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House of Representatives

The House met at 10 a.m.

The Very Reverend Ernesto Medina, Provost, Cathedral Center of St. Paul, Los Angeles, California, offered the following prayer:

Loving God, in Your word You have given us a vision of that holy city to which the nations of the world bring their glory. Behold and visit, we pray, the communities on this Earth. Renew the ties of mutual regard which form our civic life. Send us honest and able leaders. Enable us to eliminate poverty, prejudice and oppression, that peace may prevail with righteousness, and justice with order, and that men and women from different cultures and with differing talents may find with one another the fulfillment of their humanity.

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth: We pray You so to guide and bless our Representatives in Congress assembled, that they may enact such laws as shall please You, to the glory of Your name and the welfare of this people; in Your holy name we 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 California (Mr. BECERRA) come forward and lead the House in the Pledge of Allegiance.

Mr. BECERRA led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

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

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1588) ''An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. MCCAIN, Mr. INHOFE, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. BAYH, Mrs. CLINTON, and Mr. PRYOR, to be the conferees on the part of the Senate.

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

S. 1047. An act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1048. An act to authorize appropriations for fiscal year 2004 for military construction, and for other purposes.

S. 1049. An act to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes.

WELCOMING THE VERY REVEREND ERNESTO MEDINA

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

Mr. BECERRA. Mr. Speaker, it is an honor for me to rise today to introduce our guest chaplain, the Very Reverend Ernesto R. Medina of the Cathedral Center of St. Paul in Los Angeles, California. Reverend Medina is an ordained minister and a graduate of the Church Divinity School of the Pacific as well as the University of California at San Diego.

Reverend Medina is more than just the pastor of the Cathedral Center of St. Paul. He is neighbor, friend, and indispensable spiritual leader in the community of Echo Park in Los Angeles. He is the first Latino to be appointed as a provost within the Episcopalian Church in this country. Reverend Medina has demonstrated a leadership style that has endeared him not only to the members of his congregation and the community of Echo Park but also to those throughout the community of Los Angeles who have been fortunate enough to work with him.

Not long ago, there was a collapse of an apartment building not far from the Cathedral Center where, were it not for the efforts of Reverend Medina, several families would have been left homeless. But quickly, Reverend Medina and the parishioners of the Cathedral Center came forward and offered families with small children a place to stay and a place to eat. Today the parish of Cathedral Center is much blessed by the work that has been done by Reverend Medina. His compassion not only for the residents of Echo Park but for all of Los Angeles has exemplified the type of work that is done by the Episcopalian Church. I am very proud to

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say that today, the first day perhaps in more than 2 weeks when we see the sun out in Washington, D.C., that Reverend Medina has come forward.

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

Mr. BECERRA. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply like to join my friend in welcoming Reverend Medina, who has just informed me that he is a constituent of mine. We are very appreciative of the prayer and the very kind words.

Mr. BECERRA. I join with my colleague from California (Mr. DREIER) in recognizing that not only is he an able reverend but he is also a very important constituent. I thank the Speaker for this opportunity to express some thoughts for this 1 minute. I thank the reverend for making the trip to Washington, D.C., and bringing the sunshine with him.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 4, 2003.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Ann McGeehan, Director of Elections, State of Texas, indicating that, according to the unofficial returns of the Special Election held June 3, 2003, the Honorable Randy Neugebauer was elected Representative in Congress for the Nineteenth Congressional District, State of Texas.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

Attachment.

ELECTIONS DIVISION,
Austin, Texas, June 4, 2003.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, The Capitol,
Washington, DC.

DEAR MR. TRANDAHL: This to advise you that the unofficial results of the Special Runoff Election held on Tuesday, June 3, 2003, for Representative in Congress from the Nineteenth Congressional District of Texas show that Randy Neugebauer won the runoff election.

The Governor will canvass the election returns no later than June 10, 2003 and will issue certificate of election to Congressman-elect Neugebauer.

I am enclosing a copy of the unofficial election results. As soon as the results are official, I will forward them to you along with the certificate of election.

Your truly,

ANN MCGEEHAN,
Director of Elections.

Enc.

	Vote total	% of vote	Early voting	% of early vote
Mike Conaway—Rep	27,959	49.48	14,582	50.90
Randy Neugebauer—Rep	28,546	50.52	14,067	49.10
Vote total	56,505	100.00	28,649	100.00

SWEARING IN OF THE HONORABLE RANDY NEUGEBAUER OF TEXAS AS A MEMBER OF THE HOUSE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. NEUGEBAUER) be permitted to take the oath of office today.

His certificate of election has not arrived; but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Texas delegation present themselves in the well.

Mr. NEUGEBAUER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the 108th Congress.

INTRODUCING THE HONORABLE RANDY NEUGEBAUER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. BARTON of Texas. Mr. Speaker, it is my distinct privilege to introduce to the House of Representatives the fourth member to represent the 19th Congressional District of Texas, the 236th Texan to serve in the House, and 9,833rd U.S. citizen to serve as a member of the House of Representatives, the Honorable RANDY NEUGEBAUER, born on December 24, Christmas Eve, 1949, graduate of Texas Tech University, High Plains citizen, small businessman, banker, home developer, and the winner of a historic vote, I believe, by 700 votes. He will say that there were more people in Lubbock that wanted to vote than wanted to vote in Midland, Texas. He now represents both the Permian Basin and the High Plains. We are absolutely delighted to have you. You join such former Texans, Presidents like Lyndon Johnson and George W. Bush, Speakers like Jim Wright and Sam Rayburn, majority leaders like TOM DELAY and Dick Armey in this august body.

We are delighted to have you. Welcome to the United States House of Representatives.

MAIDEN SPEECH OF THE HONORABLE RANDY NEUGEBAUER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. NEUGEBAUER. Mr. Speaker, thank you very much. Only the people sitting on this floor understand what I am feeling right now. It is a privilege and an honor to be a part of history and to be with this body today.

I want to recognize my wife and my partner of 33 years who is up in the balcony there and my family. There is a scripture in Corinthians that says, ''I am what I am by the grace of God.'' I am here today because of the grace of God. I understand that, and I look forward to working with you.

