in the South, in the East, and in some of the areas in the Midwest which abut to the State of Nebraska. The red oak disease has been particularly predominant in that area.

Number three. This amendment prohibits new road development. Certainly no one wants a lot of new roads in our forests, but new roads occasionally are

critical to firefighting. Last summer that was one of the major problems that we had; we could not get to the fires. And so at times some road building will be necessary.

Number four. The Miller amendment requires several mapping and reporting procedures which will slow down the decision-making process necessary to reduce fuel loads. We need less paperwork; we do not need more. The base bill, I think, does eliminate paperwork, and that is very important.

Number five. There is a concern that this amendment does not address some watershed concerns that are critical to clean water. I am a fisherman. I am very concerned about streams. I am concerned about habitat. The base bill, I think, does a better job of protecting the watershed areas.

The base bill is comprehensive and thoroughly crafted. I urge its passage without amendment.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE), a member of the committee.

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

Mr. INSLEE. Mr. Speaker, I want to speak in favor of the Miller substitute. I have two, I think, critical questions that need to be answered. The first question is, How does the majority party in the underlying bill purport to actually pay for what the Forest Service says is millions and millions of acres of fuel reduction treatment? Are they going to hold a lottery? Are they going to hold a bake sale? There is nothing in their bill to say how to get the payment. The Miller substitute is a mature, responsible bill because it authorizes the money. It authorizes the money not only for the Federal Government but for the State and local government.

It is not just the Federal Government that needs help here. It is local government. Earlier I made reference to Glenwood Springs, the mayor sending a letter asking for an amendment to make sure there is help to local governments. It was suggested, I suppose, that there is something wrong with that. In fact, we went through and we found out that it is not just Glenwood Springs. There are letters from officials in Basalt, Pitkin County, Gunnison County, Summit County, Nederland, Boulder, Wheat Ridge, Golden, Silt, San Miguel, and Carbondale asking this Congress to help local communities solve this problem. There is not a penny in the majority's bill that does that. It is wrong.

It is an echo of the homeland security issue. It is an echo. We have not helped local communities deal with this problem. I think the assessment of the gentleman from California (Mr. POMBO) of how we got into this pickle was really quite eloquent. I think it was right, that there was a bipartisan failure of management for a long time. But the problem is that there is not bipartisan support not on whether to have a fuels reduction program but how to have a fuel reduction program. We think on this side of the aisle we ought to help these local communities.

The second question: How in the underlying bill do they guarantee the American people we are not going to cut down old growth timber like this in this fuel reduction program? We have no business cutting down big trees like that instead of the little, tiny, skinny trees that we ought to be cutting down in a fuel reduction program. Their bill does nothing to guarantee Americans in that regard. They criticize the gentleman from California's bill for having categorical exclusions. But those categorical exclusions have protections to guarantee against this stuff being cut in those wildland-urban interfaces and the community protection zones. We have language protecting specifically against old growth being cut. We have provisions against using the fiber from these big trees for financing this program.

This dovetails back to the very first question I asked, Where are they going to get the money to pay for this? I know they are intelligent folks and I respect them all. They are not going to get it from lotteries and bake sales. They have only got one place I can possibly imagine to get the money from this and that is cutting down trees just like that to pay for it. We could do a lot better job on a bipartisan basis answering the question how to have a fuels reduction program, whether to have one, and that is by having protections for trees like this. They did not do the job. We ought to pass the Miller substitute.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding time.

Mr. Speaker, I rise in strong support of the base bill by the gentleman from Colorado (Mr. MCINNIS) and in opposition to the Miller amendment. I note that today's New York Times calls this a flawed fire bill. I might suggest that The New York Times would do better to look at the credibility and believability of its reporters, indeed to their veracity, than at fire policy because they have got this one dead wrong. What they do is they attack the McInnis bill for not doing enough to protect the areas where there is human habitat. Indeed, they say the bill does nothing to protect our communities. They say it allows logging to go forward in back country areas where fires offer no threat to human safety. I would suggest to The New York Times and to my colleagues that the issue behind forest thinning is not human safety. The issue behind forest thinning is to protect our forests.

□ 1515

It is true that we have a situation in the southwestern United States where our forests are gravely overgrown, but they are not just overgrown on the urban interface. They are overgrown everywhere. And the experts such as Dr. Wally Covington at Northern Arizona University and others all concur that we have an unnatural condition in our forest which is a radical danger. We need to protect not just the urban interface. We need to protect the entire forest. Indeed, to protect endangered species, if we do not do the remote parts of the forest where it needs to be thinned to protect wildlife, then we will destroy their habitat.

I strongly support the base bill and oppose the Miller substitute.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. Mr. Speaker, I rise in opposition to the gentleman from California's amendment.

When President Bush proposed this healthy forest initiative, great care was taken by the administration and leadership in crafting a bill that is beneficial to all forest in the United States, not just some. This is a laudable and logical goal. Healthy forests are not simply forests that are free from brush and undergrowth. Healthy forests are also free from disease and pest infestation.

In my home State of Alabama, our forests are under attack every day from pest infestation in the form of the Southern pine beetle. The beetle burrows into the trees and lays eggs below the bark. The result is a rapid deterioration of the health of the tree and in most cases its death.

Unfortunately, this amendment would take out every single reference to insects or disease. It is not good public policy to address the health of our forests without addressing insects and disease.

Mr. Speaker, if I had been elected to represent the southern pine beetle in my home State I would probably support this amendment. But on behalf of the thousands of landowners and timber growers I strongly oppose it, and I support the underlying bill.

Mr. GEORGE MILLER of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. GEORGE MILLER) has 9 minutes remaining. The gentleman from Virginia has 5 minutes remaining. The gentleman from California (Mr. POMBO) has 6½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to follow up on what the gentleman from Washington (Mr. INSLEE) said here, because it is a part of the bill that is in fact a subterfuge in the underlying bill of the committee, and that is that they are not prepared to authorize money to be expended for this purpose, so they are going to rely on forest stewardship contracts.

We have already been put on notice by the people in the Forest Service in California that they are going to need

to log the large trees around Lake Tahoe in Northern California to go down and to do treatments in forests in Southern California where there are no big trees. It will not pay for it. They cannot cut enough trees to pay for it. It costs about $1,500 to $1,800 an acre to treat these lands, and yet there is no money in this. So they rely on forest stewardship. They have got to go out, and they have got to cut the big trees. If the communities do not have the big trees, then they are not going to be in the priority because they have got to pay for the projects.

That is why we put up real money in the authorization for this purpose so those communities could be treated and they can cut any size tree they want. There is no limitation on this, and they just balance out the books.

Forest stewardship is not about balancing the books. It is about balancing the watersheds. It is about balancing the ecology of the area. It is about balancing the soils. It is about balancing the growth rate. It is about balancing the infestation. It is all of that in determining the health of those forests. But what we have suggested is they just create an accounting system. They have got to treat 1,000 acres. Then they have got to go cut enough big trees somewhere to pay for the treatment of that 1,000 acres.

That is not the proper way to do this. There is a public cost to this, and it ought to be authorized. If they are going to spend all the money on infestation, then where are they going to get the money to do the fire treatment that is necessary in forests where fire is the major threat, not necessarily infestation?

So that is the weakness in the underlying bill. If we want to deal with the problem that was agreed upon, that there was this area around the cities, around these communities that needed to be treated because that is where the catastrophic fires could break out, that is where the danger was posed; and to protect those watersheds, that is where we were prior to the election.

Now that it is decided, they have got those votes, they are going to open the door, and the fact of the matter is we now have a bill with no discipline. There are no priorities, and they simply must pay for it by cutting down late successional old forests or the largest trees they can find in the area.

Because if one could make money outside of chipping them, people would take the small trees. They would be happy to have them. But we know that that is not going to happen; and when we look at the budget submissions of this administration, they are planning on treating less land this year than they did the year before.

So we have got kind of a cataclysmic event taking place here between the needs of the forest, what many are projecting to be a dramatic fire year, maybe more so than the past year, no budget money, which then pushes them into large forests where the fire treatment in many cases is less needed than around the communities. That is the irrational part of the Republican bill.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, first of all, keep in mind, Mr. MILLER, that the national fire plan has hundreds of millions of dollars in there. This big tree argument is nonsense. We are not going out there and saying, gosh, we have got to go to the redwoods or the sequoias and cut down all this beautiful stuff. That is an emotional argument that is used for one purpose and that is to divert from the science.

Mr. GEORGE MILLER of California. But it also happens to be accurate.

Mr. MCINNIS. I do not mind the gentleman making that comment. The fact is it is not accurate, Mr. MILLER, and you know it is not accurate. We are not going out there saying let us pick the most beautiful big tree we can find and cut it down. That is exactly the kind of picture you want to portray to the general public out there so you can divert from the fact that we have reached this status quo on trying to fight these forest fires, on trying to protect our wildlife habitat, on trying to protect our watersheds.

The gentlewoman from California (Ms. WOOLSEY) gets up here, my colleague. She starts lecturing the Republicans. I want you to know the partisan portion here is the Democratic substitute. You have no Republicans on your substitute.

My bill, the underlying bill, is a bipartisan bill. It has heavy Democrat support. Mr. MILLER, what do you do for the gentleman from Arkansas (Mr. ROSS)? What do you do for the gentleman from Arkansas (Mr. BARRY)? What do you do for the gentleman from Utah (Mr. BISHOP)? What do you do for the gentleman from Texas (Mr. STENHOLM)? You take out all the bugs and the infestation problems.

Folks, we have got problems out there. We have got fire problems, and we have got bug problems. And the courts do not wear green hats. They are not forest rangers. They are not going to get this resolved. We cannot afford one more fire season sitting on our haunches, twiddling our thumbs and pretending these horrible fires are not occurring.

Let me mention Mr. UDALL. Mr. UDALL says our language guts the injunctive relief. Mr. UDALL, for your information, that language is called the Feinstein language. Why do you not take this issue up with Senator FEINSTEIN?

Let us go on here a little. When we talk about what we are attempting to do, look at the substance of the bill.

Mr. UDALL from Colorado, it is never good enough for you. At some point we have to say, enough is enough. Let our forest people go back to managing the forests. Let the forests be managed by science, not by emotion; and the way you drive emotion is to stand up here on this House floor and talk about how we are going to cut down the big trees, that in order to pay for this we are going to take the big trees and take them out.

Not at all. The fact is, we need to manage our forests. We cannot take the position of the radical environmental organizations like Earth First and the Sierra Club. We can take the position of a bipartisan group on this floor, Democrats and Republicans, and that position is represented by the underlying bill.

I urge a no vote on the Democrat non-Republican partisan substitute, and I urge support for the underlying bill that is bipartisan, has heavy Democrat and Republican support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to direct their comments to the Chair and not to others in the second person or who may be viewing the proceedings.

Mr. GOODLATTE. Mr. Speaker, might I inquire of the Chair how much time is remaining and who has the right to close?

The SPEAKER pro tempore. The gentleman from Virginia has the right to close. The gentleman from Virginia has 5 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 6 minutes remaining, and the gentleman from California (Mr. POMBO) has 3½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

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

Mr. REHBERG. Mr. Speaker, I feel like I have been watching the screenplay from Dumb and Dumber. We all admit that the last few years of managing our forests has been dumb. If we pass this substitute, we are even dumber than I thought we were. We are changing this bill from a healthy forest bill, by passing this substitute, to a healthy community bill.

I am not against healthy communities, but I can tell my colleagues, from being in an area where we fight these fires, the communities are the first things that we come in to protect when the fire gets treated. We go in with bulldozers, and we clear it out. So they are probably the last ones that need our help because we always find the money when the fire is going on.

What we need to understand is that dead and dying grass is every bit as bad as overgrazed grass. The dead and dying trees are every bit as bad as overlogging trees.

I look up in the audience and I look out at America and I see people with hard hats and what do I think of? I think of heroes, because they use their capital, they use their labor, and they use their equipment to go in and cut down the trees. We tell them to.

I look at the gentleman from Washington's (Mr. INSLEE) picture of a tree. The Members cannot tell me whether

that is a healthy tree or not sitting 2,000 or 3,000 miles away looking at a picture of it.

A Congresswoman from the other side of the aisle graced us with her presence for about 30 seconds to come down and tell us she was watching this debate on TV. That is the problem. Too many bureaucrats are sitting in Washington, D.C., making a determination of what is a healthy forest without ever getting out on their hands and knees, we call it the buns-up kneeling position, and looking and counting bugs and looking at the grass and determining what the mineral cycle looks like and what the grass and the trees and the endangered species are actually doing.

Let us pass something sensible. There is finally a piece of legislation that makes an effort to start removing the cancer of the dead and dying forests that are causing a problem within this country. We have an opportunity to finally show some leadership after so many years of a lack of leadership that has allowed this country to kill its forest with kindness. Pass this bill. Let us oppose this substitute.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. There is some room for agreement here. This is what we want to prevent. It is a fire in my congressional district last summer.

The gentleman who just preceded me talked about bureaucrats. This bill is a bureaucrat's dream, because this bill gives all the discretion to appointed bureaucrats, and I know that that party would not be supporting this bill if there was a Democrat in the White House. They would not want to give Bruce Babbitt this authority. But they do want to give it to this administration.

This bill was written at the White House and sent down. This is not the bill we negotiated last fall. If this was the bill that we had negotiated last fall, and I give the gentleman from Colorado and others credit for sitting down in tough negotiations where we took flack from both sides, from the environmentalists and from the industry, and came up with something that would have worked, would have gotten this done, would have turned this into a nonpartisan problem. If it was that, I would vote for it in a split second. But it was not, so I tried to offer some amendments to improve it.

No, we cannot have any amendments because the House has to adjourn at 5 o'clock this afternoon. Why? I do not know. Someone has got a golf game. People have got to make fund-raising phone calls for the big event tomorrow night. I do not know. We do not have time for amendments. This is only the Congress after all in the House, no time for amendments.

There has been a lot of talk about whether or not this would allow the harvesting of big old trees. The bottom line is we do not do this on the cheap. It is 100 years of mismanagement. The only good study was done in Oregon at Oregon State. Sixteen hundred and eighty-five dollars an acre is the estimate to do this work. And guess what? They do not get $1,685 an acre for a bunch of brush and dead poles, do they? No. If they are going to generate that much money to do the work that needs to be done, they are going to high-grade the damn forests the same way that they high-graded them early in the last century when we were really stupid.

That is what is going to happen under this bill. It gives the discretion to protect or not protect old-growth to Mark Rey. I love Mark. Great guy. But I do not want to give him that discretion. I would like a definition of what has to be protected and what is not. No, he has that authority and people cannot hardly appeal his decisions because the White House wants to pretend it can be done on the cheap.

The President's budget, his big request is $230 million for fuel reduction this year. At that rate, if we did all of the land that they want to put into this bill, it would take 174 years. So I do not think the President is exactly asking for the money needed.

Where is the rest of the money going to come from? How are we going to do it more quickly than a 174 years? There is only one answer: The gentleman from California (Mr. GEORGE MILLER) said the truth, and the truth hurts. We have got to take high-value products out.

What is a high-value product? It is a big old tree. And only one person stands between cutting that tree to fund this bill and the reality of that, and that is an appointed bureaucrat.

This is really too serious to consider in this way, and it affects too many of us too much. I am really sad that it has come to this.

I was willing to take the heat, and I did last fall. A couple of Democratic Senators took a lot of heat, attacked by national environmental groups for trying to do something that made sense in this area. The environmental groups, they succeeded. They stopped the bill last year, and now we are going to see something in the House much worse. There is a lesson in that.

But there is also a lesson in overreaching. My colleagues know this bill cannot become law as it is. It is either a bargaining chip with the Senate. That is one thing I hear. It is a bargaining chip with the Senate to try to pull them back, or it is a political event so that they can blame a couple of prominent Democrat Western Senators who are up for election for stopping the bill over there and use it against them as an election year issue. I do not know which one it is.

□ 1530

I do not know which one it is, but either are pathetic reasons to stick this bill through in this way without a single amendment being allowed.

Mr. UDALL of Colorado. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wanted to respond to my colleague from Colorado, for whom I have great respect and just make this set of remarks.

I have never seen a piece of legislation that cannot be improved. In fact, it is our responsibility as Members of this body to work to improve legislation as it comes forward. I did vote for the McGinnis-Walden bill last fall, proudly, and would have supported it this year if it came to the floor in that same structure.

But my approach has been to try and create consensus and trust and involve all of us. We could have had the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from New Mexico (Mr. UDALL), and myself on this bill, brought it to the Senate with a true broad-based bipartisan coalition, and moved ahead.

I am worried we are going to have more stalemate, more litigation, more problems, and we are going to get the very result that we are all worried about here, which is no treatment of our fuels, no reduction of these hazardous materials, and an even bigger fire season; and we are all going to bear the responsibility for that outcome.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, one other point: the President also did not ask for enough money to fight the fires. It is not new. We had the same problem with Clinton, we had the same problem with Bush I, we had the same problem with Reagan. They never ask for enough money to fight the fires. So what do they do? They go back in. They used to borrow the money from the KB funds. KB funds do not exist anymore. What do they do now? They rob all the other accounts of the Forest Service.

Do you know what the first one they rob is? The Fuel Reduction Program. So you are not going to put out any real money to do the work. We know that money is going to be stolen this year and used for fighting the fires, because there is not enough.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Mr. Speaker, I thank the chairman for yielding me time. I will go back from passion to policy for just a minute.

The Miller amendment ignores the forest health crisis in Southern, Midwestern and Eastern forests. I strongly oppose the Miller amendment.

In spite of the fact that millions and millions of acres of pristine forests are spoiled each year by large-scale and unnatural insect and disease outbreaks, in this amendment the words

''insect and disease'' do not appear in the text.

The Miller amendment would strip out the bug and insect provisions in the Healthy Forests Restoration Act that have given the bill such broad backing with Members from every region and every political orientation.

The Miller amendment would transform this nationally focused Healthy Forests Restoration Act into the ''California and Oregon Unhealthy Forests Act.''

Living in the South, where Southern pine beetles and red oak borers have destroyed millions of acres of old-growth forest, or in the Midwest, where the emerald ash borer is raking across America's forests, I am very disappointed by the Miller amendment.

Wildfire is an important part of the healthy forests debate, but not the only part. Are western forests inherently more valuable than those east of the Mississippi? The author of the amendment apparently thinks so.

Mr. Speaker, I urge a vote against the amendment and support the underlying bill.

Are western forests inherently more valuable than those East of the Mississippi? The authors of this amendment apparently think so because no other region gets a thing out of this amendment.

Even in the West, massive beetle outbreaks are often the precursor to calamitous wildfire. The beetles kill the trees, and then wildfire burns them, threatening homes and watersheds and wildlife.

Vote against this amendment and vote for the base bill which gives a balanced common sense approach to healthy forests.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, 7.2 million acres last year. When is enough enough? This is a 20-year-old problem. How did we get there? On the Allegheny National Forest, which I represent, we have foresters, biologists, hydrologists, soil scientists, game biologists, fish biologists, and renowned research labs trying to help to do things right.

One college student with a free lawyer from the university and a judge who knows nothing about forestry suddenly stops the whole process, and that is why we are having a problem in this country.

This bill is trying to open up at least 20 million acres so we have the ability to prevent forest fires; 7.2 million last year.

I flew over with a group in the West a few years ago with the Speaker. We flew for an hour and a half. We never saw a blade of grass, never saw a green leaf, where the fires had been the year before. The streams were full of mud; the hillsides were washing into the valleys. You talk about devastation: no bugs, no insects, no birds, no animals. That is what is left in the path of these forest fires.

You talk about environmental degradation? These forest fires are the worst, and we must stop them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say that I think that this process that we have seen with this bill is indicative. It gives us warning about the Forest Service process. Here we see this bill being rammed through the House of Representatives, no amendments being offered, on a day when we do not have a full schedule; but the intent and the purpose is to ram it through without the full participation and the deliberations of this body.

It is reflective of what is in this bill. It is an effort to ram through these treatment programs, the cutting programs, the logging programs, the fire treatment programs, and limit the public participation to the greatest extent possible. That is what is wrong with this legislation.

The suggestion that somehow we are going to unilaterally turn over the decision on whether or not to protect old forests, or protect old growth, to protect large trees, to mark gray unilaterally without review, is like turning the banking system over to Bonnie and Clyde. It just does not make any sense in terms of the well-being of these forests, in the long-term, multiple use of these forests.

If you are just out there hunting for large trees to cut and you need a rationale to cut them, then this bill will give you the ability to do that, because it throws open the doors to logging of those large trees that matter the most to the communities in the West, matter to the citizens that we represent, matter to the citizens sense in our State; and that is what this bill does.

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

Mr. Speaker, when I look at the Democrat substitute to this bill, I am kind of reminded of the old sign show. They used to say it was a show about nothing. Well, the Democrat substitute is the substitute about nothing.

They come to the floor, and they say all the right words. They talk about how concerned they are about protecting our communities, protecting the health of our forests, stopping the catastrophic fires. The truth is that their substitute leaves all of the problems in existence.

To make matters worse, and this is probably the most difficult part of the Miller substitute, is that by limiting most of your effort to that half mile around our communities, you completely ignore the real problem.

What we have tried to do in the underlying bill is to give the local foresters, the local people the chance to look at their forest and determine the areas that really need to be protected, the areas that they really need to go in and treat. Sometimes if you go up a canyon, that is more important, maybe 2 or 3 or 5 miles away from the community, it may be more important to treat that than a half mile radius around that community.

You heard people testify already today about fires this past year that jumped 3 or 4 miles because of the high winds. Your substitute does nothing to deal with that. You give some false sense of protection to our communities that we are going to treat a half mile radius around the community. That does nothing to protect them.

You talk about how you want the local people to be involved with this; but then you cut them out of the process, and you are going to dictate from Washington exactly what they can and cannot do.

Through this entire last couple of years that we have been negotiating this bill, we have sat down and tried to work this out; and the resulting bill, the underlying bill is an effort of that compromise. We came from over here to compromise in the middle, and now you want us to go over here. Bipartisanship is when we meet somewhere in the middle; it is not when we agree with you.

When we work our way through some difficult issues like this, it is a little give and take. I know there were Members on that side that tried to work with us, and they were unable for one reason or another to come to final agreement on that. But the underlying bill is our best shot at protecting our forests from increased risk of catastrophic fire.

Mr. Speaker, I urge Members to oppose the Miller substitute and support the underlying bill.

A BLIND EYE TO FOREST HEALTH CRISIS OUTSIDE THE WEST

Miller-DeFazio totally ignores the forest health crisis in southern, Midwestern and eastern forests. The Miller-DeFazio amendment would transform this national healthy forests legislation into the California and Oregon Healthy Forests Act.

The bill does nothing (zero!) to address the growing epidemic of insect and disease outbreaks. It would strip out all of the provisions that have been included at the urging of so many southern and Midwestern Members of Congress, including a large block of Democrats.

Even the rigid management prescriptions in the bill are based on a grossly false assumption that every acre of national forest has all of the features, attributes and characteristics of western ponderosa pine forests.

This may be news to the authors of this amendment, but the nation's forest health crisis does not end on the western banks of the Mississippi.

ARBITRARY LIMITATIONS ON COMMUNITY PROTECTION

The bill limits its expedited NEPA analysis procedures to projects within a ½ mile of at risk communities. The ½-mile area is grossly insufficient to protect at-risk communities, especially in the case of hot and fast moving fires in the West where topography and wind speed influence fire movement dramatically.

For example, the Rodeo-Chediski fire jumped as far as 3 miles. A fire in Colorado jumped a river, a railroad track and an interstate in a single bound. Anyone who's seen the breathtaking destruction of a western wildfire knows that a ½-mile buffer is fundamentally inadequate.

This ½-mile limitation won't do much beyond giving folks false comfort. Even my colleague MARK UDALL opposes this type of arbitrary limitation. It's too bad Mr. MILLER didn't follow his cue on this point.

NEW PROCESS

The Miller bill would require the production of maps designating so-called condition classes of landscapes. This would extend the time needed to complete a fuels reduction plan, increase costs, and expend unnecessary resources.

Currently, the USFS does not have the ability to meet mapping requirements. They do not expect have this capability until 2006. Unfortunately, no projects could be implemented until that technology comes to fruition. That will be years, according to the agency. We don't have years to wait around.

Any Healthy Forest legislation needs to expedite and streamline the NEPA process—not lengthen it. The current process already takes an average of 3–5 years. While the Miller bill does expedite some procedures, it also creates new procedures and documentation requirements.

ROAD CONSTRUCTION

The bill under no circumstances allows the constructions of roads. This includes escape routes, fire fighting access, access to prevent fires in communities, etc. This puts communities, wildlife, and fire fighters in grave danger.

Again, who are we to tell a community that it can't build a road in conjunction with a project if that road is needed to treat a high-risk area, or provide an escape route for citizens?

Communities adjacent to habitat for endangered or threatened species or roadless areas would not be eligible for expedited fuels reduction projects. The bill's extraordinary circumstances limitation on hazardous fuel reduction projects is tantamount to saying ''Tough Luck'' to the hundreds, and probably thousands of at-risk communities adjacent to a roadless area or habitat for threatened or endangered species. I bet if Mr. MILLER's home was pressed up against a forest that's home to an endangered species, this proposal would look a heck of a lot different.

STEWARDSHIP CONTRACTING

The bill takes away the authority of the Federal land management agencies to use the Stewardship contracting authority that was just granted as part of the Fiscal Year 2003 Omnibus Appropriations Act. Congress just approved this authority, a key part of the President's Healthy Forests Initiative, so the agencies could reduce wildfire risks while supporting local economies and defraying taxpayer costs.

JUDICIAL REVIEW

Finally, the bill does nothing to hasten the Federal judiciary's consideration of lawsuits against wildfire mitigation projects, even projects in the highest priority areas. In my view, this element of the ''analysis paralysis'' simply cannot be ignored, even if it makes some constituencies uncomfortable.

Again, last year Mr. Miller appeared prepared to support legislation hastening the Court's consideration of high priority projects.

In that sense, like so many others, the Miller Amendment represents a real step backward from where we were just last year.

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

The SPEAKER pro tempore (Mr. LATHAM). The gentleman is recognized for 2 minutes.

Mr. GOODLATTE. Mr. Speaker, this is a good bipartisan bill. The gentleman from California (Mr. POMBO), the gentleman from Colorado (Mr. MCINNIS), the gentleman from Oregon (Mr. WALDEN), the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. STENHOLM), the gentleman from Arkansas (Mr. ROSS), the gentleman from South Dakota (Mr. JANKLOW), the gentleman from Montana (Mr. REHBERG), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. THOMPSON), people from all parts of the country of both parties came together and negotiated carefully a balanced bill that we have before you.

I have heard people talk about big trees and show some pictures of big trees. Let me show you a picture of some big trees, burning up in flames, rising hundreds of feet. That is what happens to big trees if you do not address the problem.

There are two big reasons why people should oppose the Miller substitute. There are a lot of other reasons as well, but the two really big ones are, number one, it ignores the number one problem, and that is the process. That is what is slowing us down. That is what is taking 2 or 3 years of tying our courts into knots, using up all kinds of judicial time, arriving at nowhere.

This simply streamlines the process. It does not exclude public comment, it does not exclude public administration in the administrative process, it does not exclude the right to appeal. It simply makes it more practical and effective.

The second problem is this: it ignores the East and the South. This is a southern pine beetle. What does it do? It devastates the Southeastern part of the United States. Millions of acres of public and private forest lands untreated. This is the woolly adelgid, the Southeast and the Northeast, absolutely destroyed by it.

The result? Here is a forest that has been worked over by the southern pine beetle. No, this is not fall foliage; those are pine trees. That is what you get all across the East. The gentleman ignores that whole aspect of the problem.

Mr. Speaker, I urge my colleagues to oppose the substitute and support the underlying bill.

Mr. RAHALL. Mr. Speaker, earlier during general debate I noted we are not unmindful of the need to address the issues raised by the bill, but in our view, we would do so in a more prudent and responsible manner.

And do so without incorporating the poison pill judicial review provision in H.R. 1904.

That is the purpose of the pending amendment.

For instance, the issue of insect and disease infestation is one of importance to me and to West Virginia's hardwood forests.

Exotic insects, in particular, pose a serious threat to America's forests. For example, the hemlock woolly adelgid is already widespread from North Carolina to New England and in parts of the West.

The McInnis bill, however, only authorizes $5 million—an amount far short of what the agency needs to research and address this problem. The bill also specifies certain insects for study. Yet, several other species have also been detected.

Again, as I noted, there are issues in H.R. 1904 which should be addressed and that is the purpose of our amendment.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 239, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from California (Mr. GEORGE MILLER).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. GEORGE MILLER.)

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

Mr. GEORGE MILLER of California . Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 184, nays 239, not voting 11, as follows:

[Roll No. 198]

YEAS—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frost
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 (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
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)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—239

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
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
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
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
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
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
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boswell
Brady (PA)
Case
Conyers
Davis (TN)
Davis, Tom
Gephardt
Larson (CT)
Manzullo
Miller, Gary
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1601

Mr. OTTER and Mr. COBLE changed their vote from ''yea'' to ''nay.''

Ms. MILLENDER-MCDONALD changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 198, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 198, had I been present, I would have voted ''nay.''

The SPEAKER pro tempore (Mr. LATHAM). 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. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Speaker, I offer a motion to recommit.

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

Mr. UDALL of New Mexico. Yes, I am opposed to it in its present form.

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

The Clerk read as follows:

Mr. TOM UDALL of New Mexico moves to recommit the bill, H.R. 1904, to the Committee on Judiciary with instructions to report the bill forthwith with the following amendment:

Strike Sections 106 and 107.

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today on the motion to recommit, and I first want to say that this is not a motion to kill the bill. This is a motion to recommit that will make the bill fairer and will make it more balanced.

The motion to recommit would merely strike the most egregious provisions of this bill, sections 106 and 107, which are known as the judicial review provisions of this bill. In the first instance, Members should be appalled at how this bill came to the floor and how the judicial provisions that are in it got here. We had very short notice to the committees. There was no bill actually introduced. There was a committee print. That means it was never introduced as a bill in the Committee on Resources.

Apparently, the majority did not want to expose their bill to public light. Therefore, it being a committee print, there is no legislative history; and this is, in the annals of the Committee on Resources, absolutely unprecedented action.

Let me tell my colleagues what the judicial review sections do in this bill. First of all, when a court hears an action, you have before that court in these hazardous fuels actions citizens and Federal agencies and others. This section, adopted in this bill which had no hearings, adopts a standard where the Federal agency decides what is in the public interest.

When the issue comes before the court and you have citizens and Federal agencies and others that are before the court, the section that is adopted, the judicial review section, does something which is unprecedented and I do not think has been done in Federal court before. It says that the Federal agency that is acting in the public interest should be given great weight in terms of what they decide. So it tips the scale in favor of the Federal Government, and it basically rigs the system in favor of the Federal agencies.

Throughout the debate here today, I have been asking the majority why: Why would you, who favor limited government, who favor smaller government, who are always talking in our committee about the Federal powers being too broad, why would you want to give a Federal agency not only the power to determine the public interest, but when it gets in the court, you say to the Federal Court that this Federal Court has to decide in favor of the agency? Well, the only answer I could get from the other side is that some Senator from the other body introduced an amendment, which never made it out of the Senate, and because she happens to be in our particular party, that that is why this language is good language.

Well, she may not be right all of the time. Make no mistake about it, the majority may talk a lot about limited government, but they have a very specific purpose here. They want to give the Federal agencies, which my understanding is the President has requested this authority, unprecedented power in the Federal courts at the expense of citizens.

In closing, Mr. Speaker, let me just urge a vote for the motion to recommit. It makes the bill a more balanced bill, it makes it a fairer bill, and it protects the rights of citizens.

Mr. GOODLATTE. Mr. Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, who has done an outstanding job leading this legislation to the floor of the House.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time, and I tell my colleagues that this is another attempt, again another attempt to protect the status quo.

We all come down on the floor and we talk about how important it is to protect the health of our forests from the risk of catastrophic fire, but my friends on the left have continually, throughout the day, argued to protect the law exactly the way it is and to not make the necessary changes that we have to make in order to move this forward.

The provisions that we talk about in the motion to recommit are the result of negotiations between both bodies, between the minority and the majority; and it was a compromise that was reached. Granted, it is not where we started. It is not the language that I would have used to deal with this specific problem. But it was a compromise, and it was something that we all agreed on.

I would remind my colleagues that the underlying bill is an attempt to step into our national forests, areas that have been mismanaged for over 100 years, to step in and try to bring some balance, to bring local control, to bring local input and some balance into the decisions that are being made to protect those forests. That is the attempt that we are trying to make.

I am not interested in protecting the status quo. I am not interested in protecting the bureaucracy in Washington. I am interested in protecting the health of our forests and reducing the risk of catastrophic fire.

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

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. GOODLATTE. Mr. Speaker, this is a catastrophic wildfire. It is not a natural fire that burns along the ground and takes out the brush. It consumes millions of acres of big, beautiful trees, 6.9 million acres last year, more than the size of the entire State of Vermont.

□ 1615

This is the risk in every part of the country. This is a serious problem in the West, but it is also a serious problem in Minnesota, Michigan, Wisconsin, Pennsylvania, New York, and West Virginia, all across the south and Missouri. Every part of this country is impacted, and that is why this is bipartisan legislation crafted by Members of the House of Representatives from all across the country.

The gentleman from New York (Mr. BOEHLERT), the gentleman from Maryland (Mr. GILCHREST), the gentleman from California (Mr. POMBO), the gentleman from Colorado (Mr. MCINNIS), the gentleman from Oregon (Mr. WALDEN), the gentleman from Texas (Mr. STENHOLM), the gentleman from California (Mr. THOMPSON), and the gentleman from Arkansas (Mr. ROSS) contributed to the effort to make this good, bipartisan legislation.

This is what happens with a catastrophic wildfire. It does not leave a healthy forest. It leaves this kind of devastation subject to erosion. And then it rains. This is what happens when it rains. It washes everything into the rivers and streams. It turns the ground to glass. This water will not go into the ground. The ground will not percolate, these forest fires are so intense.

This is one of the main reservoirs for the city of Denver, Colorado, and this is what was washed into it after a forest fire, damaging the water supply of the community.

This is what happens in the East and Southeast, bugs: pine beetle outbreaks in Georgia and Alabama and Tennessee and the woolly adelgid in Virginia. This picture shows what happens in the eastern part of the United States without this legislation.

What does the motion to recommit do? It takes out a key provision in the bill which is the source of this problem, which is the process. The process takes 2, 3 years. The forest go up in flames from wildfires before we ever get to treat the forests for disease and insects and for buildup of fuel density that causes this kind of fire.

Do not let him take out the key provision of the bill which expedites the process. It still allows for public comment, and it still provides for public input in the administrative proceedings. It still allows for judicial review, but it does it in a fair and timely fashion that recognizes that if we do not make a change in the bureaucratic morass that we are in today, we are going to see this year after year after year until we do not have any forests.

Let us protect our endangered species and our watersheds. Let us protect our citizens from air pollution and our firefighters from dying in these hazardous fires.

Mr. Speaker, I urge Members to oppose the motion to recommit and support the underlying bill.

The SPEAKER pro tempore (Mr. LATHAM). 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 ayes appeared to have it.

RECORDED VOTE

Mr. UDALL of New Mexico. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. 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 passage.

The vote was taken by electronic device, and there were—ayes 176, noes 250, not voting 8, as follows:

[Roll No. 199]

AYES—176

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
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)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
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—250

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
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
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
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)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
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
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Boswell
Brady (PA)
Conyers
Delahunt
Gephardt
Miller, Gary
Nussle
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1636

Mr. CARDOZA and Ms. PRYCE of Ohio changed their vote from ''aye'' to ''no.''

Mr. DICKS changed his vote from ''no'' to ''aye.''

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.

RECORDED VOTE

Mr. GOODLATTE. 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 256, noes 170, not voting 8, as follows:

[Roll No. 200]

AYES—256

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bishop (GA)
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
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
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
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—170

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Bilirakis
Boswell
Brady (PA)
Conyers
Delahunt
Gephardt
Miller, Gary
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1643

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1904.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1904, HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill (H.R. 1904), the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may

be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider a motion to take the bill, H.R. 1298, from the Speaker's table with the Senate amendment thereto, and to concur in the Senate amendment; that the motion be debatable for 60 minutes equally divided between the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), or their designees; the Senate amendment be considered as read; and the previous question be considered as ordered on the motion to final adoption without intervening motion.

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

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 Ms. Wanda Evans, one of his secretaries.

□ 1645

2003 COMPREHENSIVE REPORT ON U.S. TRADE AND INVESTMENT POLICY TOWARD SUB-SAHARAN AFRICA AND IMPLEMENTATION OF AFRICAN GROWTH AND OPPORTUNITY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–74)

The SPEAKER pro tempore (Mr. LATHAM) 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 Ways and Means and ordered to be printed:

To the Congress of the United States:

Consistent with title I of the Trade and Development Act of 2000, I am providing a report prepared by my Administration entitled ''2003 Comprehensive Report on U.S. Trade and Investment Policy for Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act.''

GEORGE W. BUSH.

THE WHITE HOUSE, *May 19, 2003.*

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, fiscal year 2003 (22 U.S.C. 2651 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on International Religious Freedom for a 2-year term ending May 14, 2005:

Ms. Nina Shea, Washington, DC., to succeed herself.

HONORING CAPTAIN TIMOTHY DANIEL AIKEN

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

Mr. HAYES. Mr. Speaker, I rise today to honor Captain Timothy Daniel Aiken of Charlotte, North Carolina. Captain Aiken is one of North Carolina's and America's finest soldiers. His service and dedication to his country and the Army National Guard have garnered him the prestigious General Douglas McArthur Leadership award. This award is designed to recognize company grade officers who best demonstrate the values of General Douglas McArthur, ''duty, honor, and country.''

The McArthur Leadership award is given out annually to 24 armed service personnel. Only six of the 24 go to members of the Army National Guard. Captain Aiken was chosen to receive this distinguished honor because of his ability to motivate others, understand fellow soldiers, inspire teamwork, commitment, and espirit de corps.

The criteria determined by the Army to receive this award is rigorous and demanding. Along with the defined selection criteria guidelines, an officer must have intangible aspects of leadership, including people skills, leadership abilities and interpersonal skills. Captain Aiken has committed his life to pursuing these goals for the protection and well-being of the citizens of the United States of America.

Captain Aiken started his career July 31, 1984. He received his commission as a 2nd lieutenant in August and quickly rose to the rank of captain with the 30th Engineer Brigade of Charlotte, North Carolina. He is married to Allison Aiken and is the proud father of two daughters, Lauren and Sarah, and a son, Timothy. During his 18 years of service, Captain Aiken has received 17 U.S. decorations and six State awards. He is currently charged with the overall management of the 30th Engineer Brigade's personnel issues, encompassing six subordinate battalions. His time in service has been exemplary, and he has served as an inspirational role model to many.

I am honored to bring this fine young soldier to the attention of my colleagues today. Congratulations to Captain Timothy Aiken receiving the Douglas McArthur Leadership award; and I thank him for the dedicated, selfless service to our country.

CALLING FOR DEPARTMENT OF HOMELAND SECURITY TO RELEASE TAPE

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

Mr. EDWARDS. Mr. Speaker, the U.S. Department of Homeland Security has had to admit that it used Federal resources, Federal tax dollars last week to track the airplane of a Texas Democratic legislator. For the U.S. agency with the responsibility to protect our families from terrorists instead to use taxes, dollars and our resources to track the former speaker of the Texas House Pete Laney, flying from that hotbed of Islamic radicalism, Hale Center, Texas, to Ardmore, Oklahoma, is absolutely outrageous.

Now that Federal agency is compounding its mistakes, if not its illegal actions, by refusing to release to the American public and press a tape in which the Texas Department of Public Safety talked to the U.S. Homeland Security agency, that conversation leading to the abuse and misuse of Federal tax dollars in this case.

What is the Department of Homeland Security afraid of? What are they hiding? What is on that tape?

It sounds to me, Mr. Speaker, like my years in Washington in the 1970s when then President Nixon refused to let the public see or hear the tape of his White House conversations. We know why President Nixon did not want to release the tape, because it basically was responsible for finding him guilty of abuse of office. My question is, why would the U.S. Department of Homeland Security not release its tape? It owes it to the American people to do so.

PASS PRESIDENT BUSH'S JOBS BILL

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

Mr. KINGSTON. Mr. Speaker, back home in Georgia we need jobs. We need it for college graduates. We need it for high school graduates. We need it for people who are 35 years old. We need it for people who are 45 years old.

People like Ted Smith. I am going to make up a name, but he was one of the 903 workers who were laid off when the Durango paper mill in St. Mary's, Georgia, closed down. He is looking for work. And that is why it is so important for this body and the other body to pass President Bush's jobs bill.

The jobs bill stimulates the economy by allowing more expensing for small businesses. Small businesses can expand. They can write off more of their

expenses, and they will invest. It is very important. It also helps consumers by allowing them to have a lower tax rate. It accelerates tax reduction that has already been passed by this Congress. It puts it into law, though, in the year 2003 instead of phasing it in over time.

This bill also allows reductions in the capital gains tax. If one sells something and they can keep more of their money, then obviously they are going to be more inclined to sell something. That is a novel concept in Washington, but back home people understand if I sell something, I have got more money in my pocket; it is a good deal. And the best part is less money will go to Washington bureaucracies which are just going to grow the government and reduce our personal freedom.

This jobs package has already passed the House. It just recently passed the other body. Now it is headed towards the Conference Committee. I hope we can get this thing done by the end of the week because folks back home in Georgia, and I am sure it is true in California and New York and Maine and all over this great country, they need jobs, they need work, they need it today. Let us pass this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLE). Pursuant to rule XX, proceedings on the remaining postponed questions will resume tomorrow.

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONSOLIDATION OF THE MEDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to draw to the attention of the Members of the House an action that is about to be taken by the Federal Communications Commission. On June 2, the FCC is going to act on a ruling which in all likelihood will be passed by a vote of three to two, two members of the commission voting against it and three voting for it.

This is a resolution that will continue a process that has been going on in our country now for a number of years. That process is the consolidation of the media, the means of communication in our Nation, the consolidation of that media into the hands of fewer and fewer people.

I think that many people across the country have noticed that in towns and small cities all across America, radio stations that used to be competing with each other and in doing so paid attention to issues that were taking place at the local level, community events, and also concentrating on local news that those radio stations now are not competing with each other but in fact they are owned by the same entity and often they are owned by a corporation that is not even located in that city. Often that corporation is located thousands of miles away and the broadcasting on those stations is actually piped in from distances and has no relationship whatsoever to what is going on in that town or in that city.

This consolidation, I think, is acting contrary to the best interests of the country; and I think it is also quite clearly acting contrary to the Federal communications law of 1934 which stipulated by the Congress that we ought to have in our electronic communications as much diversity of opinion as possible and that radio stations and then later television stations ought to in large measure reflect what is going on in the individual communities where those radio and television stations are located.

Increasingly, that is not the case. Increasingly, we are seeing the homogenization of content on radio and on television particularly. We are also noticing that radio stations are now beginning to charge communications companies and artists to have their artwork, their songs, their music played over those radio stations. That in and of itself may be running afoul of existing law.

There is also, of course, a growing concern about the availability of actual news and information as it is being handled and consolidated by these individual corporations. Suddenly, groups as well as individuals across the country are becoming concerned about this phenomenon, and those groups are very diverse and represent a very broad spectrum of the American people.

Let me give just a couple of examples. Just recently the National Rifle Association became aware of this ruling of the Federal Communications Commission which is pending and which will be acted upon on June 2. The NRA has come out against this ruling, stipulating that they believe that this ruling is not in the best interest of the American people, not in the best interest of this Republic and not in the best interest of our democratic principles.

Also, the National Council of Catholic Bishops has come out against this ruling. They have come out against it for a slightly different reason. They have noticed that as we have seen the consolidation of media in America, in other words, radio stations and TV stations owned by big corporations and not reflecting the needs of the local community, that in addition to that we have seen a dumbing down of the programming that is being broadcast over radio and television and that often they are observing that the content is becoming lowbrow and demeaning and low grade and base, and they are deeply concerned about the kind of television broadcasting that young people particularly are being exposed to as a result of the fact that more and more of our television stations and radio stations are owned by these major corporations that have no interest whatsoever in the type of content they are broadcasting or the effect that content is having on the people in those communities.

□ 1700

So the National Council of Catholic Bishops has come out opposed to this ruling and also the largest organization of television viewers. This organization represents about 750,000 television viewers across the country and has also come out against this ruling, which is pending on the 2nd of June.

I have introduced a resolution in the House of Representatives, and this resolution calls upon the House to notify the FCC that we want this process stopped. Already we have 96 cosponsors of this resolution, and I am inviting other Members of the House to join us. It is quite clear that the action proposed by the FCC is not in the interests of the country, and it is being opposed by a growing segment of the American community across a very wide spectrum. Please come and join us on this resolution.

TRIBUTE TO APACHE FIREFIGHTER RICK LUPE

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, last summer Arizona saw the most devastating fire of the 2002 fire season, the Rodeo-Chedeski Fire. The fire burned 500,000 acres of land and destroyed over 400 homes and millions of dollars worth of property.

Fortunately, due to the efforts of Apache firefighter Rick Lupe, 42, the towns of Show Low, Pinetop, Lakeside, Honda, Whiteriver and others narrowly escaped the same fate as those seared by the Rodeo-Chedeski fire.

Rick, in charge of a division of men, worked to halt the eastward expansion

of the fire that was sending embers more than 2 miles ahead of the flames and headed right for Highway 60 and the town of Show Low. Rick directed and participated in implementing burnouts, dozier lines, back burns, and other efforts to create a line of defense protecting the towns from what seemed to be the inevitable. He continued these activities even after his first attempt was blown over by the flames. Fortunately for the towns of Show Low, Pinetop, Lakeside, Honda and Whiteriver, this line of defense did in fact stifle and prevent the fire's run through these towns.

''He's not one of those guys who sits on the ridge with binoculars telling you what to do,'' said Jim Paxon, a Forest Service spokesman during the Rodeo-Chedeski Fire. I personally was in Show Low during Rick's heroic action and he was credited by all present with stopping the fire's progress toward Show Low.

It was his hands-on management approach that nearly took Rick's life last Wednesday. Rick and several others were working on a controlled fire. As Rick walked into a canyon to check the edge of the fire line, a storm front caused the wind to blow up and the fire surrounded Rick, leaving him to face the fire. The winds were so strong that it blew away his emergency shelter.

Without shelter, Rick lay down among the flames waiting for the fire to burn over him, and then walked a half mile out to find help. According to Dr. Daniel Caruso, Rick was burned over 40 percent of his body and is currently in critical condition, being treated for severe burns and damage to his lungs.

A family man, Rick is married to his wife, Evelyn, and is father to three sons, Sean, Daniel and Brent, each of whom plans to become a firefighter.

Mr. Speaker, I commend the courage of this man and his success in saving so many from the destruction of fire.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

POSSIBLE MISUSE OF OFFICE OF HOMELAND SECURITY RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, most Americans have never visited the little west Texas community town of Hale Center. It is a good community, a little under 3,000 people, the heart of the west Texas Bible Belt. Having not been there recently, I imagine they probably have a local pharmacy and a great little public school. But according to the U.S. Department of Homeland Security, Hale Center, Texas, a town of under 3,000 people, must be a terrorist threat to the United States.

Why do I say that? Well, it is the only legitimate reason I can think of as to why last week, while al Qaeda was apparently planning and carrying out murders of citizens in Saudi Arabia, including Americans, and a terrorist attack in Morocco, our U.S. Homeland Security Agency, with the responsibility to protect American citizens from terrorism, was doing what? They were checking a private airplane flight leaving from Hale Center, Texas, that fine little Bible Belt community, a plane that was going to that other, I guess, center of Islamic radical terrorism, Ardmore, Oklahoma.

Now, the truth was that on that airplane was former Speaker and now legislator of the Texas House, Pete Laney, a fine American. Even his worst political enemies would never suggest he is a terrorist. Yet our U.S. Homeland Security Agency, working through the forces and offices in California, spent our tax dollars tracking down Mr. Laney as he flew in his own plane from Hale Center, Texas, to Ardmore.

Now, I will say, they do have on the 4th of July every year in Hale Center, Texas, a county fiddlers' contest. Perhaps Mr. Ridge and our Homeland Security Agency should go visit Hale Center and see if maybe that fiddlers' contest is a front for al Qaeda. Certainly if there is an al Qaeda cell headquartered in Hale City, Texas, Americans ought to know about it.

There is something else Americans have a right to know about. They have a right to know what is on the tape between the Texas Department of Public Safety last week and their phone conversation with the U.S. Homeland Security Agency that led to our using and abusing Federal tax dollars to track down Mr. Laney and his air flight from Hale Center, Texas. There is no justification for that kind of abuse of resources of an agency that ought to be focusing its attention on how to stop terrorism here in the United States.

This issue of the Texas legislators going to Ardmore is no longer just a Texas issue. It is the fundamental question of whether American taxpayers can have faith that our U.S. Homeland Security Agency is going to track down terrorists, rather than track down law-abiding American citizens.

I voted to create that agency. I voted to fund that agency. But if this agency is going to abuse tax dollars and undermine our ability to fight terrorists by tracking down in frivolous efforts a State legislator who is a great, respected law-abiding citizen of Texas, then something is wrong, something is amiss; and we need to make some changes at the Department of Homeland Security.

Now, the question I think American citizens, Mr. Speaker, have a right to ask Mr. Ridge and the Homeland Security Agency is, what are you afraid of? Why are you unwilling to let the American people hear what is on that telephone conversation? In fact, that tape was made with U.S. public tax dollars. Why not let the public, the citizens who paid for that tape, listen to what is on it? Are they afraid it might implicate our Federal agencies and leaders who made the decision to abuse Federal tax resources to track down a law-abiding citizen involved in a Texas political dispute? Are they afraid that perhaps maybe the Speaker of the Texas House, Mr. Craddick, or even the House Majority Leader, the gentleman from Texas (Mr. DELAY), were involved in asking the Federal agency to get involved in this inappropriate way?

Frankly, no one will know the answer to those questions until the Department of Homeland Security lets the public fulfill its right to listen to what is on that tape. If it exonerates these State and Federal officials, why has Mr. Ridge not already divulged the tape to the public? If it implicates Federal officials and State officials, perhaps that is the explanation as to why they have denied us the right to listen to that tape.

Mr. Speaker, this is a serious issue. The Texas legislators are back at work in Austin. But this issue will not go away, for one simple reason: the American public and American taxpayers have a right to know whether their tax dollars have been used unethically and perhaps illegally. They have a right to know whether Texas State public officials were involved in asking the Federal agency to put aside its efforts for a moment in their fight against terrorists who might attack our homeland and focus on an internal Texas political dispute where no State or Federal law was broken.

When will we know what is on that tape, who is implicated in that tape? We have a right to know the answer to those questions, and the public and press will not stop until our U.S. Homeland Security Agency provides those answers.

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 Colorado (Mr. BEAUPREZ) is recognized for 5 minutes.

(Mr. BEAUPREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TEXAS AND TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I came down here to talk about taxes, but first

let me talk about Texas. All Americans must unite against terrorism, and we did that. We passed the PATRIOT Act. We provided resources for the Department of Homeland Security. But now we discover the war on terrorism is a war on Democrats. This will divide America, and that is good for the terrorists.

How many Americans will lose their lives because we in this House cannot empower the Department of Homeland Security because that Department now seems bent on a coverup of its use of its great powers to pervert American democracy? Only a release of the tapes can reunite America behind the Department of Homeland Security. A failure to release those tapes breaks up American unity, impairs our security, and raises questions about what is there to cover up, questions like what did they know and when did they know it?

Let us unite America behind the war against terrorism. Let us release the tapes.

Now let us talk about taxes. The Bush recession continues. Republicans continue to use their political power to adopt job-killer policies, which means the Bush recession will continue to continue. The most obvious job-killer policy is the dividend exclusion provision included in the bill passed by the Senate.

Now, every major tax provision has both positive and negative effects on our economy, and Republican after Republican has come down to this floor to talk about the rather modest economic benefits of excluding dividends from taxation.

We Democrats have been distracted. We have been so incensed that this dividend exclusion provision gives almost all its benefits to the wealthiest that we forgot to point out it is also a job killer.

Yes, this is a provision that provides 50 percent of its benefits to the richest 1 percent of Americans and provides 1 percent of its benefits to the 50 percent of Americans at the bottom and in the middle. It represents class warfare against working families. It seems to be inspired to allow the wealthiest in our country to buy this new automobile from Mercedes Benz, the Maybach. It is only $350,000, or roughly the benefit to those with an income of $1 million over a 3½-year period from this provision.

So we got so distracted by how incensed we were that we forgot to mention it is a job-killer provision.

Let me illustrate that. Let us say there was a proposal to drop $25 billion from helicopters. There would be a positive effect. Those who supported the programs from the other side of the aisle could come down here and say, hey, it is going to stimulate the economy, putting money in the hands of somebody. But it would be obvious that 25 or $50 billion dropped from helicopters would also hurt our economy, because it would drive up interest rates, drive up the deficit and deprive this House of the opportunity to help our States keep teachers and law enforcement officers employed. They are being laid off in so many States.

□ 1715

So dropping money from a helicopter is ultimately a job-killer proposal.

The dividend exclusion has a smaller positive economic benefit and a larger economic harm than dropping money from helicopters, because at least the people who would catch money from helicopters would spend the money in America on the necessities of life, whereas the dividend exclusion tends to go to those who would spend money chiefly on luxury imports like the Maybach from Mercedes Benz, only $350,000.

The dividend exclusion was justified under the idea that we are going to put money in corporate treasuries because people were going to buy stock, so the first effect of this dividend exclusion is that more dividends are paid. That takes money out of treasuries and deprives corporations of the opportunity to buy plants and equipment. But at least it provided some reason, perhaps, for people to buy stock, to put money into corporate treasuries and they go out and buy plants and equipment.

But now the Senate has changed it. Now the new provision provides a half exclusion for dividends paid in 2003, a full exclusion for dividends paid in 2004, 2005, and 2006, and back to full taxation in 2007.

What does that mean? First, it means 8 months of an economic freeze. For 8 months, the corporations will not pay any dividends, they are going to be half taxable, when they can wait until January of next year. They cannot invest this cash because they are going to need it to pay the big dividend in January. They cannot distribute it because it is subject to half taxation. It is locked up, hurting our economy tremendously by freezing the very cash that we need to put into the economy.

Then what happens after that? In 2004, 2005, 2006, huge dividends and no investment in the economy. But why would anybody buy stock because of a provision that is going to exempt dividends for a few years? Would Members buy a municipal bond that was tax-free for a few years and then was going to be subject to full tax?

This means no new investment except in Germany, where they will need a new line to build more copies of the Maybach. That will be the only investment caused by this provision. The Bush recession continues, and job-killer policies like the dividend provision in the Senate bill ensure that the Bush recession will continue to continue.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2008

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget fiscal year 2004 (H. Con. Res. 95). This status report is current through May 19, 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the ''section'' 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

Report to the Speaker from the Committee on the Budget

Status of the Fiscal Year 2004 Congressional Budget Adopted in H. Con. Res. 95

Reflecting Action Completed as of May 19, 2003
(On-budget amounts, in millions of dollars)

	Fiscal Year 2004	Fiscal Years 2004-2008
Appropriate Level:		
Budget Authority	1,861,333	n.a.
Outlays	1,884,280	n.a.
Revenues	1,325,452	8,168,933
Current Level:		
Budget Authority	1,081,980	n.a.
Outlays	1,406,685	n.a.
Revenues	1,466,370	8,640,211
Current Level over (+) / under (-) Appropriate Level:		
Budget Authority	-779,353	n.a.
Outlays	-477,595	n.a.
Revenues	140,918	471,278

n.a. = Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $779,353,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $477,595,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $140,918,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of $471,278,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION

Comparison of Current Level

with Authorizing Committee 302(a) Allocations for Discretionary Action

Reflecting Action Completed as of May 19, 2003

(Fiscal Years, in millions of dollars)

House Committee	2004		2004-2008 Total		2004-2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Armed Services						
Allocation	70	34	70	70	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	-70	-34	-70	-70	n.a.	n.a.
Education and the Workforce						
Allocation	39	47	201	245	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	-39	-47	-201	-245	n.a.	n.a.
Energy and Commerce						
Allocation	-170	-170	439	439	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	170	170	-439	-439	n.a.	n.a.
Financial Services						
Allocation	0	375	0	1,250	n.a.	n.a.
Current Level	-1	-1	-2	-2	n.a.	n.a.
Difference	-1	-376	-2	-1,252	n.a.	n.a.
Government Reform						
Allocation	-1	0	-3	-1	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	1	0	3	1	n.a.	n.a.
House Administration						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
International Relations						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Judiciary						
Allocation	19	19	95	95	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	-19	-19	-95	-95	n.a.	n.a.

DIRECT SPENDING LEGISLATION

Comparison of Current Level

with Authorizing Committee 302(a) Allocations for Discretionary Action

Reflecting Action Completed as of May 19, 2003

(Fiscal Years, in millions of dollars)

House Committee	2004		2004-2008 Total		2004-2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Resources						
Allocation	24	24	522	342	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	-24	-24	-522	-342	n.a.	n.a.
Science						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Small Business						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Transportation and Infrastructure						
Allocation	9,256	0	41,134	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	-9,256	0	-41,134	0	n.a.	n.a.
Veterans' Affairs						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Ways and Means						
Allocation	1,334	762	15,605	15,402	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	-1,334	-762	-15,605	-15,402	n.a.	n.a.
Medicare						
Allocation	0	0	n.a.	n.a.	0	0
Current Level	0	0	n.a.	n.a.	0	0
Difference	0	0	n.a.	n.a.	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004

Comparison of Current Level

with Appropriations Subcommittee 302(b) Suballocations

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations have not been issued as of May 19, 2003		Current Level Reflecting Action Completed as of May 19, 2003		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	n.a.	n.a.	14	5,036	n.a.	n.a.
Commerce, Justice, State	n.a.	n.a.	0	14,197	n.a.	n.a.
National Defense	n.a.	n.a.	17	137,684	n.a.	n.a.
District of Columbia	n.a.	n.a.	0	51	n.a.	n.a.
Energy & Water Development	n.a.	n.a.	0	9,198	n.a.	n.a.
Foreign Operations	n.a.	n.a.	0	13,804	n.a.	n.a.
Homeland Security	n.a.	n.a.	215	12,678	n.a.	n.a.
Interior	n.a.	n.a.	36	6,244	n.a.	n.a.
Labor, HHS & Education	n.a.	n.a.	21,378	91,973	n.a.	n.a.
Legislative Branch	n.a.	n.a.	0	671	n.a.	n.a.
Military Construction	n.a.	n.a.	0	7,680	n.a.	n.a.
Transportation-Treasury	n.a.	n.a.	31	41,247	n.a.	n.a.
VA-HUD-Independent Agencies	n.a.	n.a.	2,698	51,610	n.a.	n.a.
GRAND TOTAL	784,460	860,752	24,389	392,073	-760,071	-468,679

Statement of FY2005 Advance Appropriations
Under Section 501 of H. Con. Res. 95
Reflecting Action Completed as of May 19, 2003
(In millions of dollars)

	Budget Authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee	
Elk Hills	0
Labor, Health and Human Services, Education Subcommittee	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Treasury, General Government Subcommittee	
Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee	
Section 8 Renewals	0
Total	0
Current Level over (+) / under (-) Appropriate Level	-23,158

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, May 20, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through May 19, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the fiscal year 2003 supplemental appropriations act. These revisions are authorized by section 421 of H. Con. Res. 95. This is my first letter for fiscal year 2004.

Since the beginning of the first session of the 108th Congress, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004: the Consolidated Appropriations Resolution of 2003 (Public Law 108–7), the Emergency Wartime Supplemental Appropriations Act of 2003 (Public Law 108–11) and the American 5-Cent Coin Design Continuity Act of 2003 (Public Law 108–15). The effects of the Consolidated Appropriations Resolution of 2003 are included in the previously enacted section of the enclosed table. The effects of all other new laws are identified separately.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF MAY 19, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,466,370
Permanents and other spending legislation	1,088,831	1,061,159	0
Appropriation legislation	0	35,754	0
Offsetting receipts	−366,335	−366,336	0
Total, previously enacted	722,496	1,040,577	1,466,370
Enacted this session:			
Emergency Wartime Supplemental Appropriations Act of 2003 (P.L. 108–11)	215	27,349	0
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Total, enacted this session	214	27,348	0
Entitlements and mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	359,270	338,760	0
Total current level [1]	1,081,980	1,406,685	1,466,370
Total budget resolution	1,861,333	1,884,280	1,325,452
Current level over budget resolution	0	0	140,918
Current level under budget resolution	−779,353	−477,595	0
Memorandum			
Revenues, 2004–2008:			
House current level	0	0	8,640,211
House budget resolution	0	0	8,168,933
Current level over budget resolution	0	0	471,278

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include prior-year outlays of $508 million for Social Security administrative expenses. As a result, current level excludes these items.

NOTE.—P.L. = Public Law.

Source: Congressional Budget Office.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from the District of Columbia (Ms. NORTON).

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

There was no objection.

ENCOURAGING SECRETARY TOM RIDGE TO RELEASE TAPES OF CALLS FROM DEPARTMENT OF PUBLIC SAFETY IN TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, tonight I strongly encourage Secretary Tom Ridge to release the tapes of the call from the Department of Public Safety in Texas asking for the Department of Homeland Security to track down Texas House Democrats who fled to Oklahoma last week.

I came up here for literally years talking specifically about the issue of missing children. I find it a little astounding that I am standing here talking about something that is really having such a dire effect on the people of the State of Texas because of the incident that occurred recently, where people literally attempted to cram legislation down the throats of Texas citizens without giving them a voice in that process, a very onerous thing to have happen.

I want to turn my tasks to what I can make a serious difference with on families, something about children. But here I am, asking the Secretary of Homeland Defense to step into a situation where his own agency could have delivered information, and still might, deliver information that could make a difference in helping us understand what it was that drove those 51 legislators out of the State of Texas and over into Ardmore, Oklahoma, to send a message, to send a message that we are not going to take being excluded from participating in the process of making legislation anymore. Whether it is at the Federal level or whether it is in the State of Texas, it is wrong.

The people of this country created a system that we all participate in through our representatives. When representatives are excluded, then the people are excluded. Their voices are not heard.

Back to our request of Secretary Ridge, the use of the Homeland Security Department for political reasons is shameful, and it needs to be investigated. We need to know answers of why, what happened.

I remember when I was teaching at Lamar University in Beaumont, Texas, during the years of the early 1970s, the Watergate era. Like all Americans, I was absolutely shocked and dismayed at the wanton abuse of power of the Nixon administration. Secretary Ridge's decision to not release these tapes yesterday brings back memories for me of that dark era in American history. That is not what we are about in the United States of America. We should not have a secret government that keeps stuff from the people.

The Nixon administration used the FBI for political reasons, and then they refused repeated requests from journalists to review their actions. Two weeks ago, the majority leader, the gentleman from Texas (Mr. DELAY), told numerous reporters that he wanted the FBI to use its resources to track down the Democrats who went to Oklahoma.

The thought of using the FBI for such reasons, in my opinion, is unconscionable. Now we have learned that the Texas Department of Public Safety used the Homeland Security Department to track down a plane belonging to former Texas House Speaker Pete Laney. The Department of Homeland Security should be used for protecting Americans from terrorists, not for political objectives, regardless of from whom the political objectives come.

Many of my colleagues have asked to review those tapes of the phone calls between the Department of Public Safety in Texas and the Department of Homeland Security, but we are told by Secretary Ridge's office that the tapes are currently unavailable. That makes me and many of my colleagues wonder why.

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

Mr. LAMPSON. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I know the gentleman was expressing concern about using the Federal Bureau of Investigation with reference to political purposes. The gentleman is aware that it was the gentleman from Texas (Mr. DELAY) who himself talked about calling out the G-men, the government men, and mentioned using the FBI. We have seen that movie ''U.S. Marshal'', pulling in the U.S. Marshal on this. This is all in addition to Homeland Security. He said that he had a former Justice Department official on his staff investigating this and that they pulled in some United States attorney, those are the people in charge of prosecuting crimes in the State of Texas, but some United States attorney down there who was also diverted to this political task.

Mr. LAMPSON. Reclaiming my time, Mr. Speaker, I understand that that exactly happened. Supposedly, it was in San Antonio. Those are not things that should be happening in our government.

If we learned anything from the Watergate era, it is that the government needs to be accountable for its actions. It cannot be held accountable if important documents are not available to journalists and Members of the United States Congress so they can review them. So we need to review these tapes to ensure that nothing improper happened and the Department of Homeland Security is working to protect us against terrorists and not members of the Texas House of Representatives.

CONGRESS SHOULD OVERHAUL U.S. DEPARTMENTS AND AGENCIES WITH POOR FINANCIAL MANAGEMENT

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, today I had the opportunity to do something that millions of Americans would love to do: I asked the Internal Revenue Service to account for the use of its taxpayer dollars.

Representing the Committee on Government Reform at the Joint Committee on Taxation's annual review of the Internal Revenue Service, I took part in what is an absolutely essential function of Congress: oversight and reform.

Too often, both Members of Congress and voters forget that this body is not here just to pass new laws and spend more money. We are here to review and to reform the programs that we have already created and the money that we have already spent on those programs.

In 2001, the Federal Government could not account for $17.3 billion, according to the Treasury Department. That is 17.3 billion taxpayer dollars.

The U.S. General Accounting Office, the GAO, has refused to certify the Federal Government's own accounting books because the bookkeeping is so poor, and 21 of the 26 departments and major agencies received the lowest rating possible for their financial management, meaning that auditors cannot even express an opinion on their financial statements.

Clearly, we are talking about significant sums of money. I think many of my colleagues would agree that when it comes to hard-earned taxpayer dollars, there is no such thing as insignificant waste. Congress must live up to its obligation to provide stronger financial management oversight for Federal programs that are costing us billions of dollars, and that is billions with a B, every single year.

I know that the Committee on Government Reform and Congress are committed to reducing waste, fraud and abuse of current programs. More importantly, we should take the time and effort not just to chase after losses, but to overhaul a system that allows so much waste, fraud and abuse to exist.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I come to the House floor this evening to talk again about the Republican raid on Social Security a year ago to cover their growing deficits because of the Bush administration tax breaks to the upper crust that created no new jobs. Where did they get the money to do it?

This first chart goes back about a year to June 18 of last year. At that point, they had taken from Social Security's' trust funds over $218,095,890,410, or about $775 per American. We just asked the Department of the Treasury to give us the update. Now, this year already, clocking the Republican raid on Social Security to cover their tax breaks mainly to the top earners in this country, they have now taken $498,863,013,099, or about $1,714.24 per American. That is nearly a half a trillion dollars just as of May 20, just as of this week.

Now, Social Security is a financial lifeline for 46 million Americans, but the Republicans continue to play a game of fiscal ''chicken'' with the Federal deficit. They are borrowing from Social Security's trust funds to give tax breaks aimed at next year's elections.

Let us make one thing clear: Americans might have elected some Republicans into this House and the other body, but they did not give them a mandate to rob Social Security.