I have one regret. I would have really liked to have been here yesterday and voted on the partial-birth abortion. I would have voted an affirmative banning the partial-birth abortion. I am glad to see that you did that. It is a pleasure to be here.

Thank you, Mr. Speaker. I look forward to working with you. I am the new kid on the block. I am the 435th ranking Member of the House of Representatives. I bumped some people up today, and I know they are glad of that. We certainly appreciate the Texas delegation and other Members being here today. We look forward to doing good work for the American people.

Thank you and God bless you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take 10 one-minutes on each side.

RECOGNIZING ANTONIO ARGIZ FOR HIS CONTRIBUTIONS TO THE SOUTH FLORIDA COMMUNITY

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

Ms. ROS-LEHTINEN. Mr. Speaker, today I stand in recognition of the wonderful contributions of a friend of the South Florida community, Mr. Antonio Argiz. Tony bravely journeyed to the United States from Cuba, without his parents, at the age of 8, thanks to Operation Peter Pan.

Determined to live the American dream, Tony attended Florida International University, where he earned his accounting degree. Recognized as an expert in forensic accounting, he was the first Cuban American appointed by the Governor to chair Florida's board of accountancy.

□ 1015

Tony's passion for business is matched by his dedication to our community in South Florida. Tony serves as the cochair of the United Way of Miami-Dade and has served on the

statewide Florida Constitutional Revision Commission.

Tony is a loving husband and the father of three who continues to put passion in his every endeavor. He is a true inspiration and an exemplary Floridian.

Gracias por todo mi amigo. Thank you, Tony.

ENSURE HEAD START'S CONTINUED SUCCESS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to celebrate the 38th anniversary of the Head Start Program. As a former Head Start kid, I know firsthand the valuable, comprehensive education program that Head Start does for low-income families, and I celebrate the program's many achievements.

The Republicans, on the other hand, will celebrate Head Start's 38 years of success by pushing forward with the School Readiness Act. This legislation is not only a bad idea, it has the possibility of eliminating key services to nearly 1 million students by converting the Head Start Program to a block grant program. Block granting Head Start is a blockheaded idea that will undoubtedly hurt this very successful program.

One problem in particular with this plan is that States are already dealing with huge budget deficits, and they may be tempted to divert Head Start funds to use for other purposes. How would that improve the Head Start Program?

I urge my colleagues to celebrate Head Start's 38th anniversary by opposing this misguided legislation.

WHERE ARE IRAQI WEAPONS OF MASS DESTRUCTION?

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

Mr. HOLT. Mr. Speaker, Americans, indeed the whole world, are asking, why have we not we found any weapons of mass destruction in Iraq, the vast quantities of anthrax, small pox, serin, mustard gas and other agents, the nuclear weapons, or the near-nuclear weapons?

Congress has an obligation to the American people and to our men and women in uniform to conduct a full inquiry. I think the House Permanent Select Committee on Intelligence is the right forum to do that.

Now, the administration says that Iraq has had 12 years of practice in hiding; the weapons were there, perhaps, but were destroyed; or maybe they were there, but they were moved; or maybe they were not there, but could be constituted on demand. In any case, either there is something wrong, or the intelligence was too vague and imprecise to track what has happened to them.

The President says we are going to find weapons of mass destruction. He may be right. But it seems to me that before the President sent our troops into battle and committed our Nation to this war, we should have had a very good idea of just where those weapons of mass destruction were so that we could secure them and track them.

STATE VETERANS CEMETERY FAIRNESS ACT OF 2003

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

Mr. CASE. Mr. Speaker, as our troops come home from Iraq and we look forward to D-Day's 60th anniversary, we all feel a deep and renewed sense of gratitude for our Nation's veterans. And as increasing numbers, like members of my own Hawaii's famed 100th Battalion and 442nd Regimental Combat Team, pass on, we must also remember that one of our basic promises to them is to be buried with their comrades in our great national cemeteries, from Arlington to my own National Cemetery of the Pacific.

But increasing numbers of States, 17 at last count, have no Federal VA cemetery, or else those cemeteries are now full. These States must pick up an increasing burden, which is and should be the Federal Government's, and the reality is that, for these veterans, their final resting places are suffering.

Today I introduced a simple bill to raise the Federal reimbursement for veteran burials in State cemeteries where there is no Federal VA option from $300 to $750. This is only fair, and I ask for my colleagues' support.

BIRTHDAY WISHES TO BOB HOPE

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

Mr. DREIER. Mr. Speaker, at a very early point in my life, I was taught that you can celebrate your birthday the week before and the week after the actual date.

A week ago today, we all know that Bob Hope celebrated his 100th birthday. We are actually in the midst of the celebration of the 50th birthday of our colleague, the gentleman from California (Mr. CALVERT).

When I think about Bob Hope, he is someone who I have been privileged to know for many years and have had the opportunity to spend time with him and his wonderful wife Delores and their family. But I will tell you, even when you are in small company with Bob Hope, you cannot help but be in awe of an individual who is virtually unparalleled in his commitment to the United States of America.

A year ago we were able to honor him by naming the Chapel at the Veterans Cemetery in West Los Angeles, with the help of his friends, Mary Jane and Charles Wick. There are countless people all over this world who have to continue to be indebted to Bob Hope for the great sacrifice that he has made and the happiness that he has brought to so many millions of individuals.

Happy birthday, Mr. Hope.

LOW AND MIDDLE INCOME AMERICANS TREATED DIFFERENTLY

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

Mr. GEORGE MILLER of California. Mr. Speaker, Erin Doyel asked the question, ''what about my kid?'' Her kid in this case is Adrienne. Erin works as a financial administrative assistant. She earns $12,675 a year. She goes to work every day. She is eligible for the child tax credit. In fact, she receives the child tax credit.

But what she will not receive is she will not receive the increase in the child tax credit that was passed this year, which would mean $400 to families with children who are eligible. But the Republicans made a decision that people like Erin and her daughter Adrienne will not receive it because they earn between $10,000 and $26,000 a year.