Now, this past March, the Republican leadership of this House voted on a budget that will give us deficits as far as the eye can see. I thought that this particular editorial cartoon from the Rocky Mountain News was particularly illustrative, with this giant deficit that is being created for the future as a result of the type of tax program that they have put in place, with absolutely no jobs being yielded, but in fact giving us a debt that will kill jobs and weaken Social Security and Medicare, just when 77 million baby boomers start to retire.

Earlier this month, the same House Republicans voted a $550 billion, more than half-a-trillion, in tax breaks, mostly to the wealthiest 1 percent of earners in this country, and there is no requirement that money be invested in this country. According to the Congressional Budget Office, the Federal Government has run a deficit of approximately $202 billion in the first 7 months of this fiscal year. And where do we think they are getting the money from? Where does the money exist? In our Social Security trust funds.

Now that amount of debt that has been added this year is $138 billion more than the same period last year, so it is getting worse. The Congressional Budget Office now expects that the government will end up this year with a deficit of over $300 billion.

What is the biggest reason for this most radical fiscal reversal in American history and the raid that is going on on Social Security? The Bush tax program aimed at the next election, not the next generation.

What is the effect of this burgeoning public debt? They are mortgaging Social Security's future payouts. They are forcing our country to cover the rest of their borrowing with more dependence on foreign investors who buy our debt bonds, starting with China and Japan and then Saudi Arabia, and they are taking away independence for this Republic and for the American people and a lot less independence for future generations.

I am no longer surprised, but I am amazed at how President Bush and his fellow Republicans are so eager to chip away at Social Security, weaken Social Security, and ultimately play roulette with our people's Social Security trust funds, which we voted seven times to put in the Social Security lockbox. They are raiding the lockbox.

□ 1730

The American people deserve better. Working families deserve better. Your grandmothers and grandfathers deserve better. They have earned a secure retirement.

We have to get back to the fiscal basics and put Social Security first. Would you rather have $300 today, or Social Security for all of your retirement tomorrows? Congress is the protector of Social Security, the primary

protector. It is the people's program, intended by President Roosevelt and its authors to allow generations of retirees to live with independence and dignity.

It is time for the Republican Party to stop the raid on Social Security, which as of today, again, amounts to, as of May 20, 2003, out of the trust funds, your trust funds, $498,863,013,699 or $1,714.24 for each single American who has paid into the system.

UTERINE FIBROID RESEARCH AND EDUCATION ACT OF 2003

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, May is an important month for the Tubbs-Jones family. On May 15, my sister Barbara Walker celebrated her birthday. Happy birthday, Sis. I could not be there with you. Yesterday, my son, Mervyn Leroy Jones, II, celebrated his 20th birthday. Today, my father, Andrew Tubbs, celebrates his 83rd birthday. Happy birthday, Dad. I love you. And on Thursday, May 22, my dad will be named Senior of the Year by Cleveland's City Council. Congratulations, Dad. I love you.

Now, let me switch to something else very quickly. I rise today to bring to the attention of the Congress an issue related to women's health that is misunderstood, underfunded, and devastating to the physical and sometimes mental health of women. The issue is uterine fibroids. On Mother's Day, we took time out to honor our mothers, our grandmothers, our aunts and sisters; yet we have done very little to provide research and to educate our health care professionals and other women about uterine fibroids. Uterine fibroid-related expenses accounted for over $2 billion in hospital costs. The National Institute of Health spent only $5 million on uterine fibroid research this year.

Today, I introduced the Uterine Fibroid Research and Education Act of 2003. One out of every four women in their 30s or 40s will seek medical care for uterine fibroids. Uterine fibroids are noncancerous growths in the uterus that cause abnormal bleeding, urinary frequency, pain in the back, legs and pelvis, infertility, and miscarriage. My legislation's number is H.R. 2157.

This painful chronic condition disproportionately affects African American women, who are two to three times more likely to suffer from uterine fibroids than other women. Despite their prevalence, little is known about uterine fibroids and few good treatment options are available to women who suffer from them. More than 200,000 women will undergo a hysterectomy each year to treat uterine fibroids, which requires a 6-week recovery, has a 20 to 40 percent risk of complications, and means, in some instances, that a woman can no longer bear children.

Other treatments for uterine fibroids have not undergone the rigorous testing that women expect. In fact, the Agency for Health Care Research and Quality, a Federal health agency, found a remarkable lack of high-quality evidence supporting the effectiveness of most interventions for symptomatic fibroids. Women deserve better.

This legislation, the Uterine Fibroid Research and Education Act of 2003, commits the Federal Government to expanding and coordinating research on uterine fibroids at NIH. It authorizes a doubling of what is spent currently, authorizing $10 million for uterine fibroid research each year for 5 years. It provides education for health care providers so that they can educate themselves about the condition and do more to assist women with the condition. And, finally, it establishes a public education campaign for patients so that they have an opportunity to learn more about uterine fibroids.

I ask all of my colleagues to support me in the passage of H.R. 2157.

TRIBUTE TO ELMO JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise this evening to commemorate the accomplishments and the service of a great American, a good friend and a constituent of mine, Mr. Elmo Johnson.

In 1945, Elmo Johnson, with trumpet in hand, joined the Army as part of the 285th Army Ground Force Band Unit. While serving in occupied Japan, Elmo began to play Taps for fallen compatriots, and for 58 years he has continued to play that somber requiem meant to honor the troops who have died in war so we can enjoy the freedoms we have today in this great Nation.

Mr. Speaker, Taps lasts for only 24 notes, about the time it takes for a tear to travel down a cheek, but it is by no means an easy piece to play. Even its ending is difficult. Over the sounds of clearing throats and the silky whispers of a flying flag, Taps simply fades away into silence. As an active member of the American Legion, Elmo Johnson has played this farewell for his fellow soldiers over 1,400 times. He has never sought payment or even recognition for this service, believing it a solemn honor to deliver the final thank you on behalf of a grateful Nation.

At the remarkable age of 87, Elmo continues to play tribute to the veterans who have passed on by playing Taps at their funerals. This Monday, on Memorial Day, the community of Black River Falls in western Wisconsin will officially recognize and thank Elmo Johnson for his service to our country and to our veterans.

Mr. Speaker, our Nation loses approximately 1,600 World War II and Korean War veterans every single day. Unfortunately, the combined branches of our military have only about 500 full-time trumpeters and buglers and must honor most deceased veterans by sending a boom box and a tape recording of Taps to graveside services. The Pentagon does have an active program to try to recruit and train for trumpeters, more Elmo Johnsons, so that families, friends, and communities throughout the country can experience the fitting tribute to our veterans that we in western Wisconsin have been so blessed with as a result of Elmo's selfless dedication.

Mr. Speaker, it is easy to see why we in Wisconsin are so proud of Elmo Johnson's accomplishments and why he is worthy of recognition on the floor of our Nation's democratic body. Thank you, Elmo, for your years of dedicated service to our Nation, and may God bless him and all of our veterans who have served our country so well this Memorial Day.

THE TEXAS LEGISLATURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, at the beginning of this year, as the Texas legislature convened, it faced, and continues to face, some truly significant problems: a budgetary crisis; proposals to drop 250,000 children from the Children's Health Insurance Program, so that their mothers will be faced with the crisis of trying to decide how to handle an illness and perhaps let it go until they have to go to the emergency room; proposals to stop the publication of new textbooks; in one school district after another, a freeze on the hiring of new teachers.

With all of these problems, it is understandable that the Republican leadership of the State early on expressed a reluctance to take up the question of redistricting. One statewide Republican figure referred to redistricting as like having the flu. I do not think that he envisioned that it was the lethal kind that Texas had last week.

Now, Mr. Speaker, fast forward several months to last week, and we find redistricting at the center of a struggle where Democrats are working in Ardmore, Oklahoma, and Republicans are twiddling their thumbs under the Capitol dome in Austin. How did this happen? Well, it happened very directly as expressed by our majority leader, the gentleman from Texas (Mr. DELAY), to The Washington Post when asked why they were doing redistricting. He said, ''I'm the majority leader and I want more votes.'' He was very direct about it. Not unlike his answer when questioned about lighting up his cigar in a Federal building, and he said, ''I am the Federal Government,'' when questioned about this apparent violation of the rules for operation of Federal buildings here in Washington.

The gentleman from Texas (Mr. DELAY) is willing to cut however many communities he needs to cut in Texas, to split up communities that have been together since the beginning of our State, if that is what it takes to get him more votes. The question that several of my colleagues have been asking throughout Washington today is whether there has been a going over the limits with reference to using Federal resources in order to further that political agenda. And the reason those questions were raised were comments from Mr. DELAY: his indication that he had a former Justice Department official working on it in his office; that he had a United States Attorney working on it in Texas; that he thought the FBI and the U.S. marshals ought to be pulled into this.

Well, where are we today? Our colleague, the gentleman from Texas (Mr. TURNER), the ranking Democrat on the Select Committee on Homeland Security, this morning sought to get the information about whether the Homeland Security Department had been used for political purposes. He was stonewalled. This afternoon, our colleague, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), sought to get similar information from the Justice Department. She also was unable to get an answer. And the gentleman from Texas (Mr. DELAY) has been strangely quiet.

The security level of our Nation, the danger to our families, goes up. Comments from Mr. DELAY? They go down.

I think the public has a right to know whatever it is that they are so determined to cover up. If this was merely a routine law enforcement request, they do not need an inspector general. Just release the tapes and the other related documents so that everyone can see. Instead, they have ducked and dodged and tried to assign the investigation to a political functionary.

This weekend, the latest chapter in all of this. Instead of responding directly to a communication from 16 Members of Congress to release these documents, we got excerpts of tapes. We got an indication that a gentleman named Clark Kent Irvin was going to be the inspector general who would tidy all this up, investigate it, and give us a fair and complete report as to whether anything had gone amiss. And the Department of Homeland Security indicated in comments to several newspapers around the country that they were mighty proud of Clark. They thought he could do a really good job of this and pointed to his recent work in service to this administration.

What they did not point out was that Mr. Irvin is a perennial Republican candidate, having run for Congress and tried to become a member of the delegation of the gentleman from Texas (Mr. DELAY); having run in what later was an aborted race for the Houston City Council; having run for State representative; and having failed in these several runs for elective office, then began to take a series of Republican patronage jobs.

To his credit, after inquires from the press yesterday and another letter that a number of us sent from the Texas delegation, Mr. Irvin has withdrawn himself from the investigation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

(Mr. REYES 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.)

THE DEBT CEILING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. HILL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HILL. Mr. Speaker, the Blue Dogs are going to be taking this hour to talk about the debt ceiling. And for those who are listening, the Blue Dogs are about 35 Democrats in the House of Representatives who believe that we ought to be fiscally responsible. The debt ceiling, for those who are listening, too, is a process by which we pass a budget and we say that we are going to pay for items in the budget. And if we do not have the money to pay for the items in the budget, then we have to borrow the money.

□ 1745

That takes an act of law. About 7 or 8 months ago, we did not have enough money, so we raised the debt ceiling by approximately $450 billion. Now 7 or 8 months later, to fast forward to today, we are going to have to do it again. We are going to have to raise it $984 billion. This is at the same time that a conference committee in these halls of Congress are debating a multi-billion dollar tax cut. Many of us are not in agreement with that, but there are many in this body and the other body that believe that we should borrow the money in order to do a tax cut.

In President Bush's State of the Union address, the President said, ''This country has many problems. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents and other generations.'' I am quoting from the President of the United States. But that is precisely what we are doing in our current budget and economic policies.

The House majority is trying to hide a $984 billion increase in the debt limit, the largest increase in the debt limit in history. This comes less than 8 months after we raised the Federal debt ceiling by a whopping $450 billion. When the President proposed his initial budget in the year 2001, the administration actually claimed there was a danger that the government would pay off its debt by the public too quickly. The administration's request for the second increase in the statutory debt limit is less than a year and shows just how farfetched those warnings were. The majority no doubt hopes that this increase in the debt limit is large enough to avoid dealing with the issue of our increasing national debt until after the election next year.

If the majority honestly believes that tax cuts with borrowed money is good economic policy, they should be willing to vote to increase the national debt to pay for their tax cuts, instead of relying on undercover, parliamentary tricks.

We Blue Dogs are firmly opposed to increasing the borrowing authority by $984 billion without efforts to restore fiscal discipline into the future and protect taxpayers from higher and higher debt. We understand that we have to borrow monies sometimes to pay our debts, and we feel like we should do the responsible thing and do that, but there ought to be some kind of road map put in place for the American people so we can see somewhere down the line how we are going to get out of this mess, and we are not doing that.

The one tax that cannot be repealed is the debt tax, the cost of paying interest on our national debt. The debt tax consumed 18 percent of all government revenues to pay interest on the $6.4 trillion national debt last year, including interest on debt held by government trust funds.

We are willing, as I said before, to support a short-term increase in the debt ceiling to avoid the impending risk of default, but we will not support an increase in the debt limit of nearly a trillion dollars to allow the government to continue on the course of deficits as far as the eye can see. It is irresponsible to provide a blank check for increased borrowing authority without examination of the conditions that make such an increase necessary. Just like a credit card spending limit serves as a tool to force families to examine their household budget, the debt limit reminds our Nation to evaluate taxing and spending policies.

A farmer or small businessman who needs an extension of their credit must work with the bank to establish a financial plan in order to get approval from the bank. We should be following that principle by working on putting our budget back in order before we raise our credit limit.

A thorough debate on lifting the debt ceiling is particularly timely as Congress considers tax cuts that could add more than a trillion dollars to the national debt over the next decade. Every dime of tax cuts being pushed by the majority will come from borrowed

money. Under the majority's budget, the national debt would exceed $10 trillion by the year 2009 and $12 trillion by the year 2013. The borrow and spend policies of this current majority will leave a crushing debt for future generations who do not have a say in what we are doing and do not benefit from the tax cuts and spending programs.

Mr. Speaker, I yield to the gentleman from Florida (Mr. BOYD) who has been an expert on this issue and a great spokesman.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Indiana (Mr. HILL) for his leadership in the Blue Dogs and his leadership on this important issue for the American people.

Mr. Speaker, I would ask the question, have we lost our way? If the American people understood how this Congress and this administration were managing the United States Government's money, the American people's money, they would fire us all. It is absolutely unconscionable. We must have lost our way.

Let us go back in history a little bit.

Mr. Speaker, 2 years ago when the President proposed the tax cut that was put into place in 2001 of $1.34 trillion, we were looking at over the next 10 years from an economic forecast of about $5.6 trillion surplus over a 10-year period. The President claimed then that, even with these tax cuts, we could balance the budget and, even with the $1.34 trillion worth of tax cuts, we could pay off all of the publicly held debt by the year 2008.

Many of us opposed the bill, but there could be made a legitimate argument that if the economy, if it performed in a very positive way over the next 10-year period that things would have been all right. But things were not all right. The following year, as the gentleman from Indiana (Mr. HILL) said, Congress had to vote to increase the debt by $450 billion, that is billion with a ''B'', because of several factors, several things that came along.

Some of them were out of our control, such as the economic downturn and the attacks of September 11. But one thing that was under our control was the economic policy of this administration. All of those things contributed to the fact that now we had to go back a year after that $1.34 trillion tax cut and borrow $450 billion in additional money to run our government.

That $450 billion was supposed to get us through the next 2 years before we would have to go back to the well. That is what we were told then. Now, as we speak, let us fast forward to the present time, the House and the Senate are attempting to resolve their differences on another tax cut bill proposed by this administration which I think under his initial proposal was $726 billion. We have a House number of $550 billion, a Senate number of $350 billion, and so we are trying to resolve what that number should be.

I think we have lost our way, Mr. Speaker. Have we lost our sanity, all power of reason? As we debate how big the tax cut is going to be, the Senate is struggling with a debt limit increase, how they would do it, of $984 billion, almost $1 trillion, the largest debt ceiling increase in the history of this Nation.

These two events do not reconcile. They do not make any sense. No reasonable or prudent person would say you ought to do both. While you have to borrow $984 billion, you would go out and push through a tax cut of $500 billion or whatever.

Since 2001, Congress has been asked to increase the Federal debt limit by $1.43 trillion. The last 2 years, Congress has been asked to increase the debt limit ceiling of this Federal Government, asked the American taxpayer to borrow an additional $1.43 trillion to support this economic plan and run this government.

That plan so far, that economic plan, has consisted of two tax cuts that total $1.69 trillion, and we are asking the taxpayers to borrow and for their children to pay back in the future $1.43 trillion. I think we have lost our way.

We should be reasonable, and we should all come back to the table. It is time to take a deep breath and for the reasonable people of this body and this administration to sit down and start to work together. I think we ought to do three things:

Work together to make responsible fiscal policy, just like we did in 1997 when we did the Balanced Budget Act which got us into balance ultimately.

Secondly, we have to put our country back onto the path to a balanced budget. That is the only way in the long run that we can have strong economic growth, is when the consumer and the investor begin to have confidence that the United States Government is running their business in a fiscally responsible way.

That is the fiscally responsible path we should be on, instead of borrowing money to pay for our tax cuts.

Mr. Speaker, I thank the gentleman for yielding me this time, and I want to reiterate that if the American people truly understood what we are doing in managing our fiscal policy, they would fire all of us.

Mr. HILL. Mr. Speaker, I thank the gentleman from Florida (Mr. BOYD) for those thoughtful remarks and would like to now yield to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I used to talk about the debt of the Nation and the deficit in terms of what we were doing to our children and grandchildren. I called it a generational mugging on this floor last year. That is still the case. We are still mugging our children and grandchildren with debt that we are unwilling to pay and we are unwilling to stop spending for our own convenience and our own purposes, so that is still true.

But I used to say also that I wanted everybody under the age of 30 to listen to me because they were going to be directly affected by this reckless economic plan that we are engaged in here. Then I moved that up to age 40. Then I had to move it to age 50.

Now with the knowledge that this government borrowed $111 billion in the first quarter of this year alone, I want to speak to every American who is alive and well and paying taxes because what is happening is we are engaged in a long-term structural tax increase on me and you and everybody that lives in this country because we are unwilling to rein in our appetite for tax cuts and more spending.

□ 1800

Just to pay the interest on the first quarter borrowings this year alone will require an additional $4 billion next year. When you go to write a check to the Internal Revenue Service next April 15, you will be paying your part of an additional $4 billion just to finance the interest cost on the borrowings of one quarter this year.

I spoke to the American Hospital Association's convention here in town about 3 weeks ago. Everybody in this country knows the demographics of our population. We are growing older. There are more and more senior citizens as a percentage of our population. And everybody knows what that means to our medical system, Medicare, Medicaid and the rest. I told them, as long as we continue to engage in this economic pattern of borrow and spend, we are just rearranging deck chairs on the Titanic. The iceberg in this economy is the national debt, because it is going to soak up in the form of interest payments to service that debt all of the new money that comes to town.

Last year we had a Federal income, if you want to call it that, of $1.8 trillion. Of that, we paid or accrued interest of $332 billion. We actually wrote checks for about $185 billion. A third of that went to foreigners, because they are the ones that are buying the Treasury auctions of bills, notes and bonds that take place in this town every 2 weeks. This is an unsustainable economic path that this country is following. There is no way, and let me repeat, no way that we can borrow the kinds of moneys that we are borrowing and grow our way out of it.

The reason I say that is because if you do the math, last year, 18 percent of the money that came here went to either pay interest or was accrued to other government trust funds, primarily Social Security. An 18 percent mortgage, as any businessperson knows, is something that cannot be sustained over the long term. There simply is not enough new income, regardless of growth, to take up the slack and to service the debt that we are building. And so I am more concerned about this than I guess I am almost anything save the security of our Nation and the people that live here from the various terrorist groups that we know of around the world, al Qaeda and the rest. But we are building a

long-term structural tax increase under the guise of a short-term tax cut.

Everybody in this country knows there is no free lunch. Every time you hear people say, we are going to cut taxes and that will create jobs, to some degree that is true; but it depends on the kind of tax cut. I do not know if any of my colleagues have heard Warren Buffett; but he wrote an article that was, in my judgment, excellent about the kind of tax cut that the Senate put together this week and the kind that will be discussed in the conference committee. He said basically this: to cut taxes in the way that is fashioned around here and sunsetted in 3 years is ludicrous if one wants to argue that that is stimulative and will create jobs. If we really wanted to do that and we are going to spend money we do not have, rather than a tax cut that benefits primarily people who hold paper that will pay a dividend on, if we really wanted to do that, we would invest in some public work jobs that would do two things: one, additional spending for homeland security on our harbors, on our railroads and on those targets that we think the terrorists are after. That would do two things, create jobs, number one; and, number two, and more importantly perhaps, make our country safer. That would be the way to stimulate the economy if we wanted to go down that road.

But the second thing we ought to do, in my judgment, is realize that when one cuts taxes and has to borrow the money to make up the income lost to the government, we are experiencing short-term gain, but we are putting in place long-term pain. There is no other way to look at it. The interest charges alone next year will approach $350 billion. That is with interest rates low. If interest rates suddenly spiked up and as the government rolled over its debt, we could be paying 4, 5, perhaps even $600 billion a year in interest on past consumption before we ever get a dime available for a world-class military, for health care for the people of this country, for education and investment in human capital.

All of these things directly affect us. When people say deficits do not matter, then you better question what they are saying because they have not factored in the carrying charges on this massive amount of debt that has been created here in the last 24 months. As the gentleman from Florida (Mr. BOYD) said, we have been asked to raise the debt ceiling, the amount of money the government can borrow, by $1.43 trillion in less than 12 months. I do not care what kind of economic theory you subscribe to, supply side or anything else, that is unsustainable. There is no way that this economy can generate that kind of growth in order to service that kind of debt.

I want to thank the gentleman from Indiana for having this Special Order tonight. I do not know what else to say about it, other than I wish the business community would at least pay some attention to what we are saying. There is no businessperson that I know of in this country, certainly they will not be in business long if they do, that would follow this kind of economic plan. Why, then, would you expect those of us who you entrust with the public's business, which is your business, why would you want us to do something that you would not do in your own business? That is exactly what people are asking us to do. It makes absolutely no sense to cut your income with borrowed money, then piling that much debt on and interest will start on it tomorrow. That is why I said, I used to say we are passing it on to our children and our grandchildren. That is still true. But now we are passing it on to ourselves. It is irresponsible. It is reckless.

Just one more thing. The morality issue here of borrowing money for people in my generation to take a tax cut, give the bill to the young men and women in uniform and their families who just fought over in Iraq, when they get home, they get a bill with interest so we could take a tax cut. There is no honor in that kind of behavior. I said that on the floor some weeks ago and I say it again. There is no honor in this House what we are doing. There is no honor in this building in what we are doing to the men and women in uniform. Not since the War of 1812 have noncombatants in this country not been asked by the administration, by the President and the Congress to help pay for a war that others fought for them and in their stead and on their behalf, and that is exactly what is happening here. You can color it any way you want to, but it is what is happening; and there is no honor here in what is going on.

Mr. HILL. I want to thank the gentleman from Tennessee for being a continued champion on this particular issue. I am into my third term here, Mr. Speaker. I came to know the gentleman from Tennessee right away. He has consistently been a voice of reason on this particular issue. He has not changed a bit, unlike others who have changed in this body, about the importance of managing our Federal deficit.

Mr. Speaker, I would like to introduce the senior Blue Dog, of the 35 that are here, and has been the leading voice for the Blue Dogs on this particular issue. I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank my friend for yielding. I will just make a few additional points.

How many times have we heard, it's your money, we're going to give it back to you? How many times have we heard this from this side of the aisle?

Let us clarify the record. Borrowing money on our grandchildren's future in order to give it to us today in a tax cut, is that really your money? Or is it their money? I happen to believe it is their money. That is why the Blue Dogs have been begging and pleading, arguing, taking Special Orders, presenting an alternative budget. Sometimes we get to vote on it. Other times we do not. But we have been trying to point out the seriousness of the direction of the economy of this country. The Secretary of the Treasury has announced this week that they have used all of their legal tools to avoid default and will run out of borrowing authority by June 2.

I remember a few years ago when the previous administration did this, used all of the legal tools available to avoid default, we had cries of impeachment, impeach Secretary Rubin for doing what Secretary Snow is doing, perfectly legal; but this week now the Senate is going to have to vote. We were so brave when we passed the budget in the House that we hid it in the budget. No one in this body wants to vote on increasing the debt ceiling by $984 billion. The Senate is going to have to vote on it. There will be 12 amendments on the floor of the Senate which our fellow Senators on the Democratic side have got an opportunity to amend this debt ceiling. I hope they amend it. I hope they send it back.

I would like to see them do what we are prepared to do on this side and, that is, offer unanimous consent to increase the debt ceiling by $375 billion effective immediately, provided the President will resubmit a budget that will balance by 2008, unified balance. Resubmit the economic game plan for this country instead of blindly following the borrow-and-spend policies that we are now under. How I remember the tax-and-spend Democratic cries that came over and over and over again. What is the difference between borrow and spend?

To those that suggest that this economic game plan that we are under is working, why will we as a Nation owe $13 trillion by 2013, 2012, if everything works exactly like the economic game plan supporters say it will work? Not worse, not better. Why will we owe that much? Do we realize that in 2012, this country owing $13 trillion, it will require taxes of $520 billion just to pay the interest on this debt? $520 billion. That is assuming 4 percent interest. But anyone that believes that interest rates are going to stay low with the United States conducting our fiscal policy like we are conducting it has got to be dreaming.

One of the happier times of my life is when I stood on this floor and we passed the balanced budget constitutional amendment in 1995. One of the saddest times was standing in the back of the Senate when it went down by one vote. If we had passed the balanced budget constitutional amendment in 1995, we could not have the tax cut on the floor in Congress, in conference going on right now. That is another thing. We are going to have another vote on the balanced budget amendment. I am for it. But I do not see how we stand the laugh test from this side of the aisle unless we submit a budget that balances. The Blue Dogs did. We

submitted a budget that balanced by 2008. We did.

Those who are listening and looking right now, saying, well, there they go, there's those big-spending Democrats. Let me make it very clear, the Blue Dogs that you are hearing from today, we say the President's spending numbers are adequate. We will not propose spending one dime more than the President asked us to spend. Spending is not the issue. It is the economic game plan that we are under. The tax cuts with borrowed money on our grandchildren's future is what the problem is all about.

Just as the gentleman from Tennessee and the gentleman from Florida said a moment ago, borrowing money by itself is not a sin. Everyone does that. We borrow to build a home, we borrow to farm, we borrow to conduct our small businesses. We go to our banker. We explain the rationale for why we are borrowing the money. If we have a good story, they loan us the money. That makes sense. I agree with the gentleman from Tennessee. Take a look at Mr. Buffett's comments today. One of the best rhetorical answers to what the Blue Dogs are talking about that you could possibly have, the best that you could have, questioning the makeup of the tax cuts. And then you have got the Concord Coalition, bipartisan, that has been saying over and over and over again to this Congress, get your fiscal house in order, quit borrowing money on your children's and grandchildren's future. I do not know what it is going to take, because in this body everybody on the majority is just hoping and hoping that the Senate will not amend the debt ceiling so we do not have to vote on it.

But let me issue a little warning tonight to those that believe we are going to escape. Based on current figures, the deteriorating situation of the budget of this country, the deteriorating condition of the economy of this country that has caused this problem indicates that $984 billion is not going to be enough to get us to November 4, 2004.

□ 1815

I take no satisfaction in that. Because if in fact that is true, that is a serious matter. We believe it to be true. We are not here to be critical without offering a constructive alternative, which we have over and over and over again. Back off from this rhetoric, back off from this rhetoric that says it is their money. It is not their money. They are borrowing on their grandchildren's future. It is not their money.

And just as the gentleman from Tennessee (Mr. TANNER) made the statement a moment ago, and it bears repeating, these are the first wars, and I say wars, Afghanistan, Iraq, the war on terrorism, these are the first wars since 1812 that Congress did not raise taxes in order to pay for the war. No one is suggesting raising taxes. No one. But many of us are saying why and under what circumstance can we afford to have additional tax cuts under this situation?

I do not know what it is going to take. I do not know what it is going to take to get people to start focusing. I do not know how long we are going to be able to buy $500 billion of materials and products from the rest of the world more than they buy from us without the law of economics or the law of politics taking over. I do not know.

And of course we know the reason we have been able to do that is others are reinvesting in the United States. How long are foreign investors, now approaching 35 percent of owning all of our debt, scheduled to go to 40, how long are they going to continue to invest in our country if we run our country as we are now running it? Borrowing, borrowing, borrowing, spending, spending and spending. Increasing, increasing, increasing our Nation's debt.

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

Mr. STENHOLM. I yield to the gentleman from Indiana.

Mr. HILL. The gentleman, of course, is a champion in this area as are the gentleman from Tennessee (Mr. TANNER), the gentleman from Kansas (Mr. MOORE), and all the Blue Dogs. We talk in terms of billions, sometimes trillions of dollars. For people who may be listening in their living room, maybe eating dinner to the debate that is going on here this evening, why is this an important issue to them? Why should they care about this?

Mr. STENHOLM. I start again referring to our grandchildren. 2011 is when the baby boomers begin to retire. Everyone knows there is no disputing that the economic pressures on this country in 2011 and 2012, when the baby boomers begin to retire and begin to draw their Social Security and begin to qualify for Medicare, the pressures on this country are going to be tremendous. That is why we think balancing the budget before we get there so that there will be the money in order to pay off the obligations to those which have been promised under current Social Security law.

So first off to those intending to retire in 2011, it is in their best self-interest that we honor the pledges that were made to them. Then we back off to the grandchildren, and of course they are not old enough to answer this question. They are not old enough to wonder. My two grandsons right now, seven and five, they would not have a clue what I am talking about right now. But the young working men and women just graduating from high school, going on to college, just graduating from college, about to get a job, they understand. They already know that they wish that Congress would make the changes today in the Social Security system so they might have something that is not just promised but that can be reality. If we do not deal with the fiscal problems of this country today, they will not be able to get that which they are promised to receive.

What does it mean to the average family having dinner tonight? Some of them remember 15 percent interest, 20 percent interest, trying to buy a car, 15 percent interest. Some of them remember what it was like when we had let our economic game plan get out of control. Many of them I would hope would see today that, with the decline in interest rates, they have had a tax cut. An increase in interest rates is going to be a tax increase, just as sure as we are standing here tonight. There is a balance involved in this.

Home building, homeownership, that is something that we pride ourselves in, rightfully so. We support the policies, and we hope we allow more and more families to gain homeownership. We let interest rates get out of control, we will see that dream vanish in a puff of smoke. So this is something I know what the gentleman is getting at and something that I struggle with at home. How do we relate this?

I do not take pleasure in opposing the President of the United States in anything. I have served now with five Presidents. I do not take joy, as some of my colleagues have said, in opposing the President. Basically, the only major area of difference that I have is on this economic game plan because of what I honestly and sincerely believe it is going to mean to the average working men and women. But my dedication to this and the simple answer I give to the gentleman's question is do not forget about our grandchildren.

About 10 years ago, of the 10 largest banks in the world, nine of them were in Japan. All nine of them today are in deep trouble. Deep trouble.

We have an obligation, and somehow, some way the American public is going to have to realize that our country is no different than that family that we are talking about having dinner tonight, that when they sit around and decide how are we going to spend Dad's raise that he did not get? How are we going to spend Mom's raise that she did not get? When one gets to that point in which they do not get the raise, they make readjustments.

And this surplus that is our money, we are going to give it back to them, is kind of like their not getting the raise. The money is not there, and therefore if the money is not there, they readjust, and they certainly do not spend money they do not have unless they are willing to take the chance.

Or put it another way. Would their banker really lend them the money for the tax cut that we are talking about today? Is it really going to benefit the average working family, as our colleagues on the other side say every day? Mr. Buffet says no. Mr. Buffet is right.

I thank the gentleman for yielding, and I appreciate his taking this Special Order today. I hope that somehow, some way as we repeat this, the Senators will find a way to amend this

debt ceiling and send it back over so that we might pass a debt ceiling without bringing our country to the point of default. We are willing to do that by unanimous consent tomorrow; and we should do it tomorrow, quite frankly. We ought to do it right here so we do not go to brinksmanship with the Senate. We ought to do it. We are willing to do it.

Mr. HILL. Mr. Speaker, I thank the gentleman for his eloquence and leadership on this issue and for his explanation, and we look forward for the gentleman from Texas (Mr. STENHOLM) to continue to assert his leadership in this area.

One of the things that the gentleman from Tennessee was talking about was the debt tax that we cannot repeal. He talked about billions of dollars that we are spending in interest. Sometimes people's eyes glaze over when we talk in terms of billions of dollars. What that means to an average family is, if they pay $1,000 in taxes, approximately $175 of that goes to pay the interest that we accumulate. So if we would put our house in fiscal order, perhaps we would not have to pay such high interest payments; and that would be a tax reduction in a roundabout way.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE) who came into the Congress at the same time that I did. We became fast friends right away. I have a tremendous amount of respect for him. He represents the State of Kansas very well, and I am honored to call him my good friend.

Mr. MOORE. Mr. Speaker, I thank the gentleman from Indiana (Mr. HILL). He has been an absolute leader on this whole question about fiscal responsibility with the Blue Dog coalition.

I come at this from maybe a somewhat different perspective than some of my other colleagues, even the Blue Dogs.

Two years ago, President Bush was fresh into office and the economy had started to slow down, even before he came into office, really in President Clinton's term. President Bush, in my mind, is not responsible for the slowing economy. Again, it started happening before he came into office. And he proposed to Congress an idea that he thought might keep the faltering economy from slowing even more, and that was a $1.6 trillion tax cut over 10 years.

I was a little more conservative than the President; and I thought that, not knowing what was going to happen in the future as far as revenue collections, maybe a $1 trillion tax cut over 10 years might be more prudent.