These are families with children who go to work every day, but they will not be given the benefit of the tax cut, they will not get the increase in the child tax credit, they will not have an easier time supporting their family for all of the hard work they do at very difficult and low wages, because the Republicans made a decision that Erin and Adrienne will not be included.

That is why Erin Doyel from Vallejo, California, is asking, what about my kid? Why are we treated differently than the rest of America's families?

ENSURING AMERICA'S SECURITY FROM TERRORISM

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

Mr. BARTLETT of Maryland. Mr. Speaker, we have heard it said it so many times that it risks becoming a cliche: Our Nation is engaged in a war against terrorism. If I may be permitted one more cliche: Money is the lifeblood of any terrorist organization.

The ability of the September 11th terrorists to move money through American banks without sending up any cautionary red flags was critical to their success and our national tragedy. People attempting to open accounts in this country without Social Security numbers ought to be seen as a giant, flashing red neon flag. That is why we must refuse to allow banks to accept as legitimate identification any foreign government-issued identification document in lieu of a Social Security number.

The Department of Treasury and the banks see things differently. The Treasury Department has issued a final rule to allow banks to accept the Mexican matricula I.D. card. But at the request of the banks, Treasury went even further. Their rule does not even require banks to maintain copies of the matricula cards.

Ignorance in this case might be good business practice, but it is dangerous and foolhardy security policy. Our responsibility as Members of Congress is to make sure that terrorists cannot use American banks to finance attacks on our people.

HELPING CHILDREN WHO NEED HELP THE MOST

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

Mr. COOPER. Mr. Speaker, 2 weeks ago this House made a terrible mistake in the tax cut bill, partly because that bill was rammed through this House under the so-called marshal law rule, with minimal notice or debate. Some 12 million American children who need the help the most were left out of that bill; 444,000 Tennessee children were left out of that bill.

It is not too late to correct the mistake, and I hope that this House will take prompt action to help those 12 million children, including the 444,000 Tennessee children who need the help the most. The clock is ticking, Mr. Speaker. The world is watching. Let us help these kids.

ISRAELI-PALESTINIAN PEACE PROCESS

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

Mrs. MILLER of Michigan. Mr. Speaker, yesterday we saw a truly historic event as President Bush pushed the Israeli-Palestinian peace process forward. The road map to peace that President Bush has laid out has been accepted by the Israeli government, Palestinian Prime Minister Abu Mazan and other Arab leaders.

In fact, Abu Mazan became the first Palestinian leader to denounce terrorism as a solution to the conflict with Israel; and, significantly, those words were spoken in Arabic for the entire Arab world to hear.

Prime Minister Sharon also has helped move the process forward by not only continuing the dialogue but by taking concrete steps to show the commitment of the Israeli people to peace.

This is all very promising, but now words need to be backed up with action. None of this would have been possible without the bold leadership of President George W. Bush. I praise President Bush for his efforts. This is just another example of the President's consistent message to the world that the United States is ready to lead the world in the fight against terrorism and in the pursuit of peace and freedom.

EXTEND TAX CREDIT FOR CHILDREN TO ALL AMERICANS

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

Mr. PALLONE. Mr. Speaker, the Democrats feel very strongly that we need to move to put back in place this tax credit for children and families of children at lower income levels. These are working people. The Republicans made a huge mistake, and it shows where they are coming from when they eliminated giving a child tax credit to these working families at the lower end of the income spectrum.

But now what I hear is that the Republicans in the other body say, well, they are not going to do this unless we also give a child tax credit to people at a little higher income level. Now we hear that here in this House the Republican leadership says that they are probably not going to do it anyway, because they do not want to give the tax credit to the families of these lower-income working families.

Once again, the Republicans created this problem because they would not include the child tax credit for these working families, and they are still trying to stop it from becoming law and demanding that more money go to higher income people in order to pay for it.

When is this going to stop? When are we going to wake up and realize that what the Republican leadership is really all about in this tax bill and this series of tax bills is just helping the elite, the wealthy elite?

WEAPONS OF MASS DESTRUCTION EXIST IN IRAQ

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

Mr. KIRK. Mr. Speaker, no weapons of mass destruction in Iraq? We know to a moral certitude of such weapons. How do we know? Saddam Hussein told us. On December 7 of last year, he told the U.N. that he owned 30,000 chemical weapons, but he forgot where he put them. We have not even found the chemical weapons that Saddam admitted to the U.N. he made. There are over 500 WMD sites in Iraq, and we have inspected less than half of them.

□ 1030

Remember Dr. Hussein Kamel? The U.N. inspected Iraq for 4 years between 1991 and 1995 and found no nuclear program. Dr. Kamel then told us that 40,000 Iraqis worked on nuclear weapons, but our intelligence missed it all.

WMD in Iraq, it is inevitable that a final chapter will be written in this story. As Paul Harvey would say, and then we will say, ''and now for the rest of the story.''

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, a children's health agency has reportedly diverted Federal funds to a study of the sexual predilections of aging men.

Now, the National Institute of Child Health and Human Development has provided more than $137,000 for a 3-year study to provide the most comprehensive picture to date of the sexual behavior of aging men. The grants were sent in two fiscal years to the New England Research Institute to examine trends in a range of sexual behavior.

Good grief, we talk about budget deficits, and we spend our money like this. We should be ashamed. This money was intended to help children affiliated with pediatric illnesses and diseases, not to study sexual habits of America's senior men.

The National Institute of Child Health and Human Development gets my Porker of the Week Award.

TAX CUT

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

Ms. SOLIS. Mr. Speaker, I also wish to rise and express my outrage that, in the passing of an irresponsible tax cut, Republicans deliberately prevented families with incomes under $26,625 from receiving a child tax credit.

Here is a family that I represent in my district. They also happen to be a family that sent one of their sons to war. He is still in Iraq. He would not even qualify for a rebate. It is outrageous that 31 percent of California families right now will not be eligible for any tax credit, child tax credit. That is 2.4 million children in California alone, a State that I represent. In my district, one out of every four families will get no child tax credit.

Families like this work hard, pay their taxes, are expecting to get some help from the government, and get nothing. They do not want a handout; they just want to be treated fairly. Yet somehow Republicans found $90 billion to give to 200,000 millionaire families. I do not even have one millionaire family that lives in my district.

This is the wrong thing to do. We need to not declare a war on working-class people.

CHILD TAX CREDIT

(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 recently listened to many of our friends on the other side of the aisle characterize the tax cuts as misdirected and targeted to the wrong people. According to the Joint Economic Committee, the new tax bill provides the largest percentage reductions in the income taxes of low- and middle-income groups, thereby shifting the tax burden upward.

Low-income families in particular benefit from this economic growth and tax relief package through a number of provisions, including increasing the child tax credit to $1,000. Even families who do not owe taxes may benefit from the tax credit because of the current refundable feature of the credit.

Let us not forget that this group of low-income taxpayers received significant benefit from the tax cuts that passed in 2001, and they continue to benefit from this legislation today.

Mr. Speaker, we cannot continue to punish those who work hard, take risks, and are successful. We need the success of those individuals for the economy to recover. The country needs the jobs that their success will generate.

I remember weeks ago when the folks on the other side of the aisle opposed a tax cut of any kind during the debate on the economic stimulus bill. I believe it is time for some to figure out where they stand today.

PAYING TRIBUTE TO THE VICTIMS AND SURVIVORS OF BREAST CANCER

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

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to the victims and the survivors of breast cancer. This Saturday, June 7, the Susan G. Komen Breast Cancer Foundation will sponsor the 14th annual Race for the Cure. Along with Members of my staff, I am entering this race in pursuit of a cure of this rampant disease.

Breast cancer is a disease that has affected the lives of many Georgians and many throughout our Nation. In fact, my wonderful wife of 30 years, Laura, is a breast cancer survivor. I know firsthand the strength and the dignity that she showed throughout this challenge.

I also know all too well the challenges that families face when confronting the harsh realities of breast cancer. But with early detection and aggressive treatment, we know that breast cancer does not mean a life sentence for women.

I am encouraged by the progress that cancer research has made and the struggle to defeat breast cancer. I realize we have a long way to go. But, Mr. Speaker, my wife and thousands of survivors like her are living proof that breast cancer is not an in insurmountable challenge.

PROVIDING FOR CONSIDERATION OF H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the rule, House Resolution 256. This rule provides for consideration of H.R. 1474, the Check Clearing for the 21st Century Act.

The Committee on Rules on Tuesday afternoon granted an open rule providing for 1 hour of general debate in the House on the underlying bill, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill, and provides one motion to recommit, with or without instructions.

I would like to reiterate to the House my satisfaction in the open rule granted for consideration of the underlying piece of legislation that we are debating today, which is also known as CHECK–21.

CHECK–21 is an important bill, although it may seem a bit confusing at first blush for America's banking customers and check writers. The good news is this bill garnered bipartisan support in both the Committee on Financial Services and the Committee on Rules, and I anticipate the same result as we move forward towards final passage on the floor today.

The legislative work our House of Representatives will complete today builds on the legislative work that was started back in 1987 to foster innovation in the check collection system. The Expedited Funds Availability Act, which became law back in 1987, directed the Board of Governors of the Federal Reserve System to improve our check processing system.

Today we are making logical extensions to the work started in 1987 by using our much-improved electronic transfer technology to make check writing speedier and more reliable for all parties involved.

Mr. Speaker, each check that is written and used for payment must actually make its way back to the check writer's home bank. That is how each bank patron with a checking account gets the check he or she wrote mailed back to them so that it can appear in their monthly statement.

When we stop to think about it, there is a lot of time, money, and effort invested in getting checks back to their home banks. Checks that are written in one corner of our country today will be trucked and flown to their home bank, wherever they reside, all over the country as a normal part of American commerce, a great expense of time and money. Today, American commerce bears the great expense of time and money associated with shipping checks around the country because it is worth it. Checks are an important commercial instrument that help keep our economy moving.

Today, as a cosponsor of the Check Clearing for the 21st Century Act, I am proud to announce the introduction of a new instrument of commerce into the American economy, the substitute check. The substitute check will provide opportunities to greatly decrease the frantic highway and air traffic associated with the gargantuan task of shipping and flying billions of dollars worth of checks around this country every single year.

Thanks to electronic imaging, paper checks have the opportunity to be converted into electronic form, transmitted in seconds to the home bank across the country, and printed out at their final destination as substitute checks.

The bill provides all those institutions that see electronic transfer of commercial paper as the latest wave in modernizing our economic system the opportunity to use substitute checks, but does not require it. That way we all have a chance to ease into the new potential provided by the creation and introduction of substitute checks into the mainstream of commerce.

Finally, Mr. Speaker, I would like to reassure customers that the same protections provided today under the Uniform Commercial Code for paper checks would also apply to substitute checks. Additionally, CHECK–21 provides legal indemnification protection to bank customers for losses arising from the receipt of substitute checks.

CHECK–21 is a great bill, Mr. Speaker. I congratulate the gentleman from Ohio (Mr. OXLEY) of the Committee on Financial Services, the gentleman from California (Mr. DREIER) of the Committee on Rules, as well as the gentleman from Alabama (Mr. BACHUS), who is the subcommittee chairman that is directing this legislation today, as well as all the original cosponsors of this very important bill.

Therefore, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, we are here today to consider the rule for H.R. 1474, the Check Clearing for the 21st Century Act. I urge my colleagues to look at this resolution very closely, to study it, because it is a very, very rare specimen.

We all know some of the more famous endangered species, including the Virginia big-eared bat, the buff-headed marmoset, and the yellow-footed rock wallaby; but just as rare is the House open rule. Do not make any sudden moves because we might startle it.

So far this year, the House has considered a total of 38 rules. So far, exactly four of them have been open, four for 38. That is a batting average of .105, which would get us kicked off my son's T-ball team.

This is what passes for democracy around here, which brings us to the rule for H.R. 1474, the Check Clearing for the 21st Century Act. This is an open rule for a noncontroversial bill. The issue for me, Mr. Speaker, is not the rule or the bill, but the fact that this open and fair process is almost never used in this body. Whenever an issue is the least bit contentious, whenever there is even a hint of disagreement about a bill, the majority clamps down on its Members, chokes debates, and forces a closed rule through this House. It is a lousy way to run a legislature, Mr. Speaker.