Anyway, the House of Representatives passed the $1.6 trillion requested by the President, and it went to the Senate, and the Senate worked their magic, and it came back at $1.35 trillion over 10 years. The President had requested $1.6 trillion. The bill before him was $1.35 trillion, and he said he will accept that in the spirit of compromise.

I thought to myself, I would prefer a $1 trillion tax cut, but if the President is willing to compromise, so am I. So I voted for the President's $1.35 trillion tax cut, and I still think it was the right thing to do, contrary to what some of my Democratic colleagues say. I still think it was the right thing to do, and I think maybe it slowed the slowdown that had started already to happen and helped us from going even deeper, deeper into a morass.

But at that time according to the Congressional Budget Office, which is a nonpartisan institution that advises both sides of the aisle, we had a $5.6 trillion projected surplus over the next 10 years, $5.6 trillion projected surplus. So when I voted for that tax cut, we were in surplus mode.

Mr. Speaker, now we are in deficit mode, and again I do not hold the President responsible for that or the other side of the aisle responsible for that. A slowing economy when the President came in was put in an absolute tailspin by September 11, and nobody except the horrible people who perpetrated that injustice against our country are responsible for that. And some corporate fraud and activities on the corporate level, national level, really shook investor confidence in our markets, I think, and also hurt our economy.

But, again, I voted for that tax cut 2 years ago, but now we are in a different situation. Instead of surplus mode now, we are in deficit mode. When I look at the situation now, I think we need to start thinking about how American families live, and they live by three simple rules that are not written down. They are just common sense.

Number one, do not spend more money than they make; number two pay off their debts; and, number three, invest in basics in the future.

Congress for a number of years exceeded their revenue income by more spending, and we accumulated a multitrillion dollar debt, presently $6.4 trillion. We have heard the gentlemen from Texas and Tennessee and Indiana and some of the other Blue Dogs who talked here tonight talk about what that means to us, and the gentleman from Indiana (Mr. HILL) had talked about what we coined the debt tax, d-e-b-t. Not death tax. Debt tax, which is the interest paid to finance our national debt.

It is the only tax, the debt tax, that can never be repealed. All we can do is pay it off if we can get in a financial position to do that, and I am very concerned about that because the debt tax presently is almost $1 billion a day. In terms of relative expenditures by category in our Federal Government, the only expenditure category bigger than the interest on our national debt is Social Security. This debt tax is even more. It costs our Government more than national defense. And when we get to that point, something is desperately wrong. We need to rethink our priorities here.

Again, when I voted for the President's tax cut 2 years ago, we were in surplus mode. Now we are in deficit mode. The President's budget that was proposed for fiscal year 2004 had a built-in $300 billion debt. Again, I am not holding him responsible for that, but when we request now a $726 billion tax cut that we cannot pay for, that we are going to have to borrow if we pass this tax cut and has already been said by the other speakers, do my colleagues know who is going to pay for that? Our children and our grandchildren. That is absolutely wrong.

I speak to a lot of college and high school government classes, and when I talk about the virtues of fiscal responsibility in terms of keeping interest rates low, sometimes people's eyes start to glaze over until I tell them about this and who is going to have to pay for this debt, and they look nervously at each other and say ''we will,'' and I say to them they should be angry at their parents and grandparents for leaving them that kind of responsibility. They do not deserve that. It is our debt, and we should pay it.

□ 1830

To borrow money, to borrow money to pay for tax cuts now, is irresponsible, it is reckless, and it is wrong. It is irresponsible and wrong, and we should not be doing that.

I was in Miami in the airport about 5 weeks ago standing behind a man in line, a long line; and we started talking. I asked him what he did. He said he was a retired CPA. His wife is working; she is still working. He found out I was in Congress.

He said, Congressman, I hope what you will do is vote for the elimination of corporate dividends. I went through a short 2 minutes of what I said here tonight about fiscal responsibility and not saddling our kids and grandkids with additional debt. He said, Congressman, I will tell you what. Why do we not just take care of today, and let them worry about tomorrow?

Unfortunately, I think that is what a lot of people in this country, and I hope not that many, think. Some polls I have seen said people do not want more tax cuts now. They want fiscal responsibility. They would rather see money used, any surpluses that may be generated in the future, used to pay down our debt and to reduce and eliminate our deficits.

We have got to get our financial house back in order, because we cannot survive. As the gentleman from Tennessee (Mr. TANNER) said, the sustainability is not there if we do not get back into a fiscally responsible position.

Other speakers have already mentioned, and I am going to end with this, the baby boomers will soon start to retire in about 2011 through 2012; and if right now we have a $6.4 trillion national debt, which is the figure, in fact slightly in excess of that, and we add almost another $1 trillion to it in the next week, at least increasing the debt limit that much, and if it goes up proportionately in the next several years,

we are going to be well over $10 trillion in debt by the time the baby boomers retire.

That is not sustainable. That is a recipe for disaster for this great country that we love and that we live in, and we should not let that happen to America, we should not let that happen to our kids and grandkids. Fiscal responsibility and a return to fiscal responsibility is absolutely necessary.

I thank the gentleman for yielding.

Mr. HILL. I thank my friend from Kansas for taking the time to talk about this very important issue and for his remarks.

Mr. Speaker, I would like to yield such time as he may consume to the chairman of the Blue Dogs, the gentleman from the State of Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman for yielding, and I am proud to join my Blue Dog colleagues tonight to address an issue that we feel very strongly about and that is the ever-increasing Federal debt that we are accumulating by continuing down this path of continual deficit spending.

A lot of folks today have heard the President call for tax cuts. The President says tax cuts mean jobs. The Blue Dogs have proposed a tax cut plan that will generate more jobs than the President's plan in the short term, but it is a bill that postpones some of the future tax cuts that are already in the law in order to be sure that our tax cut does not generate a larger Federal debt.

Now, why do we believe that is important? Common sense tells us and every household in America knows that when you go along spending more than you take in, sooner or later it is going to catch up with you.

Frankly, the Federal Government today is going down a path recklessly abandoning the fiscal discipline that was established just a few short years ago when we had the first balanced budget in 29 years. That was 2 years ago. How far we have drifted from that path today, when we project somewhere between a $400 billion to $500 billion deficit in the current fiscal year.

We have an ever-increasing burden of debt. You do not hear too many folks in the White House or on the talk shows talking about our debt, but it is a debt that is a very significant burden and will be an increasing burden on the taxpayers of this country.

This year alone, our debt runs in the neighborhood of $6.4 trillion. Now, that is a lot of money, and it is hard to understand how much $6 trillion is. I will tell you that it means that we pay $1 billion every day just to cover the interest on that national debt. We spent close to $332 billion last year on interest on the national debt.

The Blue Dog Democrats believe that is too much interest to be paying on our debt and that the only way to get it down is to reduce our debt. That is why the Blue Dogs proposed a balanced budget plan for this decade to ensure that we got back to reducing our debt, rather than seeing it go up and up and up.

Under the President's proposal and under the budget that the Republican Congress passed just a few weeks ago, our national debt is projected to increase from $6.4 trillion today to $12 trillion. That means 10 years from now we will be paying somewhere between 600 and $700 billion in interest every year.

Contrast that, if you will, with the projections shared with us for spending on national defense in the recently adopted budget of this Congress. That budget projects that the Department of Defense will spend $500 billion a year 10 years from now. That is a significant increase from the present. But it also is noteworthy that we will be spending more on interest, $600 billion to $700 billion 10 years from now, more money, than we will be spending on national defense.

Today when we pay our taxes and file our individual tax returns, 25 cents out of every dollar we pay goes to pay interest on our national debt. What a waste. That interest is going to double in the next 10 years. In other words, we could be paying 50 cents of every dollar we pay in personal income taxes just to cover the interest on the national debt.

Mr. Speaker, we are going into debt at exactly the wrong time. We are going into debt as we approach the retirement of the baby boom generation. That generation, when they retire, will place great stress, fiscal stress, upon the Medicare system, the Social Security System, when all of those retirees will be eligible for those government benefits. The unfunded liability of the Social Security trust fund is estimated to be $25 trillion. It is wrong to be cutting taxes today and borrowing the money to pay for the tax cut. It simply means that this generation is going to pass the debt of a tax cut on to our children and our grandchildren. That is morally wrong, it is fiscally irresponsible, and it is heading this Nation down a path that will create grave crises for us in the future.

For us it is about our future prosperity; it is about our future national and homeland security. How can this Nation maintain its status as the strongest military power in the world when its debt is continuing to accumulate and we will have a more and more difficult time every year paying the bills that we need to pay to ensure a strong defense, a strong homeland security, and a strong economy?

The American people can remember the days when Ross Perot was running for President, when he had his charts and he said we had to look under the hood of that automobile and get under there and get our hands dirty and get it fixed. That same message needs to be heard today, because we are heading for a fiscal crisis unlike any ever seen in the history of this country.

The projections of $12 trillion in debt 10 years from now are not based upon estimates of the economy maintaining its current status of sluggishness. The presumption is the economy will recover, and we still project a $12 trillion debt and $600 billion to $700 billion every year in wasted interest payments on that debt.

The Blue Dog Democrats say wake up America. Remember that we must pay our bills. Remember that to maintain a strong economy and low interest rates, the government does not need to become the biggest borrower on the planet, because as government consumes a larger and larger share of the available credit, the laws of supply and demand indicate very clearly that interest rates for all of us will go up. So the tax cut we grant today may mean the higher interest payments on home loans, car loans, student loans tomorrow.

There is no free lunch, and those who promise today the free lunch of tax cuts are also handing you a debt that must be paid by our children, a burden of debt that will result in higher interest rates tomorrow and a less prosperous America.

The Blue Dog Democrats believe that fiscal responsibility in Washington, just as fiscal responsibility around the kitchen table, is a message that should be heard by every American; and we call on this Congress tonight, on the verge of raising the debt ceiling, without a vote in this House, by almost $1 trillion, to retake the high ground, to recognize that we have been through a war, when every American wants to do their part and pay the bills for that war, instead of charging the costs of that war to the very men and women who fought that war; Americans who believe that our bills should be paid, our books should be balanced, and we should have a strong economy today and tomorrow.

Mr. Speaker, we hope this message will be heeded by our colleagues in this Congress tonight.

I thank the gentleman from Indiana for yielding me time this evening.

Mr. HILL. Mr. Speaker, I thank the gentleman from Texas for his eloquence and his leadership on this particular issue.

Mr. Speaker, that is the number of Blue Dogs who will be speaking tonight. We feel very strongly about this issue, as you have heard and the American people have heard. It is very hard to get the message out across because interest rates are very low right now, but there will come a day that, if we do not put our fiscal House in order, we could return to the days where interest rates were very, very high; and I do not think we want to do that, for the sake of not only this generation, but the next.

LOWERING PRESCRIPTION DRUG PRICES IN AMERICA

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced

policy of January 7, 2003, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that I think all of us are aware of, but I do not think most Members of the House really understand the dimensions of the problem.

Mr. Speaker, I know that there is work going on in several committees to try and deal with the issue of prescription drug coverage for senior citizens. It is a rather sad story, and most of us have talked to constituents about the problems that they have in terms of buying the drugs that they need to sustain their lives.

Unfortunately, even though I feel good that we are getting serious about this issue, I think, in many respects, many of my colleagues are missing what is the real story. The real story is how much drugs cost in the United States relative to the rest of the world.

Let me say right here, I am not here tonight to beat up on the pharmaceutical industry. I know that I have colleagues who say shame on the pharmaceutical industry. Essentially what I am here tonight to do is to say shame on us, because we as policymakers, and especially the people at the FDA, have allowed this system to grow out of control and literally have put Americans in an incredibly difficult position in terms of buying the drugs that they need.

Let me first show a chart. I know that these are hard to read, especially as Members are in their offices watching this on C–SPAN. Some of these numbers are awfully hard to read, because one of my colleagues the other day, I had the chart up, and he said, ''I was squinting very hard to read your numbers.''

Do not take my word for this. You can actually find this chart on my Web site, Gill.House.Gov.

□ 1845

More importantly, these are not my numbers. These numbers have been developed. There is a group down in Florida called the Life Extension Foundation. They are one of the groups that has sent me an enormous amount of information. They have been studying the differences in drug prices for more than a decade. Frequently in Minnesota we hear from constituents who get on buses and go to Winnipeg or they go into Canada so that they can buy their prescription drugs at much lower prices.

The interesting thing is, virtually all of the research that I have seen demonstrates that, yes, drugs are cheaper in Canada, but the amazing thing is that they are even cheaper in Europe. I want to talk about that tonight and perhaps some of the reasons, but, most importantly, what I think we as public policymakers here in Congress, in the administration, and especially over at the Department of Health and Human Services and in FDA can do to bring about some real change that will make real differences in real people's lives.

Let us talk about some of those differences. I have this chart. Again, these are not my numbers, but, frankly, there has been research done by a number of different groups, and they all come to the same conclusion. That is that Americans pay way, way too much for the same drugs. Let me give some examples.

Let us talk about the drug Augmentin, a very popular drug here in the United States. The average price for a 30-day supply is $50.50. But we can buy that drug in Canada for $12. That same drug in Europe sells for an average of $8.75.

Another popular drug is Cipro. In fact, I have some Cipro here that we bought in Germany. The average price in the United States for a 30-day supply of Cipro, and I am sorry, it is not a 30-day supply, I believe that is a 10-day supply of Cipro, is $87.99 in the United States. That same drug in Canada sells for $53.55, so a savings of 35 to 40 percent. But the interesting thing is it is half-priced, more than half-priced, if we buy the drug in Germany. It is the same drug made in the same plant under the same FDA approval.

Let us go down here and talk about a drug that my 85-year-old father takes, Coumadin. It is a wonderful drug, a blood thinner. It has done a lot in terms of preventing strokes and heart attacks in the United States. Coumadin in the United States today sells for almost $65 per month. Now, if we buy that same drug in Canada, it is only $24.94. But the interesting thing is, it is even cheaper in the European Union. The average price is only $15.80.

To go on down the list, another very popular drug, and in many respects a miracle drug, and, as I say, I am not here to beat up on the pharmaceutical industry, all of these drugs are miracle drugs for Americans and millions of people around the world, but the question is whether we ought to pay 30 to 300 percent more than for the rest.

Glucophage. For the people suffering from diabetes, one of the most debilitating diseases known to man, Glucophage is a wonderful drug, but the average price in the United States is over $124 for a month's supply. We can get that same month's supply in Canada for $26.47, but in Europe it is only $22.

The list goes on and on. I am not going to read all the prices.

Let me also talk about a drug called Zocor, down at the bottom of the list. Zocor, in the United States the average price for a 30-day supply is $123. We can buy the same drug in Canada, here is a package of Zocor which we bought in Germany, we can buy that same drug in Canada for $45.49, but we can buy that drug in Europe for $28.

Now, again, Mr. Speaker, these are the same drugs made in the same FDA-approved plants under the same FDA approval.

The story goes on and on. Again, Members do not have to take my word for it, but this is an ad that appeared last week in a newspaper in the State of Michigan. At the top it says, ''Save up to 86 percent on your prescription drugs,'' the same brand name drugs and generics. This is for a group, and I will not give the number or anything, but this is for a group out of Canada. They are now advertising in the United States.

Some of the prices they list, let us take Lipitor, a very commonly prescribed drug that does a wonderful job for those people who have elevated cholesterol in their blood. The average price they list for a 90-count package in the United States, the average price is $288. But we can buy it from Canada for $165. That is a savings of over 43 percent.

The list goes on. Members do not have to take my word for it, but everybody is beginning to realize the dirty little secret. That is that Americans are being required to pay for virtually all of the research, for virtually all of the marketing costs, and for virtually all of the profits. The list goes on.

Let us pick some other drugs people might recognize.

Synthroid, that is a drug that my wife takes. My wife takes Synthroid. They say that the average price in the United States for 100 tablets, the average price in the U.S., $41. We can buy it in Canada for $14.

We have to ask ourselves, how did we wind up in a situation like this? How is it that the rest of the world can buy drugs for so much less than we buy them for? Then the question becomes, what are we going to do about it? I do not think the answer for seniors is, well, we are not going to do anything.

I have been joined tonight by my friend, the gentleman from Indiana (Mr. BURTON). I would like to yield to him now, because, as the chairman of the Subcommittee on Wellness and Human Rights on the Committee on Government Reform, he is one of the few chairmen that have had the courage to actually have a hearing and bring in some experts to talk about this problem. Because it is a major problem. We will talk in a few minutes about the dimensions of the dollars that we are talking about here in the United States, what it costs American consumers.

I welcome and yield to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I say for our colleagues who are back in their offices and watching this special order, or anyone else that is paying attention, the gentleman from Minnesota (Mr. GUTKNECHT) is the fellow who has been carrying the mail on this issue. He should be congratulated.

There are well over 1 million people in this country that get their pharmaceutical products through pharmacies in Canada because it does save them so much money, and those people are the people that the gentleman is fighting

for, as well as a lot of other people who, when they find out about the issue, the gravity of the situation, will also be buying their products from up there.

The thing I would like to start off with, because the gentleman covered the issue so well, when we had our subcommittee hearing and the gentleman was in attendance and participated, the gentleman will recall the Food and Drug Administration and the gentleman that was there, I think his name was McClellan from the FDA. Or what was the fellow's name? McClellan is the FDA commissioner.

Anyway, the gentleman who was there indicated that there was a question about the safety of pharmaceutical products coming from pharmacies in Canada to the people here in the United States.

There was an article which was in the Washington Post on Thursday, May 8, last week. The Canadian government said officially that it will be responsible for the safety and quality of the large and growing flow of prescription drugs across the border to American consumers.

It was also said, the Health Ministry of Canada said that all imported drugs must be equally safe and effective, whether they are used by Canadians or for exports. They testified that Canadian laws require that drugs that are from third countries that come through Canada are also very closely regulated and scrutinized.

The assistant health director general for the Canadian Health Department, Danielle Dione, said that those were very, very safe. She said, ''As soon as any drug crosses the border into Canada, it has to meet all the regulations of our laws.'' She described the new posting as a clarification, rather than any new policy.

What they are telling us is these drugs in Canada, pharmaceutical products, are absolutely safe for Canadians and they are absolutely safe for Americans. So the only reason anybody could come up with, as far as I am concerned, that would prohibit pharmacologic products from being sold by Canadian pharmacists into the United States is money, money.

Let us take a hard look. The stock market in the last year has suffered. People who own stocks have suffered. The economies of major companies in the United States and around the world have suffered. Yet the pharmaceutical industry had a 17 percent profit during one of the worst years that we have seen in a long time. The executives for the pharmaceutical companies have been making $15, $20, $25 million a year for the CEOs. They are making a lot of money. They want to make sure that the profits they are realizing do not go away.

The country that pays the most for pharmaceutical products, as the gentleman stated so many times so well, is the United States. We pay 10, 15, 20 times as much as they do in other countries for the very same product. I am convinced that it is not just research, which is very important. It is not the scientific studies, which are very important. It is the god-awful dollar, the money that they are making that they are trying to protect.

Now, how are they trying to protect it? Well, we did a search on the Internet, and I think the gentleman probably has that as well.

Mr. GUTKNECHT. We have the law.

Mr. BURTON of Indiana. They have 600 lobbyists here in the United States, 600, making sure that the prices stay high. They pay those lobbyists a half a billion dollars a year to lobby the Members of Congress. In order to make absolutely sure that they have Members of Congress who will look with favor upon what they want, they paid $20 million last year in contributions to our colleagues.

I am not saying any of our colleagues and their votes can be purchased. I am not saying that at all. But what I am saying is that the money that is being spent by the pharmaceutical industry for our health agencies, FDA, HHS, and CDC, the revolving door policy that appears to be prevalent over there, because they make so much more money when they go with these pharmaceutical companies and they get these benefits and everything, a lot of the people in these health agencies look with a jaundiced eye to anything that might impede their ability to make a lot of money when they go to the pharmaceutical industry and get a job.

Many of our colleagues get contributions from the pharmaceutical companies. Many of the people in the health agencies go from the pharmaceutical industry to the health agency and back again. I think that does have an impact on what goes on around this place.

As a result, who suffers? The American people. We should not pay any more for our pharmaceutical products in this country than they do in Europe, Canada, Mexico, or anyplace else, or South America. Yet, as the gentleman said so eloquently so many times, and the gentleman has been the lone voice in the wilderness for a long time, the gentleman has said that it is because America is paying the freight for the rest of the world. We have to do something about that. I applaud the gentleman for taking the lead on this.

I might tell the gentleman that we are going to have another hearing in early June, and the gentleman will be invited to be a participant in that hearing. We anticipate that some of the companies that are trying to cut off the pharmaceutical supplies coming from Canada into the United States will be testifying before that committee.

We would like for the gentleman from Minnesota to participate, and hopefully we will get some answers from them directly as to why they say that they do not want to have their pharmaceutical products sold from a Canadian pharmacist to an American citizen for any reason other than the American citizen is saving money.

We have heard, as the gentleman and I have talked about before, we have heard them say it is a safety issue. We know that is not the case, because the Canadian health agencies have said very clearly and publicly that they test everything, they check everything before it goes into or out of their country.

We want to find out from the pharmaceutical executives themselves why they are discriminating against American purchasers. That hearing will be taking place in June.

Mr. GUTKNECHT. I want to thank the gentleman for joining this discussion tonight because, as I say, there are a number of us here in the House who have been willing to speak out, but the gentleman is among the few chairmen of committees who have had the courage to have some hearings, bring in some experts, have people talk about this, what really does happen in Canada.

One of the things we have learned, for example, is that over 1 million Americans today are actually buying their prescription drugs from other countries today. The FDA, the Food and Drug Administration, keeps very accurate records. If 1 million people are buying their drugs from other countries, we would think, especially along the Canadian border, but more importantly along the Mexican border, where, again, we have learned from research done by a professor at the University of Texas something like two out of every three Americans who cross the border and go into Mexico bring back with them prescription drugs, which they buy there for a fraction of the price that they can buy them in the United States for. They bring back drugs.

More importantly, they do not just bring back a few drugs. Usually when they go across the border they take a list with them. They come from a senior center, they come from a retirement center, they come from a condominium project where most of the people are seniors, and they take a list with them when they go into Mexico, and they bring back thousands of dollars worth of prescriptions.

□ 1900

Now, with all those people buying drugs illegally, according to the FDA, you would think, if this is so dangerous, you would think that all of these seniors would be dropping like cord wood in Minnesota, and in Texas, and in California, and the other States where this is very common. But the fact of the matter is we know exactly how many people have died from taking prescription drugs which they bought from other countries. The FDA keeps perfect records. And according to the FDA, it is an easy number to remember. It is a nice round number. It is zero.

It is called the Food and Drug Administration. They are also responsible

for protecting us from all of the imports of food that comes into the United States. Every day we import millions of tons of food. I think last year we imported into the United States something like 317,000 tons of plantains. Now, I had to double-check to see what is a plantain. But we import tons and tons of food every day. And you know what the FDA says about all that imported food?

Mr. BURTON of Indiana. Not much.

Mr. GUTKNECHT. Not much. They wave as it goes by. But they do keep records as well; and according to the FDA, eating imported strawberries, something like 25,000 Americans have gotten ill and some have died from eating imported strawberries. Yet we eat strawberries every day, many of them are imported; and the FDA does almost nothing.

But one area where we can absolutely guarantee safety, the FDA has put a wall between American consumers and being able to afford these drugs. Let me give an example.

I am holding in my hand a package of Tamoxifen, and this is probably one of the examples that makes me angrier than any other. Tamoxifen is an amazing drug. It is a miracle drug, and particularly for women who are suffering from breast cancer. This may save their lives. This is an amazing drug. The most amazing thing is we helped pay for it. We, the taxpayers. This drug was developed almost exclusively with research and development dollars from the NIH.

The company decided originally, because it was developed with taxpayers' money, that they would not patent it. Then they thought about it again and said, no, I think we will patent it. And I guess they had a right to patent it. But this is what really bothers me. We bought this drug in Munich, Germany 3 weeks ago for 60.33 Euros. Now, on that day the equivalent, and the dollar and the Euro vary a bit, but that worked out on that day to $59.05 American for this package of 100 tablets, 20 milligrams, Tamoxifen. This same drug, we called a pharmacy here in Washington, D.C. and asked how much is 100 tablets, 20 milligrams, Tamoxifen. The answer: $360. Sixty dollars in Munich, Germany; $360 in America.

Mr. BURTON of Indiana. Six times the amount.

Mr. GUTKNECHT. Six times the amount. And here is the real tragedy. There are American women who need this drug and they cannot afford it.

Mr. BURTON of Indiana. Let me interject something, because this is an important point. How many people have died because they simply cannot afford the drugs that are prescribed for them?

Mr. GUTKNECHT. The interesting thing is the FDA does not keep those records. They are only concerned about drugs being safe and effective. But Dr. Steve Schondelmeier, one of the top pharmacologists in the world, certainly in America, he has a great quote. He said: ''A drug that you cannot afford is neither safe nor effective.''

I want to come back to something, because it fits with this point. There is a new book out called ''The Big Fix,'' written by Katherine Greider; and she has done an amazing amount of research on this. One of the saddest statistics in this book is that she said that 29 percent, 29 percent of the prescriptions written to senior citizens in America today go unfilled.

Mr. BURTON of Indiana. Twenty-nine percent go unfilled?

Mr. GUTKNECHT. Twenty-nine percent. I do not know if the gentleman has ever experienced this, but I met this morning with community pharmacists, and I asked them this question: How many of you have had the example where a senior citizen comes in to buy a drug that they need and they hand you the prescription, you tell them how much it is, and they get a real sad look on their face?

Mr. BURTON of Indiana. And walk away.

Mr. GUTKNECHT. They drop their head and they say, well, maybe I will be back tomorrow.

Twenty-nine percent of the prescriptions written to senior citizens go unfilled because they cannot afford them, and they are proud people.

How many people, how many women in America cannot afford Tamoxifen? Now, maybe they could afford $60, but $360 starts to get real expensive. And that goes on and on and on.

Now, I am not here to say shame on the pharmaceutical industry, but shame on us, because we have the power to change that.

One of my favorite Presidents was President Ronald Reagan, and he had some great quotes. One of them he used often was that markets are more powerful than armies. It is time that we open up the markets and say to Americans you have legal access.

You ought to be able to go to your local pharmacy, to your local pharmacist, whom you trust, and who is an important part of the health care delivery system, and you ought to be able to go in there and say, I need Tamoxifen. And he ought to be able to say to you, well, listen, I can fill it from my inventory in the United States on the back shelf and your price will be $360; or I can go on line and I can order it for you from a pharmaceutical supply house in Geneva, Switzerland, or Munich, Germany, or Paris, France, or you name the country, as long as they are an industrialized G–7-type country where we can expect and trust the equivalent of their FDAs, as the Canadians have announced; but he ought to be able to go on line for that customer and order that and say, we can have it to you in 3 days for one-sixth of the price.

Mr. BURTON of Indiana. If the gentleman will yield, one of the arguments we heard when the FDA was before our committee, and the gentleman was there, was that they were concerned about counterfeit drugs. And one of the things that I think is very, very important, and it goes right along with what the gentleman is talking about, and why not hold that up, I think our colleagues back in their offices should see that, that is a device that guaranties that the package has not been doctored in any way. If that package were used in conjunction with a prescription that was filled in some other part of the world, it would guarantee beyond any doubt that that product was genuine and it was not a counterfeit and it was completely safe.

Yet the FDA continues to use that argument, when it is absolutely certain that there is a way to make absolutely sure that that is a safe prescription drug.

Mr. GUTKNECHT. The interesting thing, Chairman Burton, is that we cannot guarantee anything. You cannot guarantee that when you pull into a gas station and you fill your car up that that is in fact unleaded gasoline and not buttermilk. The truth of the matter is every time you put your key in your car, every time you do anything, you take a certain amount of risk. But with modern technology, we can make it absolutely as safe to buy drugs from Geneva, Switzerland, as it is to go down to your local pharmacy.

As a matter of fact, the FDA has to admit that the only proven example where someone has tampered with prescription drugs in the United States happened inside the United States. There are no examples where contaminated drugs have been shipped from legal pharmacies in other parts of the world. There just are not any examples.

Mr. BURTON of Indiana. Our colleagues might want to know how you can guarantee that that would not be counterfeit. I recall the gentleman pointed this out at the committee hearing that that is the same technology that is used on the twenty-dollar bill that guarantees they are not counterfeit any longer; and it works very, very well.

Mr. GUTKNECHT. If this is safe enough for the U.S. Treasury, this is the same company that has developed these technologies to make counterfeit-proof packaging.

I will be introducing a bill sometime in the next week; and I am trying to get, I hope, hundreds of my colleagues to vote for it. In fact, the last time we had a vote on this issue of opening up markets, we got 323 votes here in the House. The House has spoken fairly clearly that we want Americans to have access to world-class drugs at world market prices.

But if this technology is good enough for the U.S. Treasury, if they can produce technology to make counterfeit-proof packaging for the entertainment industry, for the video game industry, they certainly can and they are making packaging for the pharmaceutical industry. As a matter of fact, I think there are four or five of the

companies that are already using this technology.

It goes even further. Last week, I was at a demonstration, and this is a little vial, and I do not expect anybody to see this, because I can barely see it looking at it here. But inside this vial there are 150 tiny, tiny, almost nanocomputer chips. The interesting thing is this is the next UPC code. They can literally now embed these chips in packaging, and these chips are bringing the cost down to probably less than a nickel apiece. And when you are talking about a prescription drug package that sells for $125, that is not much to make certain that this is in fact whatever the drug is and it was made at such a plant on such-and-such a day and has gone through the channels.

As a matter of fact, when people buy things and they have them shipped by UPS or FedEx or even the parcel post system, literally they put a bar code on that package. And literally you can go to UPS or any of the other package-handling companies, and now you can find out where that package is at any point in the delivery system.

Now, as opposed to that, how do you think the pharmaceutical companies ship their drugs? Armored cars?

Mr. BURTON of Indiana. No. UPS, FedEx?

Mr. GUTKNECHT. They ship them the way they ship almost everything else.

So the idea that somehow it is easier for somebody to contaminate a drug going via UPS in a sealed package with a bar coded technology using counterfeit-proof packaging, that it is easier somehow to adulterate that drug than it would be to get onto a dock in New Jersey where it is sitting in an evergreen container.

Mr. BURTON of Indiana. I want to make sure I understand this correctly. First of all, we have had no cases that we know of where people have died from imported pharmaceutical products.

Mr. GUTKNECHT. From legal FDA approved drugs; that is right.

Mr. BURTON of Indiana. So, first of all, the argument there is a big risk involved holds no water because they have no proof that it has caused a problem.

Mr. GUTKNECHT. We are much more likely to die from eating imported strawberries.

Mr. BURTON of Indiana. Secondly, the gentleman has just pointed out that tampering with pharmaceuticals that are coming into the country is not a problem because now there is a way where you can absolutely guarantee that that package has not been tampered with, that it is the right package, that it has the right product in it, because it has a sealing device that guarantees that it is what it is supposed to be.

Mr. GUTKNECHT. Right.

Mr. BURTON of Indiana. So I still do not understand, and maybe the gentleman can explain it to me, because he is pretty learned on this, since he has been working on this a long time, the two main arguments were that people could be hurt, and there is no evidence of that; and, second, that we might be getting counterfeit products that are inferior, and the gentleman has proven that that can be overcome. So what is the argument the FDA is using beyond those two?

Mr. GUTKNECHT. Well, the only argument they use is safety.

MR. BURTON of Indiana. But that does not hold water.

Mr. GUTKNECHT. As the gentleman saw at the hearing, they are very oblique even on that issue. Because we can demonstrate it is safer to buy drugs from a legal pharmacy. And we are not talking about illegal drugs. I want to make that very clear. We are only talking about FDA-approved drugs that came from FDA facilities. We are not going to go down the path of talking about other drugs, because there are people in south Miami that import drugs every day. Those are not legal drugs. We are not talking about any of those.

But let us talk about what the law actually says, and this is where they hang their hat. It says, and let me read this: ''Section 381: The Secretary of the Treasury shall deliver to the Secretary of Health and Human Services, upon his request, samples of food, drug, devices and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee who may appear before the Secretary of Health and Human Services and have the right to introduce testimony.''

Now, this is what they say. This is where they hang their hats and they keep Americans from legally buying imported drugs from countries around the world. Here is the operative sentence: ''if it appears from the examination of such samples or otherwise that (1) such article has been manufactured, processed, or packed under unsanitary conditions.''

Well, there is no evidence that any of these drugs are packaged under unsanitary conditions.

''(2) That such article is forbidden or restricted for sale in the country in which it was produced or from which it was exported.''

These are all legal drugs, so that one does not apply.

''(3) Such article is adulterated, misbranded or in violation of section 355 of this title.''

None of that really applies, in my opinion.

Mr. BURTON of Indiana. It does not.

Mr. GUTKNECHT. But that is the slender reed upon which our own FDA has constructed this wall around the United States; and that is the reason, my colleagues, that American consumers pay $360 and Germans pay $60.

Mr. BURTON of Indiana. We have used the logical arguments that the FDA has used, or illogical arguments, as to why they want to stop importation of pharmaceutical products from Canada and elsewhere. The arguments they use do not hold water. I think the gentleman has made that very clear here tonight. So what is the reason?

There is only one reason, and the gentleman is reluctant to say this, but I am not, and that is the pharmaceutical industry makes the biggest share, the lion's share of their profits right here on the backs of the American consumer.

□ 1915

That is not right. They will say it is R&D, research and development, but the research and development should be shared equally around the world. But as far as them making huge profits on the back of American consumers, when they are making a profit in Europe, Canada and Mexico, but not to the degree they are here, is just unconscionable. It bothers me that the almighty dollar as far as corporate executives are concerned is more important than the health of American citizens.