In the meantime, the Check Clearing for the 21st Century Act, also known as CHECK–21, is a bipartisan bill that will modernize the Nation's check payment system for the 21st century. This legislation will help consumers, businesses, and banks by guaranteeing that check processing and payment will be quicker, and more importantly, lead to more efficient banking.

As many of us remember, the days and weeks following the tragic events of September 11 were filled with confusion in the banking industry. Because many of our planes were grounded, checks were held up around the country. Similar delays occurred during the anthrax crisis.

With the passage of CHECK–21, Congress and the banking industry will harness the innovations of the 21st century so our banking system is not crippled as a result of terrorism, natural disasters, or transportation problems.

□ 1045

In my district, I proudly represent the largest credit union in New England, Digital Credit Union.

According to Mary Ann Clancy, Senior Vice President and General Counsel of the Massachusetts Credit Union League, ''Digital has been able to make cleared checks available to members in a more timely, secure and efficient manner ranging from weeks to immediate access. It also helps keep members' information confidential and saves them time searching through piles of checks to balance their checking accounts.''

Mr. Speaker, Democrats have no objection to this bill. Check 21 was reported unanimously out of the Committee on Financial Services. The gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), and the members of the committee should be commended for working in a bipartisan way, something the leadership of this House cannot seem to do.

Which, Mr. Speaker, brings us to the Child Tax Credit. As most people know, during their late-night, back-room negotiations on the tax bill, the Republican leadership deliberately dropped a provision that would have helped nearly 12 million children and their families to get the child tax credit.

Their attack on American workers, on those in the middle, on those trying to get into the middle, continues.

Governing is about choices, Mr. Speaker. The Republican leadership chose to keep the tax breaks for millionaires, and they chose to scrap the help for low-income working families.

So at the end of this debate on the rule, I will ask my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to provide for the consideration of the Rangel/Davis/DeLauro bill to help the people the Republicans would rather leave behind.

In Massachusetts, for example, 225,000 children would benefit from the Democratic bill. Our proposal provides real relief for the people who need it most, not another giveaway for those who need it least. And we actually pay for our tax relief by closing some of the corporate tax-shelter scams that some greedy corporations like to use.

I am not sure if any of my Republican colleagues remember, but they used to think that burdening our children and grandchildren with huge debt was a bad thing.

I know my Republican colleagues would rather not talk about this. I know they would have been happier if their secret agreements would have remained secret. But I will put them on notice. We are going to keep on discussing this issue until you do the right thing. We are going to be here today and tomorrow and next week and next month, and we are going to fight for the people who deserve a helping hand.

The Majority Leader made it quite clear the other day what the Republican priorities are. When asked whether he would consider granting relief to those who had been dropped by the leadership in their secret negotiations, he said, ''There are a lot of other things that are more important.''

If anyone on the other side of the aisle could name one, I would love to hear it.

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

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

The Committee on Rules meets on a regular basis throughout the week, taking important pieces of legislation, hearing debate. It is not unusual for us to be in the Committee on Rules not only at odd hours of the day and night but also to hear hours of testimony from Members of Congress who have important legislation that they wish to bring forward; and I would like to be one member of that committee that stands up and says that I believe that the leadership of the gentleman from California (Mr. DREIER), our chairman, and his balance and wisdom and his dedication to a fair process is something that I believe sets this Committee on Rules up for success every single day. This bill that is on the floor is yet another example of that success that the chairman and this committee achieve.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), along with the gentleman from New Jersey (Mr. FERGUSON) introduced this legislation; and the title of this legislation, I think, basically describes what this is all about. It is the Check Clearing for the 21st Century Act. That is what we are doing.

We are replacing what the Chamber of Commerce has described as an antiquated method of presenting and returning checks.

It is amazing to me that we had not taken this step 10 or 15 or 20 years ago.

But I do want to commend the gentlewoman from Pennsylvania (Ms. HART), and I want to commend the gentleman from Tennessee (Mr. FORD). I want to commend a bipartisan group of Members who come together to push this legislation and bring it out on the floor today.

This is a model for bipartisanship. There are 33 co-sponsors, Democrats, Republicans. The gentleman from Massachusetts (Mr. FRANK), the ranking member, and the gentleman from Ohio (Mr. OXLEY), both made this a priority.

We have an amendment that was introduced by the gentleman from North Carolina (Mr. WATT) which is included on page 11 in section 3, paragraph E. Part of that language clarifies that nothing in this act shall diminish in any way and everything in this act shall preserve all consumer protections. In fact, we have added consumer protections in this act.

But let me be very brief and say what this does in a nutshell. Americans write 42.5 billion checks a year; and about three-fourths of those checks have to move physically from the bank where they were deposited to the bank where the original maker was, many of them all the way across the country. Most of them travel by air, but a good many of them travel by truck. When they do, they burn oil, making us more oil dependent. This bill as much as anything will help lessen our reliance on foreign oil.

And a lot of people have probably not thought about this, but it is good news for those who travel by air because it will lessen the congestion at our airports. In fact, it is amazing that most Americans do not realize that literally every day tens of thousands of aircraft take to the sky taking back these original checks.

Now, what we are changing today is not something we have not been doing. What the system will go to is actually the system the credit unions in this country have used for over 20 years. So this is nothing new. The credit unions have been using this process. In fact, some of our larger banks by agreement have been doing this process for years without any problems.

The Federal Reserve has urged for several years that we go to this system. It is good for our economy. Not only will it lessen our dependence on foreign oil, not only will it relieve congestion on our highways and airports, but it will also make our process of clearing checks more efficient. In a world economy when we compete with European nations which are already doing this, we do not need costs and burdens to our financial system that they do not have. In fact, we need to have the most efficient system in the world; and, in fact, this legislation will assure that this happens.

In conclusion, we will talk about the nuts and bolts of this legislation in the main debate. We will hear from the gentlewoman from Pennsylvania (Ms. HART) on this legislation. I want to commend the chairman, the gentleman from Ohio (Mr. OXLEY), for making this a priority. I want to commend the gentleman from Tennessee (Mr. FORD) for his leadership on this issue.

In conclusion, I want to commend all the Members of this body for coming together on this important legislation. We built such a consensus piece of legislation that we have the credit unions endorsing this legislation. We have the community banks endorsing this legislation. We have the independent banks endorsing this legislation. We have the largest 100 financial institutions in the country endorsing this legislation. We have the regulators endorsing this legislation. We have the Chamber of Commerce and several consumer groups endorsing this legislation. And I fully expect that the overwhelming vote that this legislation received in the committee will be repeated out here on the floor with a strong bipartisan majority.

I would think that anyone that understands this legislation will vote in favor of it.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, the sort of checks that Americans are interested in hearing about are not the check clearing system technicality but the checks they receive as a result of their hard work or as a result of tax refunds.

This July most all Americans with children will be receiving a check in their mailbox as a result of the child tax credit that we passed some 2 weeks ago. Except for the parents who are in the military, who are in the National Guard who do not make a whole lot of money serving our country, and except for the low-income parents who work hard every day for minimum wage or a little bit above, they and their children will not be receiving these checks.

Why? Six million parents, 12 million of the most deserving people in our country, will not be receiving checks because of a deliberate, secret, backroom deal cut by Republican leadership.

Now, most of my constituents want bipartisan government. They want Democrats and Republicans to work together for the greater good of this Nation. And now that our government is under the control of a Republican White House, a Republican Senate, and a Republican House leadership, people are asking, what decisions are they making?

Well, they are making decisions to leave out 12 million poor children, 12 million deserving folks who need a future in this country; and $400 each would do them a lot of good. It would not only stimulate the economy, it would address the fundamental fairness of that legislation.

Now, many of the folks on the right are saying, well, their parents do not pay taxes. They do pay payroll taxes. They pay property taxes. They pay sales taxes. I dare any of the Members to go to these people and say they do not pay taxes. These are not welfare recipients. These are hard-working people trying to build the American dream, and this House deliberately left out those parents and their 12 million children because we did not have room to fit it into a $350 billion tax bill. All we are asking for is 1 percent of that bill, $3.5 billion to be devoted to the needs of 12 million deserving American kids.

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

Mr. Speaker, as I recall, the debate about this tax bill was all about deficits and all about whether the increase of the debt, the public debt limit was going to be achieved. And what happened is that, as we deliberated about the bill, any motion to instruct conferees from the other party was about those two issues. It was not about the substance of the bill as it related to anything that was contained within or to be talked about by the conferees. But, rather, they were focussed entirely on the debt and the amount of money that would be as a part of bill.

Now we find out that, oh, my gosh, there was a part of this great tax cut that they maybe were for even though they were voting against that. So it is very interesting to hear this debate today.

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

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

Mr. Speaker, I would just remind the gentleman that, unlike the Republican tax bill, we actually pay for this by closing corporate loopholes so we do not add to the debt or deficit.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule because the Republican leadership is not allowing us to bring up the Child Tax Credit for these lower-income working families.

Exactly what my colleague from Massachusetts said is certainly true. This provision which the Republicans eliminated because they did not want to help the working class and working people was financially paid for, and, again, we are trying to get it passed again and it is paid for completely by closing up corporate tax loopholes.

The problem is that the Republicans, they just do not want to give it to these working families. Already the other side the other body is saying that they want to add a child tax credit for people at a higher income level, or the gentleman from Texas (Mr. DELAY) has said that he wants to add more tax cuts here for wealthy people and for corporate interests.

□ 1100

That is the thing that would cause an increase in deficit because they have not paid for it. We are saying, as Democrats, we can pay for this child tax

credit for these working families under $26,000-or-so in income annually by closing tax corporate tax loopholes; and the Republicans are saying, oh, no, we cannot do that because the only way we will consider it is if we give some child tax credit to higher-income people or other tax cuts to other wealthy people and millionaires, and we do not care whether we pay for that because we do not have any way to pay for that. That just goes into the deficit.

The hypocrisy is unbelievable. My colleagues should simply admit that the Republicans really do not care about the working people at the lower-income levels. They are not willing to give them any kind of tax credit. They can pass the bill today in the other body and send it over here or vice versa, and it is fully paid for; but they are not going to do it, and I can tell my colleagues there are about 200,000 people, children of soldiers in the Armed Forces, that are also being left out of this.

We did a little analysis and found out that these 12 million children that are left out, a good many of them are children of military personnel. So these guys and their families, they are fighting over in Iraq or they are stationed somewhere in the world and defending the country, and they cannot get a lousy child tax credit. It is outrageous.

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

This debate has gone very quickly away from the subject that we had at hand, but I would like to remind my colleagues that tax cuts do work. They get money back to people who are able to utilize them, just like the families that are being talked about here.

The fact of the matter is that this fabulous jobs and growth package that was signed by the President last week has already begun to work in the marketplace. It is seen as a catalyst now for people to want to come and invest more money, not only in this country but also for corporations to have an opportunity to begin employing people, an opportunity for the American people to see the opportunity for them to have jobs and more money back in their pockets; and it is amazing how the debate over all these years and even from just about 10 days ago, May 22, when every single tax cut was bad and every single thing that we would do to take money away from our precious government was seen as a threat to national security, and yet, today, my colleagues on the other side of the aisle are talking about a tax cut that would be necessary to help out the American people again.

That is why we will stay after this. That is why the Republican Party will continue to not only believe in tax cuts that are great for people but an opportunity to give more money back to people who have earned that money and to help out families and children. This is why we have had as part of the bill the marriage penalty because we do not believe that one spouse that works even part-time should be taxed at the highest rate of the household income.

We are proud of what we are doing, and we are going to keep doing it; and so I am pleased to hear my colleagues talk about the need for tax cuts for all Americans.

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

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

I just respond to the gentleman that I cannot believe he finally met a tax cut he did not like. Unfortunately, what we are talking about here is trying to help people, low-income workers and their children; and because of the Republicans' late-night maneuver, these people are being denied the tax cut that he says that they are very much dedicated to.