The facts bear this out. There are American seniors and others who are going wanting for pharmaceutical products because they cannot afford them, whereas the same products are being sold for one-sixth the price someplace else in the world, and that is critical. We ought to hold these pharmaceutical companies accountable. We cannot let them go on raping the American people, and that is a very strong word and I am using it advisedly, but they are raping the American people while the rest of the world is benefiting from these lower prices. We need to hold them accountable.

The thing that bothers me is that the FDA comes before our committee with the lame excuses that they used that do not hold water, as the gentleman has made clear here tonight, these lame excuses, and we ask why? They are the regulatory agencies that are supposed to protect Americans to make sure that the products are safe but also to make sure that they get the products to which they are entitled. The FDA is blocking, they are like a lineman in a football game blocking for the pharmaceutical industry. Why are they doing that? The pharmaceutical industry is making huge profits on the back of the American people, but why is the FDA helping them?

The only reason I can imagine is there is some kind of subliminal, sweetheart revolving door between the people over at FDA, HHS and CDC and over at the pharmaceutical companies. That is something that smacks of being unethical, at the very least. The FDA and HHS should be concerned about the safety of products and to make sure that the American people have access to the products that will protect their health. They have been blocking for the pharmaceutical industry, and it is something that should not be tolerated in the future. The gentleman does not need to say that, but I will.

Mr. GUTKNECHT. Mr. Speaker, I try not to get into that because the presidents of the large pharmaceutical companies do not work for us, but the head of the FDA does. I think the presidents of some of the pharmaceutical companies have to answer to shareholders and the public, and one day they are going to have to answer to God.

This book, and there is more research coming out, and the interesting thing is especially after Sarbanes-Oxley, we are going to find out more about how the money actually gets spent. I think we will find more and more of these pharmaceutical companies are spending more on advertising and marketing than they are on research and development.

One of the things talked about in this book, there was a study done by the Boston Globe, and they took a close look at the 35 most important and top-selling drugs that the FDA approved over the previous 5 years. All but two of them had been brought through the R&D pipeline with the help of the NIH or the FDA.

Mr. BURTON of Indiana. And that is taxpayers' money.

Mr. GUTKNECHT. That is correct, and that happens again and again. I am the vice chairman of the Committee on Science, and our research shows Americans represent something like 6 percent of the world's population, but we represent over 50 percent of the basic research done in the world. It is because of Americans that we have places like the Mayo Clinic, and it is because of the American spirit that we do what we do. It is because of the American spirit we put men on the moon and return them safely. We want to do this research.

This year we will spend roughly $29 billion taxpayer dollars on research. The interesting thing is many of the pharmaceutical companies work very closely with the various research institutes that do this research, and they pay very close attention. Many times this research that is done, once the research is completed, that information is available free of charge. They get this research free of charge. In many respects, we subsidize the pharmaceutical industry with that $29 billion of taxpayer money.

There is a second way that we subsidize the pharmaceutical industry, and that is in the Tax Code. The research they do, they write it off dollar for dollar. Most are in at least a 40 percent tax bracket, so the taxpayers are subsidizing 40–50 percent of the cost of research. And on top of that, many qualify for research and development tax credits. I am not an accountant, but a credit is better than a deduction. On top of that, many of them have moved their facilities to places like Puerto Rico. Puerto Rico is part of the United States, but some people do not know if you are in Puerto Rico you pay no Federal income tax.

Mr. BURTON of Indiana. They have the 936 program down there.

Mr. GUTKNECHT. Exactly. I am not going to argue about the special benefits, but the bottom line is we subsidize the development of new drugs through the NIH, through the National Science Foundation, through the Department of Defense. They do a lot of research which ultimately leads to these miracle drugs. Finally, we subsidize them in the prices we pay.

Now, my bottom line is I think Americans ought to pay. I think it is part of the American spirit. We believe in finding the new cures. It is something that makes us Americans. I think we ought to pay our fair share. I think it is the right thing to do; and, frankly, I think we ought to subsidize people in developing countries. I think we ought to pay more than the people in sub-Saharan Africa. I think we ought to pay more than the people in Bangladesh. I think we ought to pay more than some of the people around the world.

But I think it is ridiculous that our own FDA makes Americans subsidize the starving Swiss. I think it is time for the Swiss, the Germans, the French, the Japanese, I think it is time for them to pay their fair share.

I also think it is time for a much clearer account from the pharmaceutical industry of how much exactly do you spend developing a new drug? How much does it cost to get FDA approval? How much profit do you really make? There is a report, and I cannot confirm this, but the president and CEO of one of the pharmaceutical industries got $227 million in stock options. That was above and beyond his salary. Most of us could live fairly comfortably on a salary of $6–10 million, which is what the average CEO of the nine largest pharmaceutical companies make.

Mr. BURTON of Indiana. Mr. Speaker, because of the Enron debacle and the other corporations around the country that padded the books that made it look like they were making profits when actually they were losing money, and at the same time corporate executives were making tons, because of that, the Oxley bill that you talked about a few minutes ago set certain guidelines and standards that they had to meet. I do not know why we couldn't propose some kind of legislation that would mandate the same kind of standard be applied to the pharmaceutical industry as well as other corporations around this country.

The other thing that I think we ought to take a hard look at is when Congress, you and I, when we leave here, we cannot lobby our colleagues for a year. The reason we cannot is because there is a concern that there might be collusion between an incumbent congressman and some corporation where they are going to benefit from the judgment and the vote of a congressman in exchange for him lobbying down the road. So we make sure that a congressman has to wait a year before he can lobby his fellow Members.

Why cannot we do the same thing with the FDA and HHS and CDC? Why can we not stop this revolving door policy that exists by saying, if you are working for a health agency here in the United States of America, you cannot work for a pharmaceutical company where you were sitting in judgment on their products or on their policies? I know it would be very difficult to draft a bill like that, but it might send a message if we introduced one, that that kind of chicanery must not exist.

I cannot think of any other reason in the world other than profits that are keeping the pharmaceutical companies from people being able to buy their products in the United States from places like Canada. I cannot think of any other reason other than the FDA is deeply involved with the pharmaceutical industry, especially after what you have said here tonight about the reasons that they use. I cannot think of any reason in the world other than profit or collusion for the FDA to stand in the way of us being able to buy those products from Canada or anywhere else.

When they sat before our committee and they looked us in the eye and they said it was a safety issue, which we know is not the case, then there has got to be a reason. I cannot put my finger on it other than there is some incentive for them to support the pharmaceutical industry's position, and we have to put a stop to that.

Mr. GUTKNECHT. Mr. Speaker, I think there are two things that we ought to do.

First of all, we ought to pass strong legislation that says very clearly as it relates to countries, and I have them listed in the bill that we are working on, countries like Canada, the European Union, Japan, Israel, and a few other industrialized countries where we know they have very effective equivalents of our FDA, there is no reason in the world that Americans and their pharmacists should not have the right to import drugs from those countries. It ought to be part of any prescription drug benefit package, and the truth of the matter is, and I did not get to this, how big this problem is.

The estimates by our own Congressional Budget Office say that seniors will spend, and these are 65 and over, will spend $1.8 trillion, and that is a huge number, on prescription drugs over the next 10 years. Our estimates, and I think this is the most conservative of conservative, if we simply implemented and forced the FDA to do what they ought to do and what we do with virtually every other product, we could save at least 35 percent. That is minimum. In fact, the number may be more like 55 or 65 percent.

Mr. BURTON of Indiana. That is $550 billion a year.

Mr. GUTKNECHT. It is $630 billion over the next 10 years. If we do not do this, and I know people are coming up with discount cards and all of the rest. They say we can get a 20 percent or 30

percent discount. A 30 percent discount off of $360 is not enough to make this program work. Ultimately, you have to have access to markets.

I am not in favor of price controls, and I do not like what a few of the countries do in terms of price controls. I want open markets because I know what markets do; markets level. Ultimately, we will pay less; the Germans will pay more. That is how this will work long term, and that is fair, that is reasonable, and it is time we do it.

The second thing, to get to your point, I think we ought to sic the General Accounting Office after these guys and get answers to these questions. Because these are legitimate questions that our constituents, the American citizens who send us here to Washington, have a right to know. Somebody ought to get inside those books and find out if it is true.

For example, one of the arguments that the pharmaceutical industry makes is that it costs $800 million to develop a new drug, but they never back it up. They never open their books so we can see that, yes, it really is $800 million.

The truth of the matter is more and more of us are becoming very skeptical about how much it actually costs to bring a new drug to market and how much they really spend on research and development. In fact, this author believes they actually spend less on research than they do earn in profits. So maybe what we ought to do is ask the General Accounting Office to do some research for us, to get some of the facts and report back to the Congress. I am not sure what we should do about it because I believe in free enterprise, and if company XYZ wants to pay their chief executive $227 million, I am not sure we should do anything about it.

□ 1930

But I will tell you what we ought to do. We ought to make sure that everybody knows it. Because I think the pressure from the public is going to start to say, this is lunacy and we should not have to pay it.

Mr. BURTON of Indiana. If the gentleman will yield further, one of the things that concerns me about the prescription drug benefits the gentleman from Minnesota alluded to a moment ago is that if we pass a prescription drug bill in the Congress to provide benefits for seniors in this country and we do not do something as he suggested to make sure that they are paying a fair price for their product, then the taxpayers are going to be paying $360 for a product that you could buy in Germany for $60. Six times.

I do not think the taxpayers want to be paying six times the price of a drug in Germany here in the United States. It would actually just bankrupt the United States Treasury in a few years if we did not do something about that. I am not for price controls, either; but I do believe that the marketplace ought to dictate the prices and a free market not only here in the United States but around the globe. I think the gentleman makes a very valid point. The American people should not pay six, seven, eight, 10 times the price that they do in other countries. That is what scares me about the prescription drug benefit we are going to pass in this Congress this year. I think the gentleman and I will be down here debating that when that bill comes to the floor to make sure that the taxpayers are getting their dollar's worth when we buy these pharmaceuticals for seniors.

Mr. GUTKNECHT. I think the people who developed this drug, Glucophage, are entitled to be rewarded for it. I believe in that. I believe in intellectual property rights. But I also say why is it we pay so much when the Germans can buy it so cheaply?

Mr. BURTON of Indiana. What is the price comparison?

Mr. GUTKNECHT. On this particular package, the price here in the United States is $29.95. This is a smaller package. We bought this in Germany for $5.

Mr. BURTON of Indiana. So six times.

Mr. GUTKNECHT. Six times. I do not care what kind of a discount card you have, the differences are still too huge. We have an obligation to our taxpayers to make certain that if we are going to have a prescription drug benefit for people who need that benefit, we have to make certain, as the gentleman says, that we get a fair price. But, frankly, as long as we are at it, why should we not get a fair price for all Americans? Why should we not just open up the market as we do for oranges or pork bellies?

In fact, I have told this story. People ask how did I get involved in this. The answer is kind of ironic. It was the price of hogs. People say, the price of hogs has something to do with the price of drugs? Let me explain. A number of years ago I had a meeting with some senior citizens groups in my district. They talked about their trips to Winnipeg to buy their drugs. I said, Fine. If you want to go to Winnipeg to buy your drugs, that's fine with me. That was it. I did not think much more about it. Then a few months later, the price of hogs in the United States dropped from about $50 or 50 cents a pound down to $9 or 9 cents a pound. All of a sudden our hog producers in my area were just going crazy. They could not afford to feed the pigs. They could not afford to slaughter the pigs. They were going bankrupt very fast. They were calling me saying, You've got to do something about it. I said, I'm not sure what we can do. They said, at least slow down the supply of Canadian hogs coming across the border to our plants in places like Austin, Minnesota, that are making our supply/demand situation even worse.

So I called the Department of Commerce. I called the USDA. I got the same answer. It is called NAFTA. It is called free trade. All of a sudden a light bulb went on in my head. I said, wait a second. You mean we have free trade when it comes to pork bellies, but we don't have free trade when it comes to Prilosec? This is nuts. One area where American consumers could save billions and billions and billions of dollars and yet our own FDA puts up a barrier and says, You cannot do that.

Mr. BURTON of Indiana. But why?

Mr. GUTKNECHT. I do not know why.

Mr. BURTON of Indiana. I think I do.

Mr. GUTKNECHT. I am not going to get into why. All I know is that I took an oath of office. You took an oath of office. We are here to serve the public interest. The pharmaceutical industry does not work for me. I do not work for them. But the boys over at the FDA do work for us, and they are required to serve the public interest. And a drug that a little senior citizen who sits there with a prescription and cannot afford to have it filled, she deserves somebody to speak for her. As long as I am here, as long as I have breath in my lungs, as long as I can hold these charts, I am going to keep talking about this and somebody is going to have to explain why the FDA keeps American consumers from buying safe and effective drugs from other countries for a fraction of the price. I am not going to give up on this. Because, as Winston Churchill said, you know what a fanatic is? A fanatic is a person who cannot change their mind and will not change the subject. I am not going to give up on this and neither are you. We are going to stay on this issue until Americans have access to world-class drugs at world market prices.

Mr. BURTON of Indiana. Let me say, God bless you for what you are doing, and I think there are seniors and people all across this country who cannot buy pharmaceuticals at the proper price who are saying, go man go. Go GUTKNECHT go. I am one of them. But I want to find out why. My committee, the Committee on Government Reform and Oversight, was charged with the responsibility of investigating waste, fraud and abuse in government and I was chairman for 6 years. We found that there were a lot of abuses in government. I want to find out why the FDA and HHS and CDC, why these kinds of problems are existing. There is no reason for it. The purity of the products are guaranteed by the Canadian Government as well as our government. That was stated by their government officials just this past week. They are making a profit in those countries, but they are making a huge profit here, eight, nine, 10 times as much in some cases. I want to find out why the FDA appears to be protecting this industry. There has got to be something to that.

The gentleman from Minnesota mentioned the GAO, a GAO investigation. I think a GAO investigation of this entire area is something that needs to be done. Not just the pharmaceutical companies and whether or not they are

benefiting from government largesse from our research dollars but also I think we ought to have the GAO investigate what is going on with our health agencies and why this sort of appearance of chicanery exists. I am going to join with you in the GAO study, but I might want to expand it just a little bit further.

Mr. GUTKNECHT. I think the time has come. Again, as Ronald Reagan said, quoting John Adams, facts are stubborn things. All we really want is the facts. I am not getting into motives. I do not care. I do not care why they do things. To me, that is not my job. My job is to stand up and speak for those people who cannot speak for themselves. When I read that statistic that 29 percent of prescriptions written to senior citizens go unfilled, and I have stood in pharmacies and I have watched them with their little slips and seen the look on their faces. It seems to me that we have an obligation to say on behalf of them that we are not going to just sit here and allow this to go on. This has gone on too long. The worst thing is it is getting worse and worse and worse per year. The difference between what we pay and what the European pays is not getting better; it is getting worse. Shame on us. Shame on the FDA.

Mr. BURTON of Indiana. There is one last thing I would like to bring up. We passed a law in this Congress that allows people to buy imported pharmaceuticals. The gentleman recalls that. The FDA and HHS said no, because there were concerns about the safety of the imported pharmaceuticals. But the Congress of the United States, the House and Senate combined, have spoken on this issue. They want the American people to be able to buy these pharmaceuticals safely from anyplace where they can get the best price.

That is a law passed by the Congress. The only thing that is stopping it, and this is something we should have started on earlier, the only thing that is stopping it is our health agencies, who are saying, wait a minute, we want to make sure they are safe. You have proven tonight, and I think conclusively, that they are safe. There has been no indication whatsoever, no cases where people have died from imported pharmaceuticals. Even if there were a problem like that, which there is not, there is a way to make absolutely sure that the products coming into the country are safe, in a sealed container where there can be no tampering. So there is no way that we cannot make sure these products are safe. Yet the FDA continues to block it. I maintain it is because of this relationship with our pharmaceutical companies. But in any event, Congress has spoken and we need to keep beating on this issue so that the current law passed by the Congress is enforced and FDA and HHS just get the hell out of the way.

Mr. GUTKNECHT. I think that about says it all. As a matter of fact, let me just close with this. The Congress has spoken. When we voted on this matter in the House the last time, 323 of our colleagues voted with us on this.

Mr. BURTON of Indiana. 324.

Mr. GUTKNECHT. In fact, in this ad it says, look how easy Congress has made it for you to save. That is what it says. Congress has spoken. Unfortunately we, put this language into that bill, in the conference committee and at somebody's request that says as long as they can guarantee safety. Well, they cannot guarantee safety on imported strawberries or pork bellies or plantains. We import hundreds and thousands of tons of broccoli a year. They cannot guarantee the safety. According to the FDA's own studies, 2 percent of the fruits and vegetables coming into this country are contaminated with food-borne pathogens, including things like salmonella. Salmonella can kill you. It does kill Americans. Yet what does the FDA do about that? Nothing. But if you try to save $45 on a box of Coumadin, they will come after you like stink on a skunk. There is something wrong with the system. We need to fix it. It is not so much shame on the pharmaceutical industry. It is shame on us. It is time that we make certain that Americans have access to world-class drugs at world market prices. That is what we want. That is what we expect. We will not stop until we get it.

Mr. BURTON of Indiana. Let me just conclude my participation in your Special Order by saying I am proud to be a member of the Gutknecht army.

Mr. GUTKNECHT. I thank the gentleman.

TEXAS REDISTRICTING

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. SANDLIN) is recognized for 60 minutes.

Mr. SANDLIN. Mr. Speaker, the issue of redistricting has been before the Texas public now for several weeks. I think it deserves some attention here tonight. I hope we have several speakers to talk about the issue of redistricting and how it has played out in our State, the confusion it has caused and the public and political high-handedness that has occurred from the power brokers from the Republican Party in Washington.

Mr. Speaker, from 1800 on, we have redrawn our congressional lines every 10 years. That is to comply with the requirements of reapportionment. The first House, the U.S. House of Representatives, had 65 Members which reflected the population guidelines set out in the Constitution. Each 10 years thereafter, after the constitutionally mandated census, seats were added to the House to reflect the growing numbers of our population and the numbers set out in the Constitution.

By 1910, the numbers in the House had grown to more than 400. At that point, the House decided to cap the Members at 435 Members, which required a different set of criteria for redistricting from that point forward. The census would count the population leading to a formula to divide up the 435 seats among the States to fit the numbers. Then each of the States except those with only one House Member, such as Alaska or North Dakota or South Dakota, the Sunshine State, would redraw the lines to fit population shifts. According to Norman Ornstein, who wrote ''Congress Inside Out'' in Roll Call on Wednesday May 14, ''Frequently the fights in the States over redistricting have been fierce and bloody and as partisan as any in American politics.'' He writes, ''The stakes are high. The problems are not new. Remember the term gerrymander, referring to the skewed and twisted lines of congressional districts to fit partisan ends, came from Eldridge Gerry, a signer of the Declaration of Independence from his efforts in 1811 as Governor of Massachusetts to draw lines to favor Democrats over Federalists. But as a rule, the fierce fights would take place only once a decade. That has been the process from that point forward.''

Once a decade, Mr. Speaker, we reapportion, we divide the lines, and we go forward. That did not happen in Texas this year. In Texas in 2001, we had a redrawing of the lines. We had a redistricting by court order. That is because it was not done by the legislature. The court held a hearing and after extensive evidence, after a trial, after experts from both sides, from the Republicans and from the Democrats, after members of the public and elected officials testified, a map was drawn by a three-panel Federal court in Texas that has since been approved that meets the voting rights standards and was in effect during the last election.

However, due to the fact that the Republicans took control of the House and the Senate in Texas in the last election, Tom DeLay has now taken it upon himself to rewrite history, to do something unprecedented, to say, we are not going to just redistrict every 10 years, we are going to redistrict when I say we should. We are not going to respect the election of the Members of Congress. We are not going to respect what the voters said. We are not going to approve who they decided to elect for themselves; but since I, Mr. DELAY, do not like who was elected, I am going to decree who the elected officials, who the congressmen are in Texas by my own design. I do not like what happened in Texas and so I am going to change the rules.

This is unprecedented, Mr. Speaker. This has never happened before. And this is not proper. And everyone in the State and everyone in this Congress knows it. As a result of those efforts, the news has been full recently of the 51 Members who went to Oklahoma and the 53 brave members total that left the State legislature in Austin and

made themselves absent from the floor to break a quorum so redistricting could not come forward in the regular session.

□ 1945

I think it is important to look at the rules. In the State Senate, article IV, rule 4.03 talks about interruption of a member speaking; and it says: ''No member shall interrupt another Senator who has the floor or otherwise interrupt the business of the Senate, except for the purposes of making a point of order,'' and it goes on. Basically that is the rule, Mr. Speaker, that allows for a filibuster in the State Senate. That is a procedural rule in the Senate that allows for the stopping of certain pieces of legislation when it is offensive.

Our Texas House, Mr. Speaker, does not have that rule. The Texas House does provide procedurally, though, for a way to stop proceedings, for a way for the minority to stop the tyranny of the majority. There is a way to put a stop on procedures, to say, let us stop a minute, let us discuss this, let us negotiate it, let us let cooler heads prevail, let us look at what the majority is doing and see what we can do to do a better job.

Rule 5 in the Texas Constitution, this is provided for in article 3, and rule 5 of the floor procedure of the House says they must have a quorum in the House to act, and that is 100 members by their definition. There are 150 members of the House. But the rule goes on to say: ''Until a quorum appears, should the roll call fail to show one present, no business shall be transacted, except to compel the attendance of absent members or to adjourn. It shall not be in order to recess under a call of the house.''

Mr. Speaker, this is the procedure in the Texas House that allows the minority to call attention to, as Thomas Jefferson would say, the tyranny of the majority. And this is not something new. This has been used before. The ''Killer Bees'' used it in Texas, the Senate, to stop a quorum. Our Speaker of the House right now, Mr. Tom Craddick, Republican, he was a member of the ''dirty 30'' who absented themselves from the House floor. They did not break a quorum, but they absented themselves from the House floor to call attention to the high-handed maneuvers of the then Speaker of the House.

Also, in about 1990 or 1991, this happened again as 30 members left the floor and attempted to break quorum but were not able to muster the numbers necessary to do so. So it is a common and well-known and well-respected procedural maneuver that is contained within the rules of the House.

Let us look at what some of the Republican members in the Statehouse said about this maneuver. Not TOM DELAY, not the Republican power brokers in Washington dictating to our State legislature, not the folks in the United States Congress telling the Republicans and the Democrats in the Texas State legislature what to do. Let us look at what those in Texas in the legislature say. Let us look at those that were elected by their constituents that have respect for the Texas State legislature, that have respect for the elections, that have respect for the procedures of the Statehouse. Let us hear what Representative Charlie Geren, a Republican from Fort Worth, said about the Democrats breaking quorum in accordance with the rules that I just mentioned, the proper procedural rules.

Mr. Charlie Geren, Republican from Fort Worth, said the Democrats were doing what they believed they needed to do in order to represent their constituents. ''I understand what they're doing. It's just really the only tool in their toolbox,'' Geren said. ''They're passionate about the map that's in front of us not being good for their constituents.''

Later Representative Pat Haggerty, a Republican from El Paso, again in the Statehouse, elected in the Statehouse, who is familiar with the rules of the Statehouse and knows how the House operates, he said: ''It's the smartest move they could have made. Under the circumstances, it was the only alternative they had. It's been done before. It's in the rules, and they are playing by the rules.''

So, Mr. Speaker, members of the Statehouse are familiar with the rules of the Statehouse, and they know breaking a quorum is the proper procedural move to make under the circumstances to defeat the tyranny of the majority.

Let us look forward, and the media has been replete with instances criticizing the moves of the Republicans in shutting out the Democrats from the process. And, Mr. Speaker, I was there for the committee hearings. I have never seen anything like it. We talk about in this body partisanship. We talk about the lack of getting along. We talk about a political division between Republicans and Democrats.

I was at the hearing, Mr. Speaker, and as the Republican chairman of that committee held the committee hearings when the Democrat said, ''I would have a question, Mr. Chairman,'' he said, ''You are not recognized.''

''I have a Parliamentary inquiry, Mr. Chairman.''

''You are not recognized.''

It was the most outrageous procedure that I have ever seen in any legislative body.

And, Mr. Speaker, editorials from throughout Texas, I want to take just a minute to read some of those. This is from the Waco Tribune. ''Craddick,'' and that is referring to the Speaker of the House in Texas, ''Craddick has no one to blame but himself. He helped write history when he was one of 30 members of the Texas House who disappeared during the 1971 legislative season. Craddick and his 'dirty 30' colleagues were protesting the heavy-handed actions of then House Speaker Gus Mutscher and his cronies who were involved in the Sharkstown bribery conspiracy scandal. What Craddick has done is to put his friendship with U.S. majority leader TOM DELAY over the lessons of history and his own promises to run a bipartisan house.''

The Corpus Christi Caller Times said this: ''Instead of seeking conciliation and appeasement of opponents, Craddick and Governor Rick Perry have chosen to run roughshod over their opposition, all but ending any semblance of bipartisanship. The other heavy in this drama is TOM DELAY, the U.S. House majority leader, whose attempt to muscle a redistricting bill through the legislature triggered the revolt. Doesn't DELAY have more pressing business in Washington?''

The Dallas Morning News: ''House Speaker Tom Craddick can halt the work stoppage in Austin. Mr. Craddick should resist pressure from Congress to contaminate a generation's old census-based exercise by converting it into an ill-considered purely partisan power grab. He should commit to leave Texas's political boundaries alone, and protesting Democrats should promptly return to the house.''

The Houston Chronicle: ''If they,'' referring to the house Democrats, ''believe their principles are worth fighting for and they have only one means to fight for them, it's difficult to fault them for it, particularly in a fight that was thrust upon them by Washington-driven partisan politics. At the very least, Republicans pushing the redistricting effort bear a large share of the responsibility for this legislative standstill. We and many others have been saying since before the session began that Texas has too many important pieces of business to conduct to get bogged down in a needlessly partisan and divisive political and legal cat fight over redistricting.''

The San Antonio News: ''The Gingrichian hubris of the Republican-led House prompted Monday's revenge of the house flies.''

The Austin American Statesman: ''It's sad that it came to this, but the Speaker has been tested and found wanting on a number of issues. The one that sent the quorum buster toward the exits was the grossly partisan congressional redistricting bill and how Craddick let it advance in the hasty backroom way that it did. The villain in the Democratic statement is not Craddick but U.S. majority leader TOM DELAY of Sugarland, an extremely partisan Republican who wants more members of his party elected to the U.S. House from Texas. Refusing to show up for a legislative session is a desperate measure, and the fact that more than 50 Democrats, one third of the house's total membership of 150, did so is a sign of just how trampled they feel. This isn't a few disgruntled members sulking in their tents.''

Mr. Speaker, thank God we have principled legislators in Austin such as

Barry Telford, such as Mark Homer, such as Chuck Hopson who stood up for the Constitution, who stood up for their constituents. Thank God we had a leader in the committee such as Richard Raymond. Thank God we had organizers such as Jim Dunnam. Thank God for Garnet Coleman. Thank God for all of these members who stood up and said, we respect the Texas legislature. We respect the rules of the Texas legislature. We respect the House, and we will not be dictated to by power brokers in Washington, D.C., for purely partisan gain.

Mr. Speaker, the State of Texas has many pressing problems right now. Right before the elections it appeared that Texas had plenty of money to maintain and finance our State. Magically, after the elections were over, we came up with what was estimated to be a $5 billion to $7 billion deficit. That quickly grew, the next estimate, to $10 billion, and some have said now it is even $13 billion. Who in the world knows what it is? I certainly do not.

But I do know this: We have a deficit. I do know that the governor has proposed knocking a quarter of a million children off of CHIPS. I do know that there are talks of cuts in transportation, Medicare, essential services. I do know that we have education problems in Texas. We have many challenges that are faced by other States across the Nation.

And in the waning days of the legislature, rather than take up these pressing issues, rather than deal with the schoolchildren of Texas, rather than help our schoolteachers who were I think in about the 30th or 36th in their pay, rather than help them, rather than take care of this budget, rather than make sure the children of Texas have health insurance, we have decided to move forward with a partisan redistricting bill, taking up the time of the legislature.

That is why it is important these principled members stood up and said enough is enough. The rules are made to protect our constituents. The rules are made to comply with the Constitution. The rules are made to make sure that the legislative body in Austin properly represents Texas citizens. We are not to be dictated to by people in the U.S. House of Representatives who say we want another seat, who say we want to get rid of every rural representative in the U.S. House from Texas and make them urban/suburban representatives. We want to make sure power is vested in the few in the urban areas and to heck with water rights, to heck with timber rights, to heck with agriculture rights. This is to protect our constituents, and I congratulate those members that did that. I think all of Texas owes them a great debt of gratitude for standing up for the Constitution and standing up for their constituents.

Another thing has come forward, Mr. Speaker, that is very, very troubling, and this should be of concern to all Americans, regardless of where they are from, regardless of their political party, regardless of political persuasion. All Americans should be concerned about the Homeland Security cover-up that is occurring in Texas, California, and Washington, D.C.

Because, Mr. Speaker, it has now come to light that Homeland Security, the agency charged with fighting terrorism in this country and protecting our family from terrorism and protecting our borders, the Department of Homeland Security has used government assets for a political investigation, and it is now engaged in covering up the facts and refusing to release the information.

Mr. Speaker, as the Members know, efforts are now under way to find out why and how Homeland Security took part in a hunt for the Texas legislators that absented themselves from the floor and went to Oklahoma, a hunt that continued even after everyone in America saw on television that those legislators were in Oklahoma, a hunt that continued by Federal authorities while they coordinated with State authorities to terrorize the families of the Texas legislators, to follow their wives, to go into the hospitals, to go by their homes, to search their cars, when everyone in this body, everyone in the state legislature, everyone in America knew exactly where they were.

□ 2000

Now, what is the coverup? It has come to light as we have talked about this issue that a full transcript and a complete audiotape exists of contact between the Homeland Security Agency and law enforcement agencies in Texas. Let me pause and say this: we have absolutely no quarrel with the Department of Public Safety. We have the finest and most professional Department of Public Safety in the Nation. These fine agents were not acting on their own. They were not acting on their own volition. They were acting at the instructions of higher-ups. They were acting at the insistence of the Speaker of the House, Tom Craddick. They were acting at the insistence of power brokers in Washington, D.C. and had to do their jobs.

But, Mr. Speaker, it is just wrong when Department of Public Safety officers follow the wives of State legislators in their car. It is wrong when they go into the homes of State legislators, when their children are there alone, and insist on finding their father and say they are committing a felony. It is wrong for them to go forward and tell staff they are committing a felony by not saying where the members are. It is wrong of them to stake out homes when they know very well where the legislators are. This abuse of power is chilling, and it should upset every American.

Now, when it came to light that a tape existed and a transcript existed, you would think that would clear it up. And what has been Homeland Security's response? They will not release the tape, they will not release the transcript, and, Mr. Speaker, they cannot even get their story straight.

On May 13, 2003, just a few days ago, AP reported that ''TOM DELAY consulted an attorney in his office who formerly worked with the Justice Department to determine for Texas Speaker Tom Craddick whether FBI agents and U.S. marshals could be used to arrest Democratic lawmakers out of state.'' Well, now, is that not special?

On that same day, the Fort Worth Star Telegram quoted TOM DELAY as saying, ''The Speaker asked the FBI and/or U.S. Marshals to go up and get these members.'' But the Speaker, who a day earlier had suggested the possibility of Federal involvement, said he made no calls to Federal agencies.

Someone did not get their story right or straight. On the same day, a spokesman for the U.S. Attorney's Office in San Antonio said he had no ''official comment,'' but a source confirmed that an unidentified person had called to inquire about federalizing an arrest warrant.

On May 15, the AP reported ''An agency within the Homeland Security Department said Thursday it helped search for a plane believed to be carrying Texas lawmakers because a State law officer made it seem as though the plane had run into trouble and might have crashed.''

Mr. Speaker, that is just not credible. Homeland Security first reported that day that they had been requested to find a missing aircraft. Whoops. Later that day Homeland Security issued another statement, a second statement, saying that they received an urgent phone call that a plane was missing and a State rep was on board.

Which was it, the first statement, or the second? Who knows? But we do know they cannot get their stories straight, and we do know that that story just does not pass the smell test.

Do they expect us to believe that someone just called and said there is a plane missing, we think it may have crashed, and they got no details?

Mr. Speaker, it just does not make sense that law enforcement called and talked with Homeland Security and said a plane is down, and they got no more information about it than that. They had to make two statements they issued. They are not consistent with each other.

If in fact there is no problem, and if in fact it is, as is now claimed by the Department of Homeland Defense, they can fix it, they can cure it, they can clean up the inconsistencies. They can make sure that everyone in Texas and everyone in the State House and State Senate and U.S. Congress and the public knows exactly what happened. This is easy to do. All they have to do is release the tape and release the transcript.

Mr. Speaker, I am calling upon them today to do that. Release the tape; release the transcript. We want to know

what happened in Austin, we want to know what happened in Washington, we want to know what happened in California, Houston, San Antonio and everywhere else. We want those records.

Today, Tom Ridge appeared before the Select Committee on Homeland Security and was asked by the gentleman from Texas (Mr. TURNER) to turn over the tape. He claimed not to know that there was a problem, that only portions of it had been turned over, and he pledged to check on it.

Mr. Speaker, that is not enough. There is absolutely no legal authority to allow Homeland Security or Mr. Ridge to keep those tapes from a legitimate investigation. If those tapes are not turned over, they should be subpoenaed by the committee, and we should be looking at the Freedom of Information Act to get that information.

Quit hiding the information. Quit covering it up. Quit keeping from the American public exactly what happened in the use of Federal Government assets for a political purpose.