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the majority party spokesman for the Committee on Rules was somewhat inaccurate in describing our position. The effort that we are engaged in to provide some financial relief to some of the poorest and hardest-working people in this country and their children would not cost the government revenues anymore. It would be balanced.

We find, unlike him, a number of unfairnesses in the Tax Code; and I was struck by, in his conversation, the complete absence of any defense of the decision to deny this benefit to these people.

I came down here today as the ranking member of the Committee on Financial Services to talk about check truncation, but I would agree with my colleagues that fairness truncation is a far more important issue; and that is what we are talking about.

The gentleman who spoke said this is a Republican Party and he is proud of it. I think there is too good of appreciation in the country today of the real differences that exist between the parties. Partisanship is not always a bad thing. There is a legitimate aspect in a democratic society to recognizing differences. The gentleman from Texas is proud that they passed a tax bill that excluded the poorest working people in America.

He said he was proud of it, and I think we are proud on our side to be appalled by it. We are proud on our side to say that we can, without further draining our ability to pay for important public needs, provide help to these lower-income people; and as I said, it is a matter of fairness truncation.

By the way, one of the misarguments that is used to defend stiffing the poorest people in this country when the wealthiest are doing very well is, well, they do not pay taxes. Do people in this Chamber really not notice something called the Social Security payroll tax? In fact, anybody who works pays Social Security payroll taxes. Deductions are made, and in fact, the people who are making $25,000, $30,000, $20,000, they are paying a very large percentage of their income in those taxes.

I hope that we will soon do the noncontroversial bill that allows banks to truncate checks, and I hope we will then undo the Republican decision to truncate fairness and equity even further than it is and use some of the resources that we were able to use for a very large overall tax cut and spend a very few dollars on the poorest people in this country, including children.

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

This rule that is before us about check clearing is really something that I think that consumers and the banking community are going to find of interest, and I am sorry that the debate is not on this modernization of the system.

What we are going to do with this wonderful bill that we have before us today is to, once again, prove that an agenda that can move forward problems that are facing the American public, costs that are in its way, inefficiencies in our banking system which is what this bill is about, we are going to solve, be another part of the solution today; and I am very, very proud of not only the gentlewoman from Pennsylvania (Ms. HART), a bright young Member that we have, and the gentleman from New Jersey (Mr. FERGUSON) and the gentleman from Tennessee (Mr. FORD) for bringing this bill, these ideas forward. But I think it shows that, as we talk about and move forward in this great body, the important aspects of that make a difference in America, just like tax cuts; that the American people will see that this House of Representatives not only works, it provides tax relief.

It provides things in our banking system that will keep modernizing America. It will make sure that we are prepared for the future, and as we go past this bill into other areas, whether it be appropriations or working with intelligence or matters of national security, that this House of Representatives every time brings forth a full debate, not only on the issues but makes sure that time is allocated for even the minority party to stand up and to talk about their frustrations.

I think what we are doing today with this bill makes sense. I think the American people see that this House of Representatives and this administration intends to move forward in a proactive, positive way that all Americans can have not only confidence in their government but also confidence in the free market enterprise system that we are so proud of that produces jobs and keeps our economy going.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate the gentleman from Texas in the discretion he showed in continuing to avoid defending this outrageous decision to stiff the poor people.

As to the check truncation bill, I appreciate his discussion of the work. As the ranking member, let me say I appreciate we have an open rule here. We do have an inverse relationship here. Well, we have two.

One, the poorer a person is, the less fairly they are going to be treated in the tax bill. Secondly, the less important the legislation, the more open-handed the Committee on Rules will be in letting us discuss it.

I am glad that we are bringing this bill forward. I was the ranking member when it was put forward, but I have to tell my colleagues I am glad that it is going to pass; but it probably will not make it into my next biography. I do not expect being remembered as the co-author of the check truncation bill will be part of my legacy. So I thank the gentleman for his concern.

The reason we are not debating it is very simple. There is nothing left to say. The banks are going to use the different kinds of paper. People will be able to get a record of their checks. That is the end of it.

I understand why the gentleman would rather talk about something else than being unfair to poor people. Unfortunately, there is not enough substance here.

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

This Republican House has since 1997 made sure that we reduce taxes on people all across the board; and under this new tax cut that we are talking about, a single mother with two children earning $20,000 will receive over $2,000 in payment from the government with no tax liability, no tax liability and $2,000 back. So we really do care about people. We have reduced the tax burden on the American public and will keep doing that.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

(Ms. HART asked and was given permission to revise and extend her remarks.)

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

I am sitting through this debate because I am here to talk about the check truncation legislation which we are going to debate shortly. However, my life experience and history of working as a State senator in Pennsylvania and chairing the Committee on Taxation compels me to rise regarding some of the comments made by the other side.

I believe that the general public knows what a tax credit is. However, it is clear to me that the other side of the aisle does not. One must pay taxes, income taxes, in order to receive a tax credit; and in fact, in our tax bill that we passed and fortunately was signed last week, there is an increase in the child tax credit. The general public has asked us for that, and it has been provided.

Those hard-working parents who have been paying income taxes do receive credit, as the gentleman stated, and additional moneys for the raising of their children. Claims have been made that that is not the case, but that is just not true. A tax credit is only paid to those who pay income taxes, and that is exactly what we do.

Also regarding that issue, it is very important for us to note also that since I have joined this body about 2½ years ago, the Republican majority has consistently exempted people who are very low income from paying income taxes. It is important to note that because that is clearly something also that those on the other side of the aisle either are not aware of or have ignored.

Our goal has been to encourage families to keep working, even though they may just recently have left the welfare rolls, even though they may have had a difficulty with a layoff and have taken maybe a more entry-level-related job. Our goal is to make sure that those who work and work hard to support their families have a lower burden. The goal is to encourage them to keep working and be promoted and make more money and eventually become taxpayers.

Once they become income tax payers, they then will qualify for things like tax credits because, like I said earlier, one must pay an income tax in order to earn a tax credit. That is the way it works.