Now, after the two stories came out of Homeland Security, on May 17 the Fort Worth Star Telegram Austin Bureau reported, ''Officials in Washington have said the Air and Marine Interdiction Coordination Center, a Customs Agency that is part of Homeland Security, was merely responding to an ''urgent plea'' for help from the Texas Department of Public Safety. It said the DPS indicated that an airplane carrying legislators might have been ''missing, lost or possibly crashed.'' The California-based AMICC made phone calls to the Federal Aviation Administration offices in Fort Worth and to airports in Mineral Wells, Texas, and Plain View, Texas. However, as I mentioned, and importantly, Homeland Security has now acknowledged the existence of an audiotape and a transcript.''

According to The New York Times, on May 16, the Department of Homeland Security said that it would conduct an investigation ''to see if there was a misuse of Federal resources when the Department helped Texas law enforcement agencies in a politically inspired search for the private plane of a prominent Democratic State legislator.''

Mr. Speaker, they are saying they are conducting an investigation to see if it is improper when they did help law enforcement agencies in a politically inspired search for the private plane of a Democratic State legislator. They are saying we are trying to figure out if this is improper. We are admitting that we helped law enforcement agencies in a politically inspired search. We are admitting that. But we wanted to see if it is a misuse of Federal resources to do so.

Now, however, on May 19, I guess it was May 18 when it was written and May 19 when it was printed, 2 days later, the story changed. This is becoming a habit. The story changed. The Associated Press reported, ''The Bureau said it at no time used any Federal planes to find the Democrats, and ultimately told the law officer it could not locate the aircraft.''

So by May 19 they did not use any Federal planes. Just what is the story? What assets were used? What do the tapes say? Who knows what? When did they find out what they found out? What Federal assets were used for politically motivated purposes, as reported in the press? Why, why do we have a coverup of this, and Tom Ridge and Homeland Security changing their stories and going mum?

It has not gone unnoticed in Texas or in the Nation. Let me read what was printed in the Star Telegram on May 18 about this travesty, about this coverup, about this admission with no explanation. Let me read what someone thought when they examined that:

''To meet the threat of global terrorism, the United States is assembling enormous Federal resources focused on activities in American cities, neighborhoods and countrysides that could endanger those citizens. If we are to have this security apparatus, it must be contained to its designated purpose. There must be every safeguard, so that it does not cross the thin line between protecting innocent citizens and spying on their private lives. That these security resources were used, no matter in what manner or way, in a Texas political dispute should be alarming to us all.''

Mr. Speaker, that is what the press had to say about the use of Federal assets, the use of our security capabilities, to track private citizens, and the use of law enforcement to terrorize the families of our legislators. And I find it quite interesting that they were able to terrorize and track the wives of our legislators, but not the husbands of other legislators. I find it very interesting they were able to go where children were, but not where the head of the household was. We all know what they were doing. We all know it is improper. We all know it is illegal.

Today, Mr. Speaker, the U.S. Congress is calling on Homeland Security to release the tape, to release the transcript, to tell America what happened. If in fact there is a defense, bring forth the defense in the tape. If in fact they want to go with their third or fourth or fifth or sixth or tenth story, bring forth the tape that tells us exactly what happened.

If in fact they are as innocent as they now claim, bring forth the tape. Bring forth the transcript. Tell this Congress that they are acting with the authority given them by the United States Congress to prevent terrorism in this country; not for political purposes, not to attack political enemies, not to control the State legislature in the State of Texas, not to redraw congressional lines.

Tell us, tell us, Mr. Ridge, tell us Homeland Security. Bring forth that tape. Bring forth that tape now. We deserve it. We are entitled to it. There is no legal defense not to produce it.

Homeland Security admitted involvement. Then they did not. Then they had a tape. Now they will not release it. Transparency is required. Stop the coverup. Transparency is the word of the day. Release the tape.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding, and I would like to broaden the discussion and also reflect upon the fact that the gentleman has served as a judge in our State. We are not here to provide our portfolios to this House.

□ 2015

I think it is important when we raise these questions that we give sort of the expanded window or the expanded field in which we operate. It is clear that government has never operated as a perfectionist, though we strive to ensure that all that we do is for the benefit and the best interests of the American people.

I think the judge, the gentleman from Texas (Mr. SANDLIN), is expressing a point of view that is not for his personal position but more for the issue of answering questions on behalf of the American people.

Let me say that I have a great deal of respect for Governor Ridge, now the Secretary of the Homeland Security Department. We had the opportunity to have him before the Select Committee on Homeland Security hearing just this day. It was a very intense hearing, very thorough for the Members who posed inquiries.

It was a very important one because, as most of America knows, in the last 24 hours the FBI has indicated that there are possible, if you will, actions that may occur as it relates to terrorist incidents in the United States or on western facilities. That means that Governor Ridge's position and the Department's position are enormously important.

Just yesterday, I joined my colleagues on the Select Committee on Homeland Security and other Members of Congress at the northern border, because we wanted to assess the vulnerability or the assistance that might be needed there. I was graciously hosted in that region by the gentlewoman from New York (Ms. SLAUGHTER).

So we are working toward the bottom line responsibility of this committee, the Select Committee on Homeland Security and the Department of Homeland Security, of securing the homeland, protecting America, protecting our neighborhoods, protecting our families and our children.

So Members can imagine, Mr. Speaker, when it came to our attention by newspaper articles that in the course of their State responsibilities and their judgment as to what they should do with respect to their responsibilities, 55 members of the Texas legislature heroically left Austin in order to avoid a

catastrophe, it was shocking to be told that Federal resources, in particular staff, personnel, and equipment of the Department of Homeland Security, were asked, requested, and possibly utilized in tracking these civilians.

This afternoon, I was in the Subcommittee on the Constitution discussing the PATRIOT Act with the Department of Justice. Last week, I sent a letter to the Department of Justice, one, requesting that no interference be given by the Federal Government with respect to these legislators and indicating that I saw no Federal question, no Federal violation, and no need for Federal action.

Mr. Speaker, I am grateful that the Justice Department sent a letter back dated May 16, 2003, confirming my interpretation and indicating that they saw no Federal question and they saw no need for their involvement, and they were not involved.

Today, however, I asked the Justice Department to give a full accounting of that but also to investigate the questions dealing with the Department of Homeland Security.

I believe what we are speaking to tonight, Mr. Speaker, and I thank the gentleman from Texas (Mr. SANDLIN) for giving me the opportunity, is the question of, in the backdrop of the severest time of our history when threats of terror are abounding, when embassies are being closed by the United States, when citizens are concerned for their civil liberties as well as their security, when we have to be able to defend stricter rules and procedures and questioning the utilization of procedures that may step on the Constitution, it is extremely tragic that we would think that it would be all right to intervene in a totally civilian matter that had nothing to do with the securing of this Nation. It is as simple as that, a civilian matter that had nothing to do with the security of this Nation.

The mandate for the Select Committee on Homeland Security and the mandate for the Department of Homeland Security is clearly enunciated: the monitoring, protecting, the securing of the homeland. So this is not a frivolous exercise, Mr. Speaker.

I am grateful for the very forthright, if you will, response that the Secretary gave; one, that there is an independent investigation going; that certain personnel have recused themselves from involving themselves in the investigation because of their close kinship to the issue, or close kinship to the parties and the party involved. I believe there was a great deal of sincerity in the Secretary's representation that he would look into the reason why any congressional committee would be denied the tapes, transcripts, and any other documentation.

So I again renew our request that those documents of all kinds should be immediately delivered to the United States Congress. I would ask duly that the Department of Homeland Security proceed with its investigation, and I would ask that the Department of Justice as well proceed with an investigation.

We are hoping that this matter can be resolved, as we do in a democracy, with a fair airing of the facts and the accountability of anyone who was responsible for using resources that are deemed to be utilized to protect us to intervene on a civilian manner and also to intrude upon the Constitution by utilization of such resources; and, as well, to intimidate civilians who are doing nothing more than acting on behalf of their constituents.

It is a simple question, a simple process. We hope this country will rise to its higher angels and be able to respond to what I think are honest inquiries. We look forward to hearing expeditiously from the Department of Homeland Security so that it can get on with its business.

As I said, I believe that the Secretary was forthright, and I expect for him to respond forthwith, because I know that he has impeccable credentials and therefore is concerned, as we are, that any of his personnel and staff would be so misused.

I want to thank the gentleman from Texas (Mr. SANDLIN) for allowing us to present what I think is an enormously important question. I would just ask the gentleman a question for a moment.

I would ask the gentleman, in addition to what we have speculated or what we have heard from newspapers, we understand as well, and again, they were following orders, and I know the gentleman has seen many law enforcement personnel in his court as he has practiced law, and I have seen many in my court as I have practiced law, and the bulk of their actions are legal and done to secure the area to support law and order.

But I understand that we can also chronicle a number of uses of law enforcement around the State about the family members who were encountered, if you will; law enforcement officers going way beyond the call of duty, as I understand it.

I think it is important for our colleagues to understand, again, and I have used that word about three times, I think it is important for our colleagues to be informed, I would say, of the depth of what we are speaking and that we do not do this lightly. We are not intending to make light of the power of this body and request information for no reason whatsoever.

I am very concerned about what transpired last week, in the last 2 weeks.

Mr. SANDLIN. Mr. Speaker, I would respond to my good friend's questions, and certainly the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) is an attorney and someone who respects our Constitution and legal process completely.

In response to the questions raised by my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE), certainly we are all concerned about the abuse of process and the abuse and use of Federal assets for a purely political purpose, as has been acknowledged and has been reported in the press.

Closely akin to that are these issues that she has rightly brought up about our concern about the abuse of the use of law enforcement officers, whom we all respect, for undue political influence.

Again, we are not criticizing the officers. We feel like we have the finest Department of Public Safety and deputy sheriffs and sheriffs and police and law enforcement officers in the country. They merely follow their orders.

But let us look at some of these very serious things that have happened. Some I alluded to briefly in my opening remarks. Let us see exactly what we are talking about, the use of the power of the State to intimidate citizens of this country.

Craig Eiland is a State Representative from Texas. His wife recently had premature twins. They are in the neonatal intensive care unit in the hospital. The Texas Rangers were sent to the neonatal unit in the hospital to question nurses. His wife was not there but was at home, so the Texas Rangers went to her home to question her about the whereabouts of her husband.

Chuck Hopson is one of the State Representatives from east Texas in my district. He is not only a courageous public servant, a thoughtful man, someone interested in his constituents and his family and a political friend of mine, but he is a personal friend of mine, as is his wife.

His wife left Austin, the capital city of Texas. On the way home to Jacksonville, Texas, an approximately 4 to 4½ hour drive, as she left Austin, a DPS officer got on her bumper and followed her the entire way home. As she sped up, so did the officer; as she slowed down, so did the officer; when she pulled over, so would the officer, all the way to her home, purely for the purposes of intimidation.

It is important to note at this time everyone in the country knew where the legislators were. They were in Ardmore, Oklahoma. But Chuck Hopson's wife, as a result of his commitment to service to the people of the State of Texas, he placed his wife in a difficult situation.

El Paso police entered the home of Representative Joe Pickett. Joe Pickett is a State Representative. He was gone. His wife was away from the home. His 17-year-old daughter was there alone. The police came in inquiring about his whereabouts; and, as Joe said, ''They scared the holy hell out of her.'' She did not know what was going on. Again, they knew exactly where Representative Pickett was.

Representative Joe Menendez, his wife found her car vandalized after a legislative ladies luncheon. It was parked in front of the Governor's mansion. I would think it would be safe.

Law enforcement officers were dispatched, and this is particularly egregious, dispatched to terrorize the staff of the House of Representatives in Austin. A senior staff member of Representative Elliott Naishtat was told that it was a felony to withhold information on the whereabouts of the State Representative. When asked what law was broken, the staff member was shown a copy of the House rules; clearly not a felony, and clearly what they said was a lie.

These folks, these young people that give of their time and effort in poorly paid jobs to serve the people of the State of Texas were being terrorized by law enforcement officers, only for political purposes.

Representative Patrick Rose is a Democrat from Dripping Springs, where I recently had an opportunity to be. His car was searched. His car was left at a friend's house, and it was searched after the lawmakers were found in Oklahoma, after. This is no attempt to find these folks. They know exactly where they are. They are terrorizing their families, and they are terrorizing their property, trying to get them to come back or say, we can show you. We can use the power of the State to intimidate you and to make you buckle and to make you cave in. But they misjudged the character of our State Representatives.

Let me tell Members about what a Corpus Christi newspaper reported. In southeast Texas, the wife of State Representative Jaime Capelo, Democrat, Corpus Christi, looked out her kitchen window Tuesday and noticed a blue four-door vehicle driving past. The driver looked at her home as it passed. The driver pulled up next to a white Chevrolet pick-up down the street. ''I asked him why he was watching my house. The man identified himself as a State trooper,'' and he told her that officials in Austin had called his office and told the troopers to follow her.

□ 2030

Told the troopers to follow her. Using law enforcement officers, with other challenges, to follow people for those reasons.

Ms. JACKSON-LEE of Texas. If the gentleman will yield, this is incredulous what the gentleman is recounting, and probably from a list that is short by its very pronouncements, in that there were 55. As the gentleman well knows, the very incident that we are talking about involved one of the members who was flying. We have not specifically recounted, or maybe my colleague did, that particular incident, but one can imagine the panic in the air if and when those various search planes were deployed.

But the point I think I want to add, and I thank the gentleman for yielding to me, is that now we must recognize and I think it is important to note, as we have noted the particular names of our members, Representative THOMPSON, Garnet Coleman, Scott Hochberg, and Joe Moreno, Jessica Farrar, out of my area, and certainly Kevin Bailey, and so many others, I believe that I have represented them all, and then others, of course.

But this represented I think a sense of intimidation in how much money they caused to be wasted. That is why we are here on the floor. We want accuracy, truth and transparency. And to suggest that they caused a loss of money to the taxpayers of the State, I think, is clearly a bogus presentation, inasmuch as the redistricting plan that might have been put in place, had they not stepped aside, one, would have cost Federal funds in terms of the representation here in the United States Congress; two, leadership roles would have been completely eliminated, which generate Federal funds, members who are holding leadership roles; and the cost of redrawing and running elections in an off year would have cost millions of dollars.

It is my understanding that in addition to the redistricting plan, our Republican friends that are now in charge in the State legislature, after 140 years, are cutting 270,000 children of the members' districts off of the CHIPs program; they are cutting some of the members' constituents off of Medicaid by rewriting the rules; some of the members have teachers being fired in their districts, and with school districts in crisis. And I might add that no school finance plan, as I understand it, was moving through the House at this time.

So I think it is important as we stand here tonight that we emphasize the word transparency, and we emphasize this as a broader view. And it is clearly to be able to define these members not as the criminals that the actions suggest they were, not as the escaping, I hate to use the word, and I guess I will not, but people who might have done harm to the State of Texas so that homeland security needed to be out. These are legislators duly representing not the gentleman from Texas (Mr. SANDLIN) or the gentlewoman from Texas (Ms. JACKSON-LEE) or the congressional delegation, or the Congress of the United States. They were representing their constituents.

So in yielding back to the gentleman, I would just say that we are here putting this on the record and requesting this direct information. Because, if anything, the names of these brave souls need to be cleared; but more importantly, we need to clear the deck on how we use Federal resources and how we should not be able to be abusive. Just because you have the power, does not mean you can use the power.

Mr. SANDLIN. I thank the very articulate gentlewoman from Houston.

Mr. Speaker, may I inquire about the time remaining.

The SPEAKER pro tempore (Mr. COLE). The gentleman from Texas has 6 minutes remaining.

Mr. SANDLIN. Mr. Speaker, my good friend from Houston makes a good point, and it is important to note that these were not people fleeing from a responsibility but people fleeing to exercise and claim a responsibility that they had under the Constitution and under the rules of the House. These are the rules that I read from previously. They were doing what the rules required to make sure that they had an opportunity to represent their constituents. So they were fleeing to responsibility. They were fleeing and taking the hard road.

It would be easy to stay. It would be easy to stay and lose the vote and lose rural representation and make sure that children were kicked off of CHIPs and that Medicare had no funding. It would be easy to say we are not going to respect what the voters did in the election. That would be easy to do, to show up and to vote and to get outvoted. But these legislators knew the rules, they knew their responsibilities, they knew how to act; and that is exactly what they did. And they should be commended for their actions.

Now, Mr. Speaker, it has worked out. It did exactly what it was intended to do. It stopped a runaway train. It made sure that something that was about to happen that was improper would not happen. It gave time for cooler heads to prevail. And as they left the floor of the House and broke the quorum, now the Governor, the Speaker, the House, the Senate, and others have had an opportunity to get together. They are back in Austin taking care of the people's business, things that are very important.

I think it is important as we look at this to see what has driven it. Partisan politics makes people do strange things. The problem with all of this is the very foundation of it is a disrespect of the Constitution, a disrespect of the people, a disrespect of the law and putting politics above all.

Let me read in closing, Mr. Speaker, what the Republicans' own witness said about the plan presented for redistricting. This is the expert witness hired by the Republicans to testify in the court proceeding the last time. He testified on behalf of the Republicans and their plan. And when he saw the current plan recently, this is what he said. This is Rice University Professor John Alford, the Republican witness. He referred to the current plan, the attempt being driven down the throat of the Texas public, he called it this: A pro-Republican partisan gerrymander on top of an already pro-Republican existing plan. It is raw politics at its worst.

Mr. Speaker, we are asking that the tape, the transcripts be made available, and that transparency be the word of the day in the United States Congress dealing with the issue of redistricting. We congratulate those members at the State House who have been named here tonight for the principled stand they took for their constituents and for the constitution of the State of Texas.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2) ''An Act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for the fiscal year 2004,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. BREAUX, to be the conferees on the part of the Senate.

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

S. Con. Res. 46. Concurrent resolution to correct the enrollment of H.R. 1298.

HOMELAND HEROES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, tonight I want to bring to the attention of the body another member of a group that we are referring to as homeland heroes. This is a group that has not had the attention that it deserves. It is a group of people who have suffered mightily as a result of the fact that the Federal Government has chosen to abandon them. And yet they fight on, sometimes facing overwhelming odds, sometimes facing the scorn of many of the people in their own community, some of the members of the press. But, nonetheless, they fight on for their own lives, for their life-style, and for the generations behind them that have paved the way for their existence in the area around Douglas, Arizona, and on our southern border even beyond that.

Tonight I want to pay a tribute to a lady I had the opportunity, the great opportunity to meet when I visited the Douglas, Arizona, area a couple of months ago. She came at that time to tell her story, and I found it quite compelling. Her name is Olga Robles. She is a second-generation Mexican American. She lives in Douglas, Arizona. Olga Robles describes herself as an American citizen with Mexican roots. That is where she got into trouble with her Mexican neighbors about a half mile south of her home in Douglas, Arizona. Olga Robles is criticized and attacked because she does not want to be called a Mexican American. She says she is not a hyphenated American. She is 100 percent American. She was born, raised, and educated in Douglas, Arizona.

For the first 18 years of her life, she lived two blocks from the Arizona-Mexico border. Her mother still lives in that house, and Olga is a full-time caretaker for her mother, who is now 89 years old. Her own home is eight blocks from the border. She is married to Frank Robles, a retired Phelps Dodge worker, and has two sons. She is a registered nurse and has worked at Douglas Hospital as a health professional and as a health professional for EPA and Vision Quest.

From 1979 to 1984, she was an elected local official, a councilwoman in the city of Douglas. She served her community with dignity and great energy. All her life she had been a hardworking citizen, and she is widely known and respected in her community.

Why do I call Olga Robles a homeland hero? I do so because she has suffered, and she is suffering today, for standing up for her rights as a citizen and speaking out against the permissive policies that this government employs toward illegal aliens. She has been personally vilified and shunned by the advocates of unrestricted immigration and proponents of open borders. When she speaks openly and candidly about the problems caused by illegal aliens, she is attacked and told to shut up and ''be a good Mexican.''

In December, 1999, she was attacked and vilified by name in the Mexican newspaper El Clarion in the town of Agua Prieta, a town right on the border. She was called a traitor and a racist for opposing illegal immigration. She was called these things for saying that the laws of this land should be upheld, the laws that she has obeyed, the laws her family has obeyed, the laws that she has every single right to expect her neighbors and her countrymen to obey.

One illegal alien who was caught on her property told her angrily, ''We have a right to be here. Santa Ana sold it too cheap, and we want it back.''

Now, Olga Robles grew up two blocks from the border and had Mexican parents and grandparents. She said she never had a personal problem with illegal aliens until about 10 years ago, when the situation changed. And, Mr. Speaker, it is amazing to me that time after time, as I have come to this floor and introduced this topic and sort of inducted someone into the Hall of Homeland Heroes, that there is a similarity in their stories. They have all been living through very difficult times. They have all been challenged by what is happening on the border, by the flow of illegal immigration into this country, and they all say it is a relatively recent or relatively new phenomenon.

Beginning in the early 1990s, the illegal aliens started coming across the border in larger numbers, she says. About 5 years ago, the flow of illegal aliens through Douglas became really heavy and created a big increase in local crime. The illegal aliens have torn down the fences on her property seven times as they hurry to get through her yard and further away from the border. She would call police and the police would say, we cannot do anything; they are illegals. Call the border patrol.

Now, every single resident of Douglas, Arizona, and in every city in this Nation has a right to expect their local police department to come and help them if their rights are being violated, if their land is being despoiled, if their property is being destroyed. But along the border, this has become commonplace, and police departments, for one reason or another, have decided to shirk their own responsibility and duties. And I will tell you there are sheriff departments and police departments along that border that have become corrupted by the phenomenon of illegal immigration and the drug money that is attendant to it.

□ 2045

Mr. Speaker, they told a resident of the city to forget about it. They are illegal aliens. It is somebody else's problem. No, it is the problem of any law enforcement official in the United States of America. When she did call the Border Patrol, they would come too late and never capture anyone.

Because there has been a lot of attention paid to the problems in Douglas, Arizona, and because there has been a lot of attention paid to the problems with the administration in Douglas, Arizona, with the mayor and other members of the city administration, because people are becoming concerned that their city government may not be in fact as responsive as it should be on these issues and there may be reasons for that, allegations of corruption certainly abound, and because of that, things are beginning to change in Douglas.

Police now come quicker and will apprehend illegal aliens if they are breaking the law, and they will turn them over to the Border Patrol. Illegal aliens often showed up in her yard in broad daylight. If she called the Border Patrol, the aliens would threaten her and call her names.

There are people who bring people into this country illegally and get paid for that. There is a story about this kind of thing happening in the papers here recently. It is a horrible, horrible story about the death of 19 people, including a small child, as a result of the actions taken by people who were smuggling these folks into the United States illegally. They are called coyotes, who are Mexican tour guides, in quotes, who will help a group of illegal aliens get across the border for a hefty price of between $1,000 and $1,500. These coyotes scout out vacant houses in Douglas and the surrounding area and tell the illegal aliens how to find them. They become safe houses. These vacant homes and homes for sale are fair game for these criminal gangs.

The drug cartels on the Mexican side of the border are very well organized and sometimes very ingenious. Drug smugglers equip trucks and vans with corporate logos from local companies like Quest and have also used trucks disguised as City of Douglas vehicles.

Not long ago, it was an interesting event down there on the border where they had actually stolen a vehicle, drug smugglers had stolen a vehicle that looked like a vehicle that would be used by the Border Patrol. They took it into Mexico. They carefully and with great precision painted the vehicle so it looked exactly like a Border Patrol vehicle. They put the wire mesh inside and even got U.S. Government license plates put on the vehicle, and they used it to smuggle drugs into the United States.

Now, these things are all happening right in sight of Olga and her family and her friends. These things happen every day. She observes them and calls the police. She does what a good citizen of this country should do. She expects her government to help her. It has been very late in responding and very hesitant to do so, and it only responds to her demands, to her concerns, when the pressure gets so great that they cannot look the other way.

So one of the things I hope to do by creating this Hall of Homeland Heroes is to keep the pressure on. I want the people in Douglas, Arizona, I want that mayor in Douglas, Arizona, to know that people are watching him; and I want the police force to know that there are folks who are interested in how well they are enforcing the law. I want people to know throughout this land that there is great concern about what is happening to the cities and towns, police departments, even Border Patrol agents, customs officials.

I want them to wonder what is happening around that border, because there is a great deal of corruption spilling over from the Mexican side, all brought about as a result of the drug trade and the trade in human beings. You can not only smuggle a Mexican national into the United States for between $1,000 to $1,500, and when we consider how many come across that border every day, tens of thousands a day, it becomes big money. But you can get an even bigger price, demand a lot more money, up to $30,000 to smuggle someone into the United States who is coming from a Middle East country, coming from a country on the Terrorist Watch List.

In fact, there is a road not too far from Douglas, Arizona, that the locals refer to as the Arab highway, the Arab road, because so many people from the Middle East come across that road being smuggled in by these coyotes. For $30,000, maybe you get better transportation, you get business class transportation into the United States. It is a very lucrative endeavor. You combine that with the drug trade on the border, and we can see why there is a corrupting influence on the border.

We have evidence of high school students along the border driving big brand new cars and SUVs and trucks, and when you try to find out how they could possibly get the money, they have been working for the people or drug smugglers. You can make a lot of money in a very short period of time doing something illegal along that border.

As I mentioned before, Olga Robles is a registered nurse. She has personally witnessed the decline in health care services in her community because of the financial impact of the flood of illegal aliens who must by law be treated, but they do not pay the bills. The Southeast Medical Center in Douglas, Arizona, is almost closed now. It offers only emergency room services, and if this particular facility closes we were told when we were down there, and, as I say, the threat of the closure of this facility is very real, and it is coming about because they have had to provide services to illegal aliens coming across the border by the thousands, and they get no reimbursement for it, and if that place closes, there is no facility like it around for a hundred miles in any direction.

A citizen who needs to see a specialist must now go to Wilcox or Tucson, whereas specialists used to come to Douglas and see patients at the Southeast Medical Center. There is no longer an OB/GYN service in Douglas. Women must go to Bisby to see their specialist or have a baby. Olga Robles has seen this problem grow and grow over the past decade. She has had personal encounters on her own property and suffered vilification for speaking out against our lax Border Patrol and law enforcement.

But Mrs. Robles' primary concern, her main worry is not for her personal safety or her property, she is mostly worried about what is happening to her country, her country. She worries about what is happening to her city's schools where overcrowding is directly traced to the hundreds of children coming in from across the border illegally. They falsify their residency, and no one from the school district checks up on them.

She worries about the impact on local hospitals and medical services. She worries about the rising crime rate. She worries about the influence of drug cartels on the American side of the border. The corruption of Mexican police and military is now taken for granted by her and most residents of Cochise County, but it is now seeping into the Arizona side of local government and law enforcement.

People in the Douglas area in Cochise County wonder about their own sheriff. His reluctance to become involved with the issues of drug smuggling and people smuggling make people wonder why. Ms. Robles worries about the growth of drug abuse among schoolchildren throughout the county because marijuana and cocaine are so widely available.

I think we should honor citizens like Olga, and there are thousands and thousands more like her, but they do not have the courage to speak out. We should all recognize the fact that they exist, their stories deserve to be told just like Olga's, but they do not have the courage to come forward for fear of what their own community might do to them. Olga is a woman of great courage. She is an American with Mexican roots. She welcomes new Mexican immigrants who come here legally and want to become American citizens, as we all do and should welcome anyone who wants to come to this country legally and become American citizens.

What we should not welcome is the massive flow of illegal aliens. I salute Olga Robles for her courage and integrity, and I hope that some day the political leaders of this country will follow her example.

There are many other stories. I will be bringing more to the floor of the House in the weeks to come of the people whom we are inducting into the Homeland Hall of Heroes. This is one way that we want to try and get the story across to the American people.

This is a challenging experience to try and get this story across to the American people. Because what you find, what amazingly you find is, for the most part, the American people are pretty much aware of it. They get it. Poll after poll tells us that large, vast majorities, 70 percent of the American people when polled say there is something wrong, there is something desperately wrong with our immigration policy. We should review it. We should secure our borders. We should make it more difficult for people to come into this country illegally. We should find people who are here illegally and deport them and operate a system like every other nation on the face of the earth where we try to actually control the flow of people into this country so it benefits this country and the people coming in.

Most people get it. Most Americans understand it. Why then is it so hard for my colleagues to get it? Why is it so hard for the administration to get the point? People want their borders secure. How much more clearly can we present this issue? How much more of an outcry can there be from American citizens like Mrs. Robles? How many more people have to die coming into this country illegally, as the 19 people who died in the back of that truck, in the back of that semi, including one small child, while they were tearing away the panels on the truck exterior to try to get air?

□ 2100

Imagine the horror inside of that truck. Imagine the screaming. Imagine the prayers. And now imagine some of the causes for that kind of thing to happen. Certainly, if you are looking around for blame, you say, well, they came here illegally. They took a risk. That is true. And some of the blame

rests with them, with the 80 or more people who paid the coyote to help them break the laws of this country to come in here and get a job, seek a better life as most people coming into the country do. So some of the blame rests with them, that is true; but there is a lot of blame to go around. I hope that the lesson, if any lesson is learned by an event of this nature, by a tragedy of this dimension, and my heart breaks for the people who died in that and for the family members who now grieve, but I must tell you that there are many people in this country that share the blame and there are many people in the other country on the other side of the border that share the blame.

Let us start with employers over here in this country who knowingly hire people illegally, who are here illegally and, therefore, are hiring illegally. It is against the law to hire someone who is here illegally. Yet we all know, there is not a person here who does not know that this happens quite consistently. Everywhere we look it is a wink and a nod, well, maybe they are, maybe they are not but I am not going to pay any attention because I need this service or that service.

We have companies, Tyson Foods, major, huge U.S. corporations that become involved, at least are accused, I should say, RICO statutes have been used to try and convict some of the executives at Tyson Foods because they say not only did these people, or the allegation is that not only did Tyson executives knowingly hire thousands of people who were here illegally but they actually helped in the business of importing them. They became part of the coyote network. They went and sent people down apparently to scout and learn and get these people smuggled into the country, so they all became part of a smuggling network, not just a chicken-producing company but a smuggling company. These people have a responsibility for the deaths of these 19 individuals, for the pain of their families today.

Everybody who does this and, therefore, entices people to come to this country illegally to seek a job, they are responsible, they are partially responsible for the death of these people and for the hundreds of others who die in the deserts who we do not know. We do not hear their screams. We do not witness their demise. We witness only the remains. We find them from time to time, what is left of them, in the desert. Many times they have been abused by the coyotes who bring them in. They get them to the line, they will rape the women, they steal all the money from the family, and they shove them into the desert. Those cries go unheard most of the time except I have actually had a homeland hero, I think it was last week, who said that on a clear night in the desert, you can hear the screams of these people being abused, of the women being raped, of the families being robbed and beaten.

There are others who I suggest share some responsibility for the deaths of these people, the people trying to come into this country illegally. Again I do not absolve anyone. They have a responsibility themselves. They took a risk. There are warning signs all over. In the desert we have signs up in the desert about how dangerous it is to come through that area. People put up water. There are groups that go down there and put up water for them along the border. I blame them. I blame some of them. Those groups have a responsibility in the deaths because they entice people forward. I blame our own government for refusing to secure our own borders. When you make it illegal to enter the country but then make it possible to do so, you are in a way encouraging people to break the law and in fact put themselves in peril.

The charade of immigration law that we operate with, where we have laws on the books, we have big organizations, border patrol, Customs, Forest Service people, these people are charged with the responsibility of, quote, border security, especially the border patrol and Customs; yet we all know you can go down and talk to anybody on that border in any of those services and they will tell you what a joke it is. And to pretend to have Members come on this floor as they did just a little bit ago in the different hour and talk about how important homeland security is and how the fact that maybe somebody tried to manipulate homeland security to go find some Texas legislator and oh, my goodness, what a travesty because they could be out, what? Defending the border? When was the last time that happened? And when was the last time they demanded it? I would love to have seen anytime in the past when any Member who was here protesting the use of homeland security for other than border security, or homeland security, I would love to have seen when they were demanding that our borders become secure and that we use the people for that purpose.

And internal security in this country meaning we identify people who are here illegally and deport them. That is what homeland security is all about. If on the one hand you have demanded that from this agency, then you have every right to complain about the fact that they may be misused in some partisan political venture. But believe me, believe me when I say that for years the INS and the border patrol were misused for partisan political purposes, and the most blatant partisan political purpose was when we used them to tell people, to tell Americans that we had border security, that everything was okay because, after all, we have X number of thousands of people on the border; but we sent laws down to them telling them to ignore illegal aliens crossing. We sent regulations telling them that they should wink and look the other way while we continued to tell the American people we have a border policy.

And what happens when you do things like that? People die. People die. Because they are trying to come across and do something that is still illegal, but they know that their chances of making it are pretty good, so they roll the dice. Well, these people lost. And who is responsible? I am telling you, it lies in this body, in this government, because we do not secure the border. It lies in Mexico and with the Mexican Government, the Mexican Government that actually encourages people to move northward into the United States. They encourage it because they are trying to do something about the huge number of unemployed they have.

When you have got the population of Mexico, the population under 25, Mexicans under 25 have doubled in the last 10 years or so. It is enormous. Most of them are unemployed. It is a very dangerous, very difficult situation. And so Mexico says, gee, how do we do it? Do we actually try to improve our economy by privatizing a lot of the businesses that years ago were made government, specifically Pemex? And what an uproar that caused not too long ago when a committee on which I sit passed an amendment to the State Department reauthorization bill and it said that we should encourage Mexico to actually privatize their state-owned oil companies because if you want to have a better economy, that is one place to start.

But does Mexico try to change their own structure to try and actually address the problems, the economic problems that Mexico faces? On the contrary. No, they told us, mind our own business. And they were absolutely right. It is really not our business. It only becomes our business when they continue to shove their unemployed into the United States. Then it is my business. And I have every right to tell Mexico, shape up, fix your economy. Stop the corruption that goes from the cop on the beat to the highest levels of government. Who does not know about it?