I would also like to note a couple of other things, and I represent a district that is very diverse economically and, unfortunately, has seen more unemployment in the last couple of months. Folks I talk to tell me this, they are very pleased that we have made a very good effort to extend the unemployment which is very important for those who respect working and are not receiving an income.

Our Republican majority has done that several times. We have extended unemployment twice now. We intend to keep watching the economy, try to make it move forward as we have done with this tax bill, which will help employers hire more people and reduce the unemployment rolls. While those good people are still unemployed, we are trying to make sure that they have enough money, and it is extended in our unemployment extension so they continue to support their families until they can find that job.

Finally, I just need to note that the partisan rancor in this body is getting a bit silly. It is disappointing to me as a person who has come to Washington with a lot of positive ideas. I am going to continue to work with those who want to work with us and not create kind of their own version of what passed into law. I am going to continue to work for a positive economy, for growth, for opportunity and for more employment because I know people across the United States need it.

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

I would say to the gentlewoman from Pennsylvania that our side of the aisle would be more than happy to work with her side of the aisle. Unfortunately, we are always shut out of the process; and I would also say to the gentleman from Texas who earlier referred to this Republican House, this is the people's House, something that those on his side of the aisle seem to have forgotten by leaving millions of working families and children out in the cold.

□ 1115

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time, and I rise against the rule on this check-cashing bill. And the reason I rise against the rule is because we are not afforded the opportunity in this House to bring up H.R. 2286, the Rangel-DeLauro bill, that would allow us to include all of America's working families in the relief for child tax credits.

Who is left out? Who is left out are people who earn between $10,500 a year and $26,600 a year who have children. The bill that passed last week left them out. The gentleman from Texas is wrong. Democrats did not even know what was in that bill. The ranking member on our sides of the aisle had to find the room the conference committee was being held in. No Democrat read that bill, and we know the Republicans cut a deal.

My Republican colleagues left out working families who live at the bottom of this economy, and they have 19 million children, not a single one of whom are going to get the extra $400 refund, where those checks are going to be cashed out of this government when they are sent out this summer. Not a one. They left out 6 million families, 19 million children.

The Republicans refuse to see them, but we see them. We really believe in not leaving any child behind. But now, Vice President CHENEY, what does he get? He gets $93,700. Republicans are leaving 19 million children twisting in the wind, but that is par for the course. One of their favorite sports is golf. They leave a lot of people out there in the sand traps. But the defining difference between Democrats and Republicans is we include everybody. Everybody.

We think some people got too much out of your bill. Vice President CHENEY does not need that money. He will just go out and buy another yacht. But who do we see this bill leaves out? The bill leaves out moms who work at McDonald's. They will not get any refund from the child tax credit refund. It leaves out the janitors that clean the

World Trade Towers who have children. They do not get anything either. And the Republicans' bill leaves out our privates and specialists in the Army, Navy, and Air Force who are at the bottom of the pay scale in our Armed Forces. They will not get the child tax credit refund either.

These folks pay taxes. They not only pay Social Security and Medicare taxes, they pay property taxes, the Federal gas tax, and the cigarette tax. They do not have anybody giving them taxes back. They do not have lobbyists coming in to lobby on their behalf, who are the winners in this bill.

Mr. Speaker, we have a right to include all families. We ought to vote down this rule and demand that the leadership bring up H.R. 2286 to include all of America's children and families.

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

Prior to 2001, the child tax credit was $500 for an eligible child. The child tax credit was not refundable for most families. However, for families with three or more eligible children the credit was refundable, to the extent the family had payroll liability that was not offset by the earned income tax credit.

What we have attempted to do, and what was signed into law on May 28, accelerates and increases the child credit. Certainly one has to qualify, but the child credit will increase from $600 per child to $1,000 per child in 2003 and 2004, and in 2005 the credit will revert back to its 2001 act-in phase. That means that what we have done is to move forward very quickly an acceleration, because I believe, and my party believes, and this bill believes that it is the right thing to do.

The bottom line is that due to political constraints there was not as much money. So what we did is we moved forward from $600 to $1,000, but it is only good for 2 tax years. We have a lot of work to do, Mr. Speaker; but I am ready to do that work. I think this body is ready to do that work, and we intend to get it done.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to ask my colleagues to review an editorial from The Washington Post entitled, ''Children Left Behind,'' and also today's New York Times editorial entitled, ''The Poor Held Hostage for Tax Cuts,'' which I now submit for the RECORD.

[From the Washington Post, June 2, 2003]

CHILDREN LEFT BEHIND

Even for a debate over taxes, the public discussion taking place right now about child credits in the new tax law is particularly galling, hypocritical and ill-informed. The new law bumps up the credit for each child from $600 to $1,000 (though the benefit phases out for families that earn more than $110,000). This increase, part of the 2001 tax law, was pushed forward to this year under the new law. The 2001 law also allowed some low-income families that don't pay income taxes to benefit from the child tax credit; these families receive money from the government, just as with the Earned Income Tax Credit. Those amounts were set to increase in 2005—but that part was not speeded up under the new law. If it had been, it would have cost $3.5 billion, or 1 percent of the supposed cost of the tax bill, and would have helped almost 12 million children whose families make between $10,500 and $26,625.

Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight $350 billion ceiling. ''Adjustments had to be made,'' a spokeswoman for the House Ways and Means Committee said, as if those on her side would have preferred otherwise. In fact, the administration didn't include this provision in its original, $726 billion proposal. The House didn't include it in its $550 billion version. The Senate Finance Committee didn't include it in its original package. Most Republicans wanted relief only for those who pay income tax. As White House spokesman Ari Fleischer framed it, ''Does tax relief go to people who pay income taxes . . . or does it go above and beyond the forgiving of all income taxes, and you actually get a check back from the government for more than you ever owed in income taxes?''

But it's not as if these workers pay no federal taxes; they shell out 7.65 percent of their earnings in Social Security and Medicare payroll taxes. More fundamentally, if it makes sense to help families with children, why shouldn't the aid go to those who need it most? If speeding up the tax credit makes sense for some, why not for everyone? If one goal