You talk about another charade. The whole government of Mexico in a way is a charade. It is a charade that pretends to be a true government and in fact it is like a huge mob. It is like the Mexican Mafia, only in this case it is in many ways the government. Corruption from the cop on the beat to the highest levels of government. Everybody knows it exists. When you combine that level of corruption with a tendency toward a socialistic economy, believe me, you are going to have some big economic problems. You are going to have horrendous unemployment. You are going to have an under-class that cannot seem to find a way out and that will take any opportunity, take anything available to escape the grinding poverty that your own failed system places on them.

So it is my business. It is the business of every American and especially every Congressman to tell Mexico to fix their own economy when they continue to send us their problems, and

they do so for various purposes. Mexico sends us their unemployed because naturally it helps reduce the pressure, the political pressure that they would otherwise apply in Mexico. It also helps them because when they get here, Mexicans dutifully send home large portions of their own salaries. $10 billion is the very conservative estimate of exactly how much money is sent to Mexico; $10 billion a year, that is. That is a huge sum. It is 30 percent of the GDP in Mexico.

This is a problem, therefore, for the United States. There is a challenge to us all, I think, to expect more and to challenge Mexico to do more and expect more because Mexico, by the way, not only receives this economic opportunity and economic benefit by moving their people into the United States that are unemployed but they also achieve a political benefit as was told to me in the most blatant and candid terms by the director of the bureau in Mexico that is a newly created division of the Mexican Government called the Ministry for Mexicans Living in the United States. A fascinating title, if nothing else. Newly created.

According to its director, Mr. Juan Hernandez, its purpose was to move Mexicans into the United States in as many numbers, as big a number as possible, as great a number as possible, to achieve all the benefits I just described: to reduce the political pressure by a large number of unemployed on the one hand; secondly, to gain what they call remittances, the dollars coming back into Mexico making up the 30 percent of their GDP. And another thing that he mentioned that was really amazing and very interesting and something that we should pay attention to. He said, you know, they will influence your government. Millions of Mexicans living in the United States who retain a political allegiance to Mexico, and that was part of his job, to make sure that they did so. He would speak up here for 3 days a week, speak in Mexico for 4 days a week, but his job was to get as many Mexicans, he said, into the United States and then have them retain a political allegiance to Mexico so that they could then bring pressure on our government to change our policies vis-a-vis Mexico.

This is a great plan. You have to admit, it works really well. It is a logical thing for the Mexican Government to do. It is also, however, logical, it seems to me, for us to say, wait a minute. Wait a minute. This is not the relationship we expect with a friendly country. We expect you to help us control our borders, especially after 9/11, especially after we know that people are coming into this country, and we have now gone to code orange again, a heightened level of security. It is heightened here. You will notice it as you come to the Capitol, there will be different things that you see when we get to different levels of security.

But I will tell you what you do not see is you do not see any real attempt to make our borders more secure. You do not really see anything where somebody says it is time at this level, we now have to place the military on our borders, we have to employ our military assets to help our border patrol, help our Forest Service and help our Customs officials defend the border. You do not hear it. You do not see it. That is not part of the plan. There is no level, there is no color level of danger that says at this point we actually defend our borders. It could be. It could be the color red, the color of blood, because it is American blood that moves us into action sometimes. It is 3,000 dead.

□ 2115

That is why we sometimes get into a discussion of the problems that confront us on our borders.

Mr. Speaker, this is a very, very dangerous situation we face, and it is made more complicated every single day by the inaction of our own government and by the activities of those who demand that we have open borders, demand that we reduce our vigilance to the extent it exists anyway, demand amnesty for people who are living here illegally. All of these people are really and truly making it more difficult for us to protect American citizens, and they are making it easier for people to come into this country illegally and, in fact, walk into harm as the folks in this truck did, and as I say, it happens throughout the American Southwest that people die in the process.

There is a great deal of blame to go around. We should accept it. We should do something to stop it.

And we really have only two choices Mr. Speaker, only two choices. We can either abandon the border entirely and completely, repeal all the laws that presently are on the books about immigration control, declare ourselves to be an open state, declare the borders to be erased, take away the ports of entry, remove the Customs officials, remove the Border Patrol, disband those services and let people come and go as they want to. That is one way that we can stop this kind of thing from happening. People will not die trying to cross into the United States if there if it is not illegal for them to do so without our permission. That is one way.

I am a no vote, believe me. I am a no vote. I happen to believe that borders matter. I happen to believe that national identity has meaning, that national sovereignty is an important aspect of who we are as Americans. So there are a hundred reasons I can give tonight for being a no vote. But I am saying I would like for this to be put for a vote. I would love for this to be put to a vote.

And the only two options I think we should have are either the one I just described, where we erase the border so we no longer put these people in harm's way and we no longer put our own people in harm's way. We no longer have to go to funerals in Ajo, Arizona, for people who were killed in defense of the border, young men like Kris Eggle and hundreds of others who have died or been harmed along those borders trying to protect a system that really and truly says to them do not try too hard, let them go by.

But if one is going to do their job, if one is a person of principle as these folks were and certainly Kris Eggle, one is going to do their job to the utmost, one is going to give 100 percent, and he gave his life. I do not want to see that anymore. I do not want to go to any more funerals for people who died on the border in defense of the border, if we are not going to truly defend the border. I would rather give it up, give it all up than to put all these people in harm's way and to tell the American people that there is this thing called the Border Patrol and do not worry, everything is going to be okay. I would rather just play it straight with the American people than I would continue this charade.

But the other alternative, one to which I subscribe, by the way, is one in which we secure our borders. And believe me, Mr. Speaker, even though there are all kinds of people who keep saying this is not possible, that the borders are far too long, far too difficult, the terrain is far too difficult, we cannot do it, I assure my colleagues that is inaccurate. I assure my colleagues that this country has the ability to defend its own borders by the use of technology and the use of human resources. We can do it.

The only thing we do not have, what is missing in the equation, what is missing in the concoction to actually try to defend our border, the theory, the agenda, what is missing is the will to defend our border. It is the will to use the military for fear of the political consequences of doing so.

There is something else that I want to pay just some attention to here briefly. The other issue that needs our attention this evening, because this is rising to a boiling point, is something I hope that we are all going to pay close attention to. There is something going on here that needs our attention.

Mr. Speaker, not too long ago the Mexican Government embarked upon a program to use its consular offices in the United States for the distribution of a card. We call it the matricula consular. This is a card that any government can give to their nationals for the purposes of identification. Nothing wrong with that. Other countries have done it in the past, not to any great extent. A few hundred people may have needed it for some purpose or other.

But Mexico decided not too long ago that if they could not achieve the goal of open borders through this process, if they could not get the United States to abandon the borders and give amnesty to everybody who is here illegally, they would accomplish the goal another way. They knew that there are between 13- and 20 million people who living here illegally. A huge number of those

are from Mexico. So they decided to begin handing out these cards to their nationals living in the United States.

What is interesting about this, of course, is that the card is only, it is only important to someone who is here illegally. If one is here as a legal guest of this country, if one is a legal alien in the United States, they have something that identifies them that the United States Government gave them. It is a stamp on their passport. It is a visa or it is a green card. It is an I–94. There is something we have given them to show that they are here legally. They do not need any other form of identification for our purposes.

So the only real purpose is to give illegal aliens a form of identification that they can then use to obtain services. How does one get the services? Well, they send their consular officers out all over the United States, they go to State legislators, they go to city councils, they go to police departments, and they ask them, and they get the banks to help them with this.

They ask them to accept the matricula consular for purposes of opening bank accounts, opening charge accounts, getting social services, doing all of the things that a ''citizen'' would do and be able to do just because they are a citizen of the United States, a legal resident.

They have been extremely successful. The Mexican consuls and the Mexican Government have been extremely successful in getting cities and counties to do this. In fact, the State of California has, if I am not mistaken, already passed a law saying they have to or at least the law is in process saying that the State has to take the matricula consular.

This is akin to establishing another immigration system in the United States. How many immigration systems are we going to run? One by the INS, supposedly, we give them that responsibility for homeland security, and one by every bank, one by every city and county in the United States. But that is what is happening.

The banks started this. Wells Fargo was the beginning. Wells Fargo Bank looked out there and said wow, I have got this what they call ''unbanked population.'' This is a euphemism for illegal alien, and I want to get them into my bank, and I want to charge them fees. So what do I do? How do they open an account? They are not here legally. I know. Let us work with the Mexican Government. Let us use this matricula consular. We can get them all accounts that are open.

Now of course banks all over America, Citibank, Citibank is doing this. Most federally chartered banks have now begun to do this or accept the matricula consular. And what happened here just a couple of weeks ago but the United States Department of Treasury promulgated regulations. Get this, if there is not some incredible irony. In reaction to the PATRIOT Act, which was designed, of course, to increase security measures in the United States and so the Department of Treasury had promulgated regulations to implement certain parts of the PATRIOT Act, and so the other week the Department of Treasury in really cooperation with the banks said it is okay to use the matricula consular to open an account. If this is not just an incredible irony. A bill to enhance our security was used to open a loophole a mile wide for somebody to actually use to violate our security.

Because we do not know, no way, no how can anyone possibly tell me that that Mexican matricula consular is in fact a valid document when I have already seen somebody get arrested with that in Colorado who had seven of them. His picture, seven different names. I have seen vans in Chicago that hand these cards out on the street corner. There is no way that they are ''valid'' or ''verifiable.'' But now the banks can use them. They can use them for identification purposes when somebody comes in to open an account. And I understand that today Treasury was over at the White House lobbying the President of the United States to get him to issue an executive order to say that the whole Federal Government will accept the matricula consular.

This is bizarre beyond imagination. I happen to know, Mr. Speaker, that there are a lot of people in the government, especially in Homeland Security, who are absolutely opposed to this; and they do not want this Government to accept a foreign government ID for our purposes, for purposes of identification, especially in the banks, so they can launder money, so they can move money around from various accounts.

Because I guarantee the Members that there is absolutely nothing that says that if we can accept the matricula consular from Mexico, what says we cannot possibly accept it from Pakistan, Saudi Arabia, Iraq, Iran, or anywhere else? Their nationals will come here, and already five other countries are now involved with this because they see this as a great way to avoid our immigration law, a way to avoid immigration law. And here the Treasury is aiding and abetting it in reaction to the PATRIOT Act, the PATRIOT Act which tells us that we cannot go rent a library book and not have to worry about the Feds coming to see what we are reading. That is the level of security that we are supposed to employ, and yet they use the PATRIOT Act to write regs to allow people to violate the law.

This is incredible. Banks all over this country are doing it. I am searching for a bank in Colorado that I can withdraw my funds, both my private funds and my campaign funds, because the banks I am presently with accept the matricula consular. I am looking for a bank that does it because I want to move my money, and I certainly would encourage anyone to do exactly the same thing.

The task is trying to find a bank that will not accept the matricula consular now. Because they say to me, hey, the Treasury just said it was okay; and it is now a competitive issue. As the gentleman from Minnesota (Mr. GUTKNECHT) was saying, I guess they cannot blame the pharmaceutical companies. Blame us for allowing them to do what they do. That is true. A bank is a profit-making center. They care about one thing, the bottom line. They could not care less whether or not they are aiding and abetting people who are living here illegally, which they are doing. They could not care less. Their issue is, what is the profit here?

And these are multinational banks for the most part. I say multinational because they have absolutely no concern about this country's welfare. They have one concern, and that is the concern of the bottom line.

And, okay, that is the system we live in. That is capitalism. So be it. But what else is capitalism? Capitalism is when we say to Americans we have a right to voice our concern, boycott, do something to show we do not like what they are doing. That is also the right of an American consumer, and I certainly encourage people to do exactly like that.

Like I say, the problem is trying to find somebody that is not already in bed with the traffickers and a bank that is willing to say, no, this is wrong; we will not accept it.

I am told, Mr. Speaker, that World Savings is a bank that will not accept it, and that is great except it is not a commercial bank, and we have to have a commercial account especially for our campaign, for one's business. So we need a national bank, a federally chartered bank, a commercial bank that would agree to live up to a responsibility that we should place on them as good citizens.

And it is amazing. ''Citigroup Announces Precedent-Setting Partnership with the National Council of La Raza and Commits $105 Million to Revitalize Hispanic Communities.''

□ 2130

You read this thing, and what you find is they can revitalize it. What they are doing is paying off La Raza, just exactly the same way other businesses have been forced into, coerced into, blackmailed into, funding Jessie Jackson's group. It is the same exact thing going on here.

I wish people would go to their banks and would ask them what their policy is about the matricula consular, and the States, because Colorado just passed a law, the first State in the Nation, passed a law making it illegal for any State agency to accept the matricula consular. This is an important thing. It goes to exactly what we are talking about here in terms of what does it mean to be a citizen. Does it matter that we make laws against people coming in illegally? Does it matter if we are stopping people from getting amnesty if they have come illegally?

What if the entire decision is made at the local level by banks, by city councils, who are themselves so fearful of the electorate in their area, so they say I have to make friends with this constituency, so let us accept this matricula consular. Let us tell our police to accept it, tell our cities, our urban authorities, our housing authorities to accept it. Let us go ahead and give amnesty. The Congress will not do it, so we will do it.

Well, I hope, Mr. Speaker, that people all over this country will look at this issue, will ask their banks, will ask their city council, will ask their police, why are you accepting this bogus form of identity that is not given to you by the Government of the United States or by the State of whatever, but by a foreign government, at a time when we are suspicious and fearful of exactly what kind of thing can happen when people come in and steal identities in the United States, open up accounts under bogus names, transfer money into terrorist organizations?

There are all kinds of things that can happen. It becomes a breeder document. This is a very dangerous thing, and I wonder what our government is going to do. I wonder what happened today at the White House, after the Treasury Department was over there trying to get them, Treasury and State were trying to get the Federal Government, the President, to agree to accept this matricula.

I know the Homeland Defense Agency is opposed to it. I know. I saw a draft that was produced by Homeland Defense that said this should not be, that no Federal agency should accept this, and that draft was making its way up to the White House, up to the highest level. That is why all of a sudden all of the activity is over there, because they are getting ready to announce the policy of the Federal Government on the matricula consular. And I urge everyone, Mr. Speaker, everyone to understand that, to recognize it, and to pay close attention to what happens here. This is important for us all as Americans. Pay close attention to this issue.

Mr. Speaker, this issue of the matricula consular is just one of many that we have to deal with in terms of immigration and immigration reform, but it is a great example of the threat we face and the many facets of immigration and the need for immigration reform. I will, for as long as I can anyway, continue to bring these issues to the attention of this body and to the American people.

THE FACTS ABOUT FEDERAL PRISON INDUSTRIES

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I want to spend a few minutes talking about one of the fastest growing companies in America today. It pays its workers somewhere between 23 cents an hour and $1.15 an hour. It has a wide array of products. It pays no Federal taxes, it pays no State or local taxes. As I said, it is one of the fastest growing companies in America today.

There are a number of reasons why this company is growing so fast. It has a lock on one of the largest customers in America. That customer cannot buy products or services from anybody else, unless that company provides that customer a waiver saying, all right, we are permitting you to go and purchase product from a competitive source.

It is a company that, on bid day, where companies X, Y and Z have submitted their bids, this company can say at the bid opening, X, Y and Z, please provide me with all of your bid documents, and this fourth company can come back and say, you know, I will get back to you in a week or so to see whether I can match those bids. I will submit my bid in a week, now that I know what these other three companies have bid, and I will see if I can match their price. By the way, if I can match their price, the bid is mine, regardless of whether the customer believes the quality meets the standard that the customer has set, whether the delivery schedule meets the standard that the customer has set, and now we know that they can match on price.

So you have a couple of questions. Who is this fast growing company? My colleagues are probably saying, that sounds like a company I would like to buy stock in. The economy is slow, not as healthy as what we would like it to be. Who is this fast growing company, and what customer do they have a lock on? That is a very strange procedure by which to purchase a product or a service.

Well, let me tell you that the company that is the fast growing company is called Federal Prison Industries. The customer is the American taxpayer as represented by the Federal Government. The company is called Federal Prison Industries. Its other name is UNICOR, and this is UNICOR's annual report for 2002, which was just released.

Let me give you some of the highlights of their annual report. Like many annual reports, they give you a history of the company. This company was formed in the 1930s. The competition was described as ''will reduce to a minimum competition with private industry or free labor.''

So in the 1930s, when the Federal Government said we need to have prisoners working, we need to have them employed, as the Federal Government established Federal Prison Industries, as they established UNICOR, they said we need to make sure that we keep Federal prisoners, people who have broken the law, that we keep them busy and we keep them occupied in such a way that there is minimum competition with private industry or private labor. It is a great goal; it is a great objective. That is the mandate of Federal Prison Industries.

Too bad, 70 years later this company has forgotten its roots. This goes through this administration, it goes through the Justice Department. Under this administration, Federal Prison Industries has become a growth industry.

Net sales increased last year from $583 million to $678 million. Imagine that you had constituents in your hometown who worked in the office furniture industry, who worked in the textile industry, who made automotive components, who made a whole series or range of products. Many of these industries are hurting.

I have visited cut-and-sew textile factories in the southern part of this country. I have visited them in Pennsylvania, I have visited them in New York City, I have visited them in the Northeast. Cut-and-sew operations in America are a tough business.

For Federal Prison Industries it is a growth business, such a growth business that a little less than a year ago, Hathaway Shirts in Maine had to shut their doors after a major shirt order went to Federal Prison Industries and did not go to private competition, to the private sector.

Those individuals who represent the folks of Maine, who represent the workers at Hathaway Shirts, now have to go back to those workers, to that company, to that community, and say, what? Your job is gone. Not only is your job gone, your business is gone, the doors are padlocked. But we have kept Federal prison inmates busy. We have lost your jobs, but we have created new jobs in our Federal Prison Industries.

Some may say this is what it means to create high-quality, high-paying jobs in America. But for these 21,779 workers it means being paid at a rate of 23 cents to $1.15 an hour. Not a bad deal. Not a bad deal for the Federal prisons, but a terrible deal for the workers at Hathaway Shirts; a terrible deal for that community in Maine that now has a factory whose doors have been padlocked, that has lost revenue in the tax base.

There is something wrong with this picture when the administration decides that creating jobs in Federal prisons is more important than keeping employers employing people in the private sector. But like I said, at least the folks in this Justice Department have defined Federal Prison Industries as a growth industry in America and an industry that they have grown by 16 percent over the last year, and where, in some cases, they have put in place plans to grow certain market segments by up to 50 percent in 2003.

Where are these factories? Are there just a few factories? No, there are a lot of factories around, and they may be in your community, and they may be in your backyard.

There are 111 factories in 71 different locations: Alderson, West Virginia; Atlanta, Georgia; Beaumont, Texas; Buckner, North Carolina; Dublin, California; Edgefield, South Carolina; Fort

Dix, New Jersey; Greenville, Illinois; Jessop, Georgia; Leavenworth, Kansas; Lee, Virginia; Manchester, Kentucky; Miami, Florida; Oakdale, Louisiana; Pollock, Louisiana; Raybrook, New York; Saford, Arizona.

□ 2145

Also in Sandstone, New Mexico; Seagoville, Texas; Terre Haute, Indiana; Tucson, Arizona; Yazoo City, Mississippi.

By the way, those are the factories that just manufacture clothing and textiles. Who makes electronics? Beaumont, Texas; Big Spring, Texas; Danbury, Connecticut; Fairton, New Jersey; Lexington, Kentucky; Lompoc, California; Loretto, Pennsylvania; Marion, Illinois; Memphis, Tennessee; Otisville, New York; Oxford, Wisconsin; Petersburg, Virginia; Phoenix, Arizona; Rochester, Minnesota.

Those are the communities that have Federal prisons, Federal prison factories that pay no taxes. They also have factories that do fleet management, vehicular components, graphics, industrial products, office furniture.

This has impacted my district significantly, the office furniture industry. This is an area that the Justice Department has said, office furniture, that looks like a growth market to us. So last year they grew office furniture from a business of $74 million to $117 million, a 24 percent growth rate.

I know a little bit about the office furniture industry. I used to work in the office furniture industry. If we take a look at this, we would say, wow, this is an exciting industry to be in, a 24 percent growth rate. The problem is, that is a 24 percent growth rate for Federal Prison Industries.

Is that not what is happening in the industry as a whole? Has the industry not grown by 24 percent? Office furniture, that used to be a great industry; or that is a great industry. The answer is, no, it has been a miserable industry over the last couple of years. The companies are good and the people working in the office furniture industry are many of my friends. That is one of the biggest employers in west Michigan.

What has happened to this industry? As Federal Prison Industries, as this administration, as this Justice Department has grown, Federal Prison Industries at a rate of 24 percent, the industry has decreased by 40 percent. The office furniture industry in America today, whether it is in western Michigan, whether it is in Iowa, whether it is in Pennsylvania, or whether it is in factories down south, is in a recession. Some would say it is more close to a depression. The overall industry volume has declined by 40 percent.

But this Justice Department says, we do not care about what is happening in the real world. We do not care that in this industry in a small part of west Michigan we have laid off somewhere in the neighborhood of 13,000 to 15,000 to maybe 17,000 workers, when we consider the companies themselves as well as their suppliers. We do not care that we have to lay off workers. This is a growth industry for us, and we are going to keep growing it.

As a matter of fact, if we take a look at the documents that Federal Prison Industries has put out themselves, they are prepared to grow office furniture by another 50 percent in 2003, in a year when the Office Furniture Association predicts that the industry may decline by another 3 to 5 percent.

So while this Justice Department continues on its growth path and says, in the Justice Department we believe in creating high-quality, high-paying jobs, we are going to create more of those 23-cent-an-hour jobs, we are going to create more of those 40-cent-an-hour jobs, we are going to build more of those factories that pay no Federal taxes, that pay no local taxes, and pay no State taxes. Because we think that that is good for America's economy. We think that is good for the State of Michigan, we think that is good for the State of Iowa, we think that is good for the State of Pennsylvania, and we think that is good for the State of Alabama. Let us get those folks working, and if it costs another 2,000 jobs in the private sector, so be it.

Shame on this Justice Department for taking this kind of strategy and taking an industry that has contracted by 40 percent and saying, you are still our target market. We are going to get as much of this business as we can as quickly as we can, and we are not going to adjust our business strategy one iota because of what is happening in the real world.

This Justice Department has forgotten the original mission of Federal Prison Industries, the one that said, we will have a minimal impact on the market or free labor. This Justice Department has said, we are going to have a major impact. We are willing to grow our business by $43 million and grow it by 24 percent as the industry is decreasing. And as a matter of fact, we are prepared to grow it another 50 percent this year, even as the industry continues to contract.

So as Federal prison factories in Allenwood, Pennsylvania; in Ashland, Kentucky; in Beckley, West Virginia; in Coleman, Florida; in Dublin, California; in Florence, Colorado; in Forrest City, Arkansas; Lompoc, California; Marianna, Florida; McKees Rocks, Pennsylvania; Milan, Michigan; Morgantown, West Virginia; Schuylkill, Pennsylvania; Sheridan, Oregon; Taft, California; Tallahassee, Florida; Texarkana, Texas; as these factories continue producing office furniture, as they continue growing and perhaps building new factories, factories in west Michigan will join the same picture of Hathaway Shirts in Maine.

What do I mean? Their doors will be shut, their workers will be laid off, and the workers will wonder, why is it that, as a taxpayer, my Federal government is taking my job from me? Why is it that I do not even have the opportunity to compete for that business?

What do I mean? When Hathaway Shirts and others in the shirt business, the cut-and-sew business, wanted to make shirts for the Federal Government, primarily for the military, they could not compete for the business. If the Pentagon walked in and said, we need 150,000 dress shirts for the Air Force, Federal Prison Industries could just say, we will take that order, which is exactly what they did.

Even though Hathaway and other shirt companies might have been able to produce a better quality product at a lower price at a better delivery schedule, those workers never had a chance to save their jobs because Federal Prison Industries or Unicore has what is called mandatory sourcing: If we make it, you, the Federal Government, must buy it, even though there is a high probability that you can get a better quality product at a lower price quicker through the private sector.

The same thing happens in the office furniture industry. The same thing happens in the automotive businesses. That when those workers say, at least give us a chance to compete so we can keep our jobs, Federal Prison Industries say, sorry, that is not how it works.

As a matter of fact, it has gotten so ugly that now as Federal Prison Industries and their board has tried some reforms, a step toward reform actually has taken a back seat. Federal Prison Industries, the board said, hey, we are going to allow Federal customers to choose best value or to take an alternative product if Federal Prison Industries cannot meet the price.

But I will give credit to Federal Prison Industries. They thought through that, so they have implemented a new rule. It says, when the military now wants to buy those shirts or wants to buy that office furniture, they will let the private sector bid. They will have the formal bid opening and say, Hathaway, you have won the bid. But Federal Prison Industries will say, whoa, wait a minute, we have not bid yet.

In any other case, if a company has missed the bid deadline, they are out of the drawing. Hathaway, you got the bid, congratulations. But, no, this is Federal Prison Industries. This is the Federal Government. It works a little differently here because now when Hathaway wins the bid, it is kind of like, whoa, hold up. That is only the first round. The second round is, Hathaway, give us your bid documents. That means, Hathaway, give the bid documents to Federal Prison Industries.

Or XYZ furniture company, you have won the bid. But you have not really won. You have won the first round. So give your bid documents, the winning documents, give them to Federal Prison Industries; and we will submit our bid in a week or two. Now that we know what you have bid, we will decide

whether we are going to match your price. By the way, if we match your price, we win the bid. No one else can say, well, it is not a comparable product, the delivery is not as good, the quality is not as good. If we match the price, we win.

What a deal. What a deal for Federal Prison Industries. They just pulled this new practice out of the hat in the last couple of weeks and have now started implementing it.

We have talked about issuing reform. As we are talking about this, this is not just the gentleman from Michigan (Mr. HOEKSTRA) that believes that reform means needs to take place. We have been working at this reform for the last 5 years saying this process, and actually I think it is appropriate to describe it as criminal, this process that is going on is criminal, and that is a good word to relate to Federal Prison Industries.

But my lead cosponsor on the Democratic side of the aisle is the gentleman from Massachusetts (Mr. FRANK). The gentleman from Georgia (Mr. COLLINS), my colleague on the Republican side of the aisle, is another cosponsor. The gentlewoman from New York (Mrs. MALONEY), from the Democratic side of the aisle, is another cosponsor to reform this process.

All we are saying is, let those workers in the apparel industry, in the automotive industry, in the furniture industry, just let those workers have the opportunity to compete for the business and compete to be able to keep their jobs. That is all we are asking. We are not saying take the products out, we are just asking to be able to provide our workers with a fair chance.

We are asking because this Justice Department is not adhering to the original mandate of Federal Prison Industries. They are having a maximum impact on the private sector in free labor. They are going after industries that are down and they are kicking them again and again and again and not giving them a single break. It needs to change.

I have talked about Federal Prison Industries. I have talked about the 111 factories that they currently have in place. In Maine, as they are closing cut-and-sew operations, textile operations around the country, as they are laying off office furniture workers, as they are shutting some plants and as some plants are going up for sale, what is happening with Federal Prison Industries? They are projecting that they are going to build another 17 new facilities.

How many Members tonight would not be excited if a new company was going to open up in their community and employ maybe another 500, maybe another 1,000 workers in one of our communities? It may happen. The only problem is, it is going to be a Federal Prison Industries plant that our workers will not be able to compete for. As a matter of fact, it may put our workers out of jobs. That new factory may cause us to shutter another factory, a factory that had 500 to 1,000 workers, paid local property taxes, paid people a living wage, provided people with health care, donated to charities in the community, was a good public citizen. That factory may now be shuttered. The jobs are gone. The workers are standing in the unemployment line.

Now we will have this brand new factory there called Federal Prison Industries. That will be paying workers 23 cents to $1.15 an hour.

□ 2200

The factory will not pay any property taxes to support your local schools, to support your local business infrastructure. It will not pay any State taxes. The workers will not pay any Social Security. The workers are not even covered by OSHA.

It is really interesting, as we in this Chamber sometimes debate prison labor, we have not had the debate on this floor about prison labor in the United States. We will condemn the Chinese and the unfair competition that the Chinese wage against American workers; but as we have had that debate, perhaps little did we know about the unfair competition of prisoners in American prisons and the competition that they are providing and the real impact that they are having on American workers today.

The legacy of this Justice Department is putting more Americans out of work, building new prison factories, shuttering private factories around the country, weakening the tax base of communities around the country and building its own business. The office furniture industry, the textile industry, automotive components. We have all of these industries. They are competing in a tough global market. They are competing against imports from China, from Japan, from Korea each and every day; and now we are finding out that when it comes to selling to the American Government, to the Federal Government, they cannot even compete for the business. We have guaranteed the business to plants that pay their workers 23 cents an hour, that do not have to abide by OSHA, and do not have to pay any taxes. That is the legacy of this Justice Department.

It is unfair and it is inappropriate. We have talked about the bipartisan coalition of House Members that support reform. Bipartisan, I guess, is the appropriate word, because when we take a look at who else supports reform, you might say, well, of course, it would be the Chamber of Commerce; of course it will be the National Federation of Independent Businesses; but of course it is also the AFL–CIO; of course it is the Teamsters; of course it is organized labor around America because we are putting small businesses out of business. We are unemploying organized and unorganized workers. We are all in this together and we are going to change it, but we are going to change it in spite of this Justice Department, not because of it.

This Justice Department is providing no assistance at all. Matter of fact, every time we come up with a reform that we try to move administratively, and this Justice Department could fix it overnight by just saying we are going to provide a blanket waiver and we are going to allow American workers to compete, it could be done administratively, but every time we take one small step in that direction, this Justice Department comes back and pushes back to make sure that they preserve their monopoly and they continue their progression of growth.

What do I mean by growth? I have talked about it a little bit tonight. Last year, clothing and textiles did not have a very good year. They only grew by 1 percent. Electronics. Federal Prison Industries' electronics. They make electronic stuff for our military. That grew by 14 percent.

Now, I think this Justice Department, for some reason, really has it in for Michigan. We are a great tourism State, we are a great agricultural State, we are a great office furniture State, and we are a great automotive component State. But take a look at this: fleet management and vehicular components. In 2001, it was $31 million. Last year, they grew it to $99 million. Automotive components grew by 216 percent. How many American workers do you believe are now unemployed because of the actions of Federal Prison Industries in the automotive components sector?

They had a bad year in graphics; they had a bad year in industrial products. They both declined. Office furniture, another good year. Increase of 24 percent. Recycling. Now, there is something you might think would be really worthwhile, but they declined in recycling. In services, here now they are getting into the services business. This is the first entry that this Justice Department is saying, through some very loose interpretation, not only are we going to be able to go and sell and mandate to government; but we are now going into the private sector, and we are going to compete with private industry in the commercial market. Forty-one percent. This Justice Department is going to grow their Federal Government business, and they are going to grow and compete in the private sector. It is absolutely unbelievable the growth plan that Federal Prison Industries is under today. The overall net result is that last year Federal Prison Industries grew by 16 percent.

What else do we know about Federal Prison Industries as we go through their annual report? Take a look at what they produce. Fleet management. Vehicular components. The business group. Rebuild and refurbish vehicle components. New vehicle retrofit services. Fleet management. Customized services and programs. Turn-key solutions. Clothing and textiles. Law enforcement, medical, military and institutional apparel. Mattresses, bedding,

linens and towels. Embroidery, screen printing, custom-made draperies and curtains. Industrial products. Dorm and quarters furnishings. Industrial racking. Catwalks. Warehouse office shelving. Custom fabricated industrial products. Lockers and storage cabinets. Optical eye wear. Security fencing. Replacement filters.

I wonder if we go back and take a look at each one of these how many of these industries were actually growth industries last year and then compare them to what happened at Federal Prison Industries. My guess is they probably grew at Federal Prison Industries and declined in the rest of the world.

Graphics business group. Custom engraving and printing on awards, promotional gifts and license plates. Interior and exterior architectural safety and recreational signs. Printing and creative design services. Remanufacturing of toner cartridges. Office furniture group. Office furnishings and accessories. Seating products. Case goods. Training and table products. Office systems products. Filing and storage products. Packaged office solutions. A turnkey solution. Electronics business group. Exterior and interior task lighting systems. Wire harness assemblies and circuit boards. Electrical components and connectors. Electrical cables, both braided and cord assemblies.

The one with office furniture is really kind of an interesting one. Not only are they growing that industry, but last year, if you go to their Web page, you will find that they signed a contract to assemble and to mandate that the U.S. Federal Government buy office furniture from a company where the components were built in Canada. Hey, now there is a goal for American workers. One of the major competitors to the office furniture industry in America have been companies from Canada because of the exchange rate. So what does the U.S. Federal Government do? What does this Justice Department do? It goes to a Canadian furniture company and says, hey, we are going to partner with you. You ship some of the components in, we will assemble it, and if we cannot fill the order, you just fill the order with finished products and we will mandate that the Federal Government, the U.S. Federal Government, buy Canadian office furniture.

Wow, what a deal for the American taxpayer. What a deal for American workers. Think about it. As some of our furniture workers are laid off, some of them may have been called up for reserve duty or some of them may have had sons and daughters who went to the Middle East and fought in Iraq, and the thanks that they get from this Justice Department is that we are going to sign a contract with a company that did not even stand by America and we are going to ship your job to them.

Shame on this Justice Department. Shame on this Justice Department for putting American workers in a position where they cannot even compete for their own jobs. Shame on this Justice Department for going out and signing contracts with Canadian companies that put American workers out of jobs. Shame on this Justice Department for forcing the American Federal Government to buy Canadian products. Think about it.

I have talked about who supports our bill for reform. Who else is outraged? Democrats and Republicans. The chairman and the ranking member of the Committee on the Judiciary all support our reform efforts. The administration and the Justice Department are nowhere to be found. I am not sure where they are. We are waiting for an answer. I know where the Justice Department is. The Justice Department is bent on growing Federal Prison Industries, and they do not care about putting more American workers out of work.

A bipartisan coalition, Republicans and Democrats, a bipartisan coalition of interest groups, business groups and labor groups, all of whom are outraged by what this Justice Department is doing. And you say, well, what about the folks who have to buy this stuff? What about the procurement managers? What about the people in the Federal Government agencies who see this process where they get a competitive bid and they say, you have won, and then Federal Prison Industries says, well, wait a minute, let us bid and we will get our bid back to you in a week.

Well, does this procurement manager says, oh man, I have done business with you before; or is it like, yes, all right, UNICOR, Federal Prison Industries, I cannot wait to get your bid? What is it? Federal procurement managers and the Federal Procurement Managers Association, they support reform because they are looking at it and they are saying, oh no, here comes Federal Prison Industries. We have dealt with them before. When you have mandatory sourcing, when you mandate that you will buy it from us, we know exactly what we get. Because if they deliver a poor quality product at a high price and it takes us forever to get it, the next time we have to buy that product or service, guess what, we have to go back to them again and we cannot do anything about it.

So the Federal Procurement Managers Association support our reform efforts. They come back to us and say you are asking us to do more with less; and then you tie our hands behind our back and say, by the way, you have to use Federal Prison Industries.

□ 2215

Not a bad deal for Federal Prison Industries. But it is a terrible deal for taxpayers and a terrible deal for those government workers who are trying to do the best they can, but we have limited their ability to make the kinds of decisions that they would like to make.

What else do we know about Federal Prison Industries? I have mentioned this before. It is on page 24 of their annual report, taxes. As a wholly-owned corporation of the Federal Government, FPI, Federal Prison Industries, is exempt from Federal and State income taxes, gross receipt taxes and property taxes.

The bottom line is, as we do tax reform, we would all like to get the kind of tax deal that Federal Prison Industries has which says we pay nothing. By the way, as we close factories in your community and those tax dollars are lost to the community, sorry, we are not going to add back into your tax coffers with our 111 factories or the 17 new ones we are going to build. That is just a loss for the community, and we are sure you will get over it.

Some of you may have heard me talk about Federal Prison Industries before. You are saying why are you bringing it up now again? There are a couple of reasons, the first of which is we are hoping that very soon the House will consider H.R. 1829, a reform bill. What this reform bill says, as a procurement manager, you will have the opportunity to select the best price, the best value, the best-delivered product; and, UNICOR, you will have to compete for the business. You will have to compete against XYZ company if you expect to win.

We have got a great coalition, over 100 cosponsors. I have outlined the different business and labor groups that support our efforts and the different Federal workers who support our efforts, and we are excited about the possibility and the probability of moving this bill.

But the other reason that I am here tonight is just to one more time highlight the latest outrage by Federal Prison Industries. Federal Prison Industries, their board of directors on March 10 adopted a resolution that says FPI grants and waivers in all cases where the private sector provides a lower price for a comparable product that Federal Prison Industries does not meet. So it says, if XYZ company, if Hathaway Shirts, Herman Miller or any of the other companies provides a product at a price that Federal Prison Industries cannot meet, the Federal procurement manager can go to one of these companies.

Now we figured that Federal Prison Industries would try to subvert our activities in this reform. Never in our wildest dreams did we think that this Justice Department would let Federal Prison Industries go down the direction that they have gone. It is absolutely outrageous. What we saw, the first thing was this Justice Department said, well, we are going to let Federal Prison Industries make the determination as to whether the bids were of comparable quality, comparable price and comparable delivery. That is what we expected them to do, and we believed at that time that Federal Prison Industries would have subverted this

attempt at reform by saying that may have been a lower bid, but it is not of comparable quality, and so we win. That is how it works today. That is what the ombudsman does today. If Federal Prison Industries needs the volume, they just make the determination and say, yes, it might have been an interesting bid, but, sorry, Federal Prison Industries wins the bid.

Federal Prison Industries even got more creative. They said, we are going to wait for everybody else to bid, and when all of the other bids are in and the bids are opened and exposed to the public, we will then take those bids and we will prepare our own bid. Guess what? Federal Prison Industries never loses. They have come up with this in the last couple of weeks.

Like I said, I have got to give them marks for their creativity, but the sad truth is it is one more case where this Justice Department is not interested in American workers. They are interested in one thing, to make sure that Federal Prison Industries never loses a bid, that it grows by 24 percent in office furniture, that it puts our textile business in the private sector out of business, that it grows automotive components by 216 percent. And that growth rate is going to continue in the future, and if we lay off another 25,000 people in the private sector, no big deal because we need to put prisoners to work. We are not going to put them to work in activities that do not compete with the private sector, we are going to put them and give them jobs in an area where there is a direct impact on American workers.

Mr. Speaker, I have a company in my district recently that won a bid for $6 million. They were excited. The industry is down, the company is down, and the end result was, yes, we have won the bid. We are going to put some people back to work. Federal Prison Industries came back and said, you won the first round. We are now going to bid. They bid, and it looks like they are going to take the business.

It is a big order, $6 million. They submitted the bid. The other companies submitted their bids. They had the bid openings. This company thought they won. It was like, yes, we needed that. We needed that shot in the arm to kind of give some encouragement to our workers and either keep some workers working and maybe call some back. Out of the blue comes Federal Prison Industries. They say, thanks, we would like copies of your bids. We demand access to the entire offer of the winning private firm, and the bid probably has substantial development and design work in it, so FPI now gets all of the benefit of getting this whole bid package and seeing how somebody else has laid it out, and so they steal the creative work, and I think that is an appropriate theme. They steal the creative work, they put together their own bid, and guess who is going to win the bid?

I just wonder how many people who have worked in the private sector and have worked in the bidding process would like to compete in that type of process where you get to submit your bid, and a week or 2 weeks after everybody else has submitted theirs and every other bid has been opened and you have access not only to the bid number but to all of the documents used to prepare the bid, and we give that all to you and say, okay, now you prepare your bid. Who do you think is going to win? I know who is going to win. It is Federal Prison Industries.

This is an insult to American taxpayers. It is an insult to American workers. Really, it is an insult to this Justice Department. They are better than that, or they should be. But to date they have not shown that to be the case.

It is a growth industry. It is a growth industry that is directly impacting American workers each and every day. Ask the workers at the Hathaway Shirt Company. Excuse me, there are no workers at the Hathaway Shirt Company any more because their business is closed.

There is still a textile business in the U.S. It so happens that the majority of the textile business is Federal Prison Industries. There are workers in Pennsylvania, there are workers in Maine, other parts of the Northeast, and workers in the South who would love to have the opportunity to compete for $159 million worth of business. There are workers in the automotive business who would love to compete for $99 million worth of business. There are people in the electronics industry who would love to compete for $132 million worth of business. There are people in the office furniture industry who would love to compete for $217 million worth of business, but they cannot. As a result, American workers will continue losing their jobs through this administration, as Federal Prison Industries, through this Justice Department, continues an aggressive role of expansion.

It is a sad day. American manufacturing is under assault from all corners of the globe, from Europe, Eastern Europe, the Caribbean when it comes to textiles, from Africa, manufacturing from Mexico, from Canada, from Japan, Korea, China. So manufacturing is under assault. Our services are under assault. But what happens? Not only are our workers competing against foreign competition, they are also competing against their own government. Their own government is consciously putting them out of work each and every day.

This Justice Department is consciously, think about it, this Justice Department is consciously making the decision each and every day that says if we need to choose between a job in the private sector or a job in a prison, we are going with the worker in prison. We are going to create that 23-cent-an-hour position in a Federal prison even if it means eliminating a $10–15-an-hour job with full benefits in the private sector.

That is the decision that this Justice Department is making each and every day. That is the decision that Ken Rocks, who is chairman of the UNICOR board of directors, is making every day, saying I am willing to put American workers out of work to create more jobs in Federal prisons.

□ 2230

I am willing to put enough workers in the private sector out of jobs so that I can fill 111 factories and so that I can create enough jobs so that I can build 17 new factories over the next few years.

Shame on this Justice Department. And I am disappointed in Ken Rocks. He came in with so much hope, with a passion that says, we need to keep people working, because when we shutter a plant and the windows get broken, it takes hope out of the community. And the end result is that is exactly the process that Federal Prison Industries is going under under his watch, shuttering more doors, killing more jobs in the private sector.

Ken, I am disappointed. I am disappointed in this Justice Department. I am disappointed in this FBI board. They have done absolutely nothing to help American workers when they need it most, when this economy is in recession, when our workers are under attack from all corners of the world, rather than this Justice Department backing off, rather than this UNICOR board under Ken Rocks backing off and giving some relief to American manufacturers, to American workers, this Justice Department is kicking American workers when they are down, kicking American workers when they are down, kicking their families when they are down. It is disappointing when American workers have to look over their shoulders to see whether the Justice Department has painted an X on their job. Not because they have done anything wrong but because Federal Prison Industries and this Justice Department have decided that your job right there is the next job that is going to be eliminated. Actually it is not going to be eliminated. Your job right there is going to move from the private sector; it is going to move from an employer that has a plant that pays taxes, and you are going to move from being a taxpayer to being unemployed and we are going to take that job and we are going to move it into a prison. And there is nothing you can do about it. You cannot compete for that job, you cannot provide a better quality product at a better price at a better delivery. That job is gone. And there is nothing you can do about it.

Mr. Speaker, this annual report from Federal Prison Industries says it all. It talks about the wages. It talks about the taxes. It talks about the growth. It talks about anticipated growth. It lays out the path that Federal Prison Industries under Ken Rocks that this Justice Department under John Ashcroft has set out, a growth industry in America.

The sad story in America, in the American economy today, is that one of the fastest growing businesses in America, one of the fastest growing manufacturing and service industries in America today, you will not find traded on the NASDAQ, you will not find it traded on the New York Stock Exchange, you will not find it listed in NFIB as one of the fastest growing entrepreneurial companies in America or one of the fastest growing small businesses in America. The sad point is one of the fastest growing companies in America today is a company that pays 23 cents an hour, provides no benefits and pays no taxes and is run by the Federal Government and attacks American workers and their families each and every day.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. DREIER (during the Special Order of Mr. HOEKSTRA) from the Committee on Rules, submitted a privileged report (Rept. No. 108–120) on the resolution (H. Res. 245) providing for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of official business.

Mr. BOSWELL (at the request of Ms. PELOSI) for today on account of official business.

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. HINCHEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. BEAUPREZ, for 5 minutes, today.

Mr. JANKLOW, for 5 minutes, May 21.

Mr. CULBERSON, for 5 minutes, May 21.

(The following Member (at the request of Mr. FLAKE) to revise and extend his remarks and include extraneous material:)

Mr. NUSSLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BURTON of Indiana, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,720.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 44. Concurrent resolution recognizing the contributions of Asian Pacific Americans to our Nation; to the Committee on Government Reform.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 243. An act concerning participation of Taiwan in the World Health Organization.

S. 870. An act to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 21, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2284. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Exceptions to Geographic Areas for Official Agencies Under the USGSA [Docket No. FGIS 2003–003] (RIN: 0580–AA76) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2285. A letter from the Director, Regulatory Review and Foreign Investment Disclosure Group, Department of Agriculture, transmitting the Department's final rule—Acreage Reporting and Common Provisions (RIN: 0560–AG79) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2286. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Minimal Risk Tolerance Exemptions [OPP–2003–0126; FRL–7302–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2287. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indoxacarb; Pesticide Tolerances for Emergency Exemptions [OPP–2003–0151; FRL–7305–2] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2288. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances [OPP–2003–0109; FRL–7305–9] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2289. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyraflufen-ethyl; Pesticide Tolerance [OPP–2003–0163; FRL–7306–1] Receive May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2290. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Federally Funded Research and Development Center's Estimated FY 2004 Staff-years of Technical Effort,'' pursuant to Public Law 107—248, section 8029(e); to the Committee on Armed Services.

2291. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin [WI114–01–7344a, FRL–7484–2] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2292. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations [DC052–7007, MD143–3102, VA129–5065; FRL–7484–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2293. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Louisiana: Revision to the Ozone Maintenance Plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area [LA–56–1–7491a; FRL–7485–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2294. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California—Coachella Valley [CA–274–0372; FRL–7473–4] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2295. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California—South Coast [CA–274–0371; FRL–7473–3] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2296. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval of Operating Permits Program Revisions; District of Columbia [DC–T5–2003–01a; FRL–7483–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2297. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–7482–3] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2298. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan and California State Implementation Plan, Maricopa Country Environmental Services Department and Bay Area Air Quality Management District [CA 241–0392; FRL–7471–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2299. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations; Correction [DC052–7007, MD143–3102, VA129–5065; FRL–7499–9] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2300. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Billings/Laurel Sulfur Dioxide State Implementation Plan [MT–001–0010; MT–001–0028; FRL–7489–5] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2301. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revisions to Tennessee State Implementation Plan: Transportation Conformity Rule [TN–248–2003217(a); FRL–7498–6] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2302. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Continuous Emission Monitoring Program [SIP No. UT–001–0052a; FRL–7483–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2303. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Aspen [CO–001–0070a; FRL–7489–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2304. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to the Visible Emissions Regulation Within the North Carolina State Implementation Plan [NC 97–200319b; FRL–7498–1] Receive May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2305. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Federal Operating Permits Program Fee Payment Deadlines for California Agricultural Sources [FRL–7497–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DDTC 013–03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2307. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada and the United Kingdom [Transmittal No. DDTC 015–03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Norway [Transmittal No. DDTC 019–03], pursuant to 22 U.S.C. 2776(d) and 22 U.S.C. 2776(c); to the Committee on International Relations.

2309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DDTC 020–03], pursuant to 22 U.S.C. 2776(d) and 22 U.S.C. 2776(c); to the Committee on International Relations.

2310. A letter from the Acting Associate Attorney General, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for 2002, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

2311. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Native American Graves Protection and Repatriation Act Regulations—Civil Penalties (RIN: 1024–AC84) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2312. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Personal Watercraft Use at Lake Mead National Recreation Area (RIN: 1024–AC91) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2313. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's Community Relations Service FY 2002 Annual Report; to the Committee on the Judiciary.

2314. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities [FRN–7484–7] (RIN: 2050–AC62) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2315. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210–AA62) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2316. A letter from the Acting Assistant Administrator for Human Resources, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the NASA Regulations Governing the NASA Astronaut Candidate Recruitment and Selection Program (RIN: 2700–AC56) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2317. A letter from the Under Secretary, Department of Defense, transmitting notification to transfer funds appropriated to the Defense Working Capital Fund, pursuant to Public Law 107—248; jointly to the Committees on Armed Services and Appropriations.

2318. A letter from the Assistant Secretary of State for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003–20 entitled, ''Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization''; jointly to the Committees on International Relations and Appropriations.

2319. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''First Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration,'' pursuant to 42 U.S.C. 1395a note. Public Law 105—33 section 4507(b) (111 Stat. 441); 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:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1925. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; with an amendment (Rept. 108–118). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1189. A bill to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes (Rept. 108–119). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 245. Resolution providing for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes (Rept. 108–120). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

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

H.R. 361. Referral to the Committee on the Judiciary extended for a period ending not later than June 2, 2003.

H.R. 1836. Referral to the Committee on Armed Services extended for a period ending not later than July 25, 2003.

H.R. 1837. Referral to the Committee on Armed Services and the Judiciary extended for a period ending not later than July 25, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself and Mr. DELAHUNT):

H.R. 2155. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 2156. A bill to provide for a temporary increase in the public debt limit; to the Committee on Ways and Means, 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 Mrs. JONES of Ohio:

H.R. 2157. A bill to provide for uterine fibroid research and education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 2158. A bill to amend title 11, United States Code, to provide an additional bankruptcy judge for the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2159. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2160. A bill to amend title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 2161. A bill to require the Agency for Healthcare Research and Quality to collect and assess scientific evidence regarding prescription drugs frequently used by Medicare or Medicaid beneficiaries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself, Mr. HOLDEN, Mr. SCHIFF, and Mr. FROST):

H.R. 2162. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire (for himself and Mr. MICHAUD):

H.R. 2163. A bill to amend title 38, United States Code, to exclude the proceeds of life insurance from consideration as income for purposes of determining veterans' pension benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire (for himself and Mr. MICHAUD):

H.R. 2164. A bill to amend title 38, United States Code, to provide for an extension in the period of eligibility for survivors' and dependents' education benefits for members of the National Guard who are involuntarily ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

By Mr. COX (for himself and Mr. CALVERT):

H.R. 2165. A bill to prohibit the use of Federal funds for double tracking of the Pacific Surfliner corridor through the Historic Mission District and downtown area of San Juan Capistrano and along the coastal beaches of Dana Point and San Clemente; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. SOUDER, Mr. RANGEL, Ms. NORTON, Mr. FILNER, Mr. CUMMINGS, Mr. JEFFERSON, Mr. JACKSON of Illinois, Ms. LEE, Mr. OWENS, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio):

H.R. 2166. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary ex-offender low-income housing credit to encourage the provision of housing, job training, and other essential services to ex-offenders through a structured living environment designed to assist the ex-offenders in becoming self-sufficient; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2167. A bill to amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits 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. ISRAEL:

H.R. 2168. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; 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 Armed Services, 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. LEACH (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. CASE, Mr. CLAY, Mr. CUMMINGS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TOWNS, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. WALSH, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2169. A bill to save taxpayers money, reduce the deficit, cut corporate welfare, protect communities from wildfires, encourage Federal land management agency reform and accountability, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program; to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. ENGEL, Mrs. KELLY, Mrs. MALONEY, Mr. ISRAEL, Mr. MCNULTY, and Mr. OWENS):

H.R. 2170. A bill to amend title 18, United States Code, to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 2171. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform.

By Mr. MCCOTTER (for himself, Mr. KNOLLENBERG, Mr. MANZULLO, Mr. HOEKSTRA, and Mr. ROGERS of Michigan):

H.R. 2172. A bill to establish the position of Under Secretary of Commerce for Manufacturing in the Department of Commerce; to the Committee on Energy and Commerce.

By Mr. PASCRELL:

H.R. 2173. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODRIGUEZ:

H.R. 2174. A bill to amend title 38, United States Code, to provide for any servicemember who did not enroll for the program of educational assistance under the Montgomery GI Bill an opportunity to enroll for that program; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN (for himself, Mr. BERRY, Mr. MCINTYRE, Mr. ROSS, and Mr. TURNER of Texas):

H.R. 2175. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access in rural areas to quality health care services 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 Mr. TURNER of Ohio (for himself, Mr. HOBSON, and Ms. KAPTUR):

H.R. 2176. A bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, 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. BOEHLERT (for himself and Mr. LAMPSON):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder; to the Committee on Government Reform.

By Mr. NETHERCUTT (for himself, Ms. DEGETTE, Mrs. CAPITO, and Ms. SLAUGHTER):

H. Con. Res. 186. Concurrent resolution expressing the sense of Congress that the proposed recommendations of the National Public Health Initiative on Diabetes and Women's Health should be funded and implemented by the appropriate agencies and organizations; to the Committee on Energy and Commerce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. TANNER, Mr. ENGLISH, and Mr. JOHN):

H. Res. 242. A resolution expressing the condolences of the House of Representatives to the families of the victims of the terrorist suicide bombing attacks that occurred on May 16, 2003, in Casablanca, Morocco; to the Committee on International Relations.

By Mr. FOSSELLA:

H. Res. 243. A resolution providing that Saudi Arabia should cooperate fully to find and bring to justice those involved in the terrorist attack of May 13, 2003, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. PALLONE, Ms. WATSON, Mr. MCGOVERN, Mr. LEVIN, Mr. RUSH, Mr. MCNULTY, Mr. DOYLE, Mr. ISRAEL, Mr. LANTOS, and Mr. TIERNEY):

H. Res. 244. A resolution to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commend the PanCretan Association of America; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BROWN of Ohio introduced A bill (H.R. 2177) for the relief of Shwa-Chen Chai; 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. 49: Mr. CARTER.
H.R. 51: Mr. OSE.
H.R. 52: Mr. ABERCROMBIE.
H.R. 106: Mr. DOOLITTLE and Mr. TANCREDO.
H.R. 107: Mr. MCHUGH.
H.R. 111: Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. PEARCE, Mr. MEEK of Florida, Mr. ACEVEDO-VILA, and Mr. BONNER.
H.R. 122: Mr. KENNEDY of Rhode Island and Mr. MICHAUD.
H.R. 135: Mr. BEAUPREZ.
H.R. 241: Mrs. JO ANN DAVIS of Virginia.
H.R. 303: Ms. LINDA T. SANCHEZ of California.
H.R. 369: Mr. ROGERS of Michigan and Mr. STRICKLAND.
H.R. 391: Mr. GOSS, Mr. MCCRERY, Mr. CAMP, Mr. HERGER, Mr. OXLEY, and Mr. ISAKSON.
H.R. 438: Mr. HOBSON.
H.R. 466: Mr. MARIO DIAZ-BALART of Florida, Mr. RENZI, and Mr. RYAN of Wisconsin.
H.R. 527: Mr. TERRY.
H.R. 571: Mr. RENZI, Mr. SCOTT of Georgia, Mr. JENKINS, Mr. CARSON of Oklahoma, and Mr. DICKS.
H.R. 577: Mrs. MALONEY, Mr. ANDREWS, and Mr. ACKERMAN.
H.R. 589: Mr. EDWARDS, Mr. DOGGETT, Mrs. TAUSCHER, Mr. TURNER of Texas, Mr. ORTIZ, Mr. CARDIN, Mr. HILL, Mr. GEPHARDT, Mr. OLVER, Mr. STUPAK, Mr. MOLLOHAN, MR. PRICE of North Carolina, Mr. TANNER, Mr. ACEVEDO-VILA, Mr. ALEXANDER, Mr. BERRY, Mr. BROWN of Ohio, Ms. DEGETTE, Mr. HALL, Ms. HARMAN, Mr. HINOJOSA, Ms. HOOLEY or Oregon, Mr. JOHN, Mr. LARSEN of Washington, Mr. LEVIN, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. STARK, Mr. WU, Mr. LUCAS of Kentucky, Mr. CRAMER, Mr. RAHALL, Mr. KIND, Mrs. NAPOLITANO, Mr. ENGEL, Mr. ROTHMAN, and Mr. PETERSON of Minnesota.
H.R. 594: Mr. ENGLISH, Mr. SMITH of New Jersey, and Mr. SANDERS.
H.R. 648: Mr. GINGREY, Mr. RENZI, Mr. SANDLIN, Mr. ROGERS of Kentucky, Mr. HAYWORTH, and Mr. JANKLOW.
H.R. 660: Mr. CRENSHAW.
H.R. 669: Mr. GRIJALVA, Mr. MOORE, Mr. FORD, Mr. DAVIS of Alabama, Mr. CARDOZA, Mr. BERRY, Mr. LUCAS of Kentucky, Mr. REYES, Mr. STENHOLM, Mr. HALL, Mr. BELL, MR. GREEN of Texas, Mr. KIND, Mr. MORAN of Virginia, Mr. EDWARDS, Mr. MURTHA, Mr. POMEROY, Mr. BAIRD, Mr. LARSEN of Washington, and Mr. TURNER of Texas.
H.R. 703: Mr. ENGLISH.
H.R. 713: Mr. ISRAEL, Mr. BARTLETT of Maryland, and Mr. SHAW.
H.R. 717: Mr. HOLT.
H.R. 719: Mr. HILL.
H.R. 728: Mr. CAMP.
H.R. 754: Mr. FORD.
H.R. 791: Mr. JOHN and Mr. NUNES.
H.R. 804: Mr. LEACH.
H.R. 811: Mr. WYNN.
H.R. 814: Mr. UDALL of Colorado, Ms. DELAURO, Mr. HOEFFEL, Mr. FROST, Mr. CHOCOLA, and Mr. BELL.
H.R. 817: Mr. DUNCAN and Mr. MOORE.
H.R. 898: Mr. TIERNEY, Mr. CAPUANO, Ms. SLAUGHTER, Mr. LEVIN, Mr. STARK, and Mr. DAVIS of Florida.
H.R. 906: Mr. SHUSTER, Mr. ISAKSON, Mr. MICA, and Mr. LATOURETTE.
H.R. 919: Mr. WYNN, Mr. SABO, Mr. EVANS, Mr. KANJORSKI, Mr. LEVIN, Mr. KLECZKA, Mr. TAYLOR of Mississippi, and Mr. TIERNEY.
H.R. 941: Mr. JEFFERSON and Mr. HOUGHTON.
H.R. 969: Mr. ABERCROMBIE.
H.R. 972: Mr. MEEKS of New York.
H.R. 998: Mr. OWENS.
H.R. 1049: Mr. PLATTS, Mr. CALVERT, Mr. HAYWORTH, and Mr. PAUL.
H.R. 1052: Mr. KUCINICH.
H.R. 1088: Mr. WEXLER, Mr. GREEN of Texas, Mr. GRIJALVA, and Mr. RODRIGUEZ.
H.R. 1101: Mr. PETERSON of Minnesota, Mrs. CAPPS, and Mrs. DAVIS of California.
H.R. 1117: Mr. AKIN.
H.R. 1118: Mr. GINGREY and Mr. GUTKNECHT.
H.R. 1125: Mr. SPRATT, Mr. MOLLOHAN, and Mr. PETERSON of Minnesota.
H.R. 1130: Mr. SMITH of New Jersey.
H.R. 1144: Mr. RYAN of Ohio.
H.R. 1149: Mr. RANGEL.
H.R. 1157: Ms. WATSON.
H.R. 1212: Mrs. JO ANN DAVIS of Virginia.
H.R. 1231: Mr. GREENWOOD, Mr. RUPPERSBERGER, Mr. ACKERMAN, Mr. TIERNEY, Mr. WALDEN of Oregon, Mr. SHUSTER, Mrs. DAVIS of California, Mr. ROSS, Mr. STUPAK, Mr. MURPHY, and Mr. ROGERS of Alabama.
H.R. 1236: Mr. MEEKS of New York.
H.R. 1276: Mr. ABERCROMBIE, Mr. MEEK of Florida, Mr. WALDEN of Oregon, Mr. CARDOZA, Mr. MILLER of Florida, Mr. MCNULTY, Mr. HALL, and Mr. TURNER of Texas.
H.R. 1285: Mr. ANDREWS, Ms. BALDWIN, Mr. BALLANCE, Mr. BERMAN, Mr. DAVIS of Alabama, Mr. FATTAH, and Ms. MAJETTE.
H.R. 1288: Mr. KIND, Mr. BISHOP of New York, Mr. TERRY, Mr. LARSON of Connecticut, and Mr. SULLIVAN.
H.R. 1309: Mr. SANDERS.
H.R. 1359: Mr. HOLDEN and Mr. SANDERS.
H.R. 1386: Mr. OWENS.
H.R. 1401: Mr. MEEKS of New York.
H.R. 1442: Mr. JONES of North Carolina, Mr. ACEVEDO-VILA, Mr. UDALL of New Mexico, and Mr. FATTAH.
H.R. 1449: Mr. MCGOVERN, Ms. KILPATRICK, and Mr. CLAY.
H.R. 1460: Mrs. JO ANN DAVIS of Virginia.
H.R. 1472: Mr. TANCREDO, Ms. HOOLEY of Oregon, and Mr. RANGEL.
H.R. 1508: Mr. PAYNE, Mr. LANGEVIN, and Ms. SCHAKOWSKY.
H.R. 1513: Mr. PLATTS, Mr. WILSON of South Carolina, Mr. SAXTON, and Mr. DAVIS of Tennessee.
H.R. 1539: Mr. OWENS.
H.R. 1543: Mr. MCGOVERN.
H.R. 1614: Mr. FROST, Ms. KAPTUR, Mr. MCGOVERN, and Mr. CASTLE.
H.R. 1626: Ms. CARSON of Indiana.
H.R. 1639: Mr. HOLT.
H.R. 1652: Mr. GEORGE MILLER of California, Mr. GREEN of Texas, Ms. LEE, Mr. MEEKS of New York, and Ms. VELAQUEZ.
H.R. 1661: Mr. MEEKS of New York.
H.R. 1666: Mr. PAUL.
H.R. 1678: Mr. ACKERMAN.
H.R. 1700: Mr. LANTOS, Mrs. DAVIS of California, and Mr. HOLT.
H.R. 1714: Mr. REYNOLDS, Mr. OWENS, and Mr. KLECZKA.
H.R. 1715: Mrs. JO ANN DAVIS of Virginia.
H.R. 1716: Mrs. JO ANN DAVIS of Virginia.
H.R. 1725: Mr. HOSTETTLER.
H.R. 1736: Ms. LEE, Mr. CLAY, Mr. SCOTT of Virginia, Mr. CLYBURN, Ms. WATSON, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas.
H.R. 1738: Mr. GREEN of Texas, Mr. OWENS, and Mr. CROWLEY.
H.R. 1742: Mr. BARTON of Texas and Mr. GEORGE MILLER of California.
H.R. 1746: Mr. KIND, Mr. LARSON of Connecticut, Mr. LARSEN of Washington, and Mrs. NORTHUP.
H.R. 1754: Mr. GARRETT of New Jersey and Mr. EHLERS.
H.R. 1769: Mr. BALLANCE, Mr. KIRK, Mr. SENSENBRENNER, Mr. FRANK of Massachusetts, and Mr. DELAHUNT.
H.R. 1828: Mr. BURNS, Mr. SANDLIN, Mr. MICHAUD, Mr. CALVERT, Mr. HASTINGS of Florida, Mr. LANGEVIN, Mr. FRANKS of Arizona, Mr. EMANUEL, Mr. ALEXANDER, Mr. KLINE, Mr. BONILLA, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Ms. HARRIS, Mr. LATHAM, Mr. HOLD, Mr. BURGESS, and Mr. SKELTON.
H.R. 1870: Mr. BARRETT of South Carolina.

H.R. 1878: Mr. OWENS.
H.R. 1887: Mr. OWENS.
H.R. 1893: Mr. EMANUEL.
H.R. 1894: Mr. DOYLE.
H.R. 1925: Mr. OSBORNE.
H.R. 1930: Mr. LANGEVIN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. JACKSON-LEE of Texas.
H.R. 1933: Mrs. LOWEY and Mr. TIERNEY.
H.R. 1994: Mr. HINCHEY.
H.R. 2009: Mr. HOSTETTLER, Mr. POMEROY and Ms. BORDALLO.
H.R. 2023: Ms. JACKSON-LEE of Texas.
H.R. 2028: Mr. FERGUSON, Mr. KIRK, and Mr. BUYER.
H.R. 2053: Mr. ROSS, Mr. WYNN and Mr. SANDERS.
H.R. 2054: Mr. ALEXANDER.
H.R. 2066: Mr. MCGOVERN, Mr. STRICKLAND, Mr. RAHALL, and Mrs. CHRISTENSEN.
H.R. 2090: Mr. CONYERS and Mr. CLAY.
H.R. 2106: Ms. KAPTUR and Mr. STRICKLAND.
H.R. 2118: Mr. FORD and Mr. WICKER.
H.J. Res. 22: Mr. CAMP.
H. Con. Res. 111: Mr. DAVIS of Illinois and Mr. SABO.
H. Con. Res. 119: Mr. CALVERT.
H. Con. Res. 155: Mr. WILSON of South Carolina and Mr. HOEKSTRA.
H. Con. Res. 169: Mr. MCNULTY, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. RAHALL, Ms. DELAURO, Mr. FALEOMAVAEGA, Mr. BELL, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, and Mr. ENGEL.
H. Res. 38: Ms. JACKSON-LEE of Texas and Mr. FROST.
H. Res. 60: Mr. MATSUI, Mr. BLUMENAUER, Mr. CALVERT, Mr. BERRY, and Mr. WILSON of South Carolina.
H. Res. 86: Mr. TURNER of Ohio.
H. Res. 142: Mr. MEEKS of New York.
H. Res. 193: Ms. WATERS.
H. Res. 194: Ms. LEE.
H. Res. 218: Mrs. DAVIS of California, Mr. ACEVEDO-VILA, Mr. CLAY, Mr. BACA, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. GONZALEZ, Mr. WYNN, Mr. REYES, Mrs. CAPPS, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. LANTOS, Mr. THOMPSON of California, Mr. PASTOR, Ms. ROYBAL-ALLARD, and Mr. MILLER of North Carolina.
H. Res. 238: Mr. OWENS, Mr. GEORGE MILLER of California, and Mr. ANDREWS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1588

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. LIMITATION ON FUNDS FOR DEPLOYMENT OF THE ARMED FORCES INTO HOSTILITIES.

(a) FINDINGS.—Congress finds that among the powers granted to Congress by the Constitution are the following:

(1) The power to declare war.

(2) The power to lay and collect taxes and to pay the debts and provide for the common defense and general welfare of the United States.

(3) The powers to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the United States, to suppress insurrections and repel invasion, to provide for organizing, arming, and disciplining the militia, and for governing such part of the militia as may be employed in the service of the United States.

(4) The power to make all laws necessary and proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(5) The power of the purse (''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law'').

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act may be used for the deployment of elements of the Armed Forces into hostilities outside the United States or into situations where imminent involvement in hostilities outside the United States is clearly indicated by the circumstances unless the deployment is made in accordance with the powers granted to Congress by the Constitution as described in paragraphs (1) through (5) of subsection (a) and relevant provisions of law.

H.R. 1588

OFFERED BY: MR. HOBSON

AMENDMENT NO. 2: Part II of subtitle B of title VIII is amended by adding at the end (page 220, after line 12) the following new section:

SEC. 827. REQUIREMENT RELATING TO PURCHASES BY DEPARTMENT OF DEFENSE SUBJECT TO BUY AMERICAN ACT.

In applying section 2 of the Buy American Act (41 U.S.C. 10a) to acquisitions by the Department of Defense, the term ''substantially all'' shall mean at least 65 percent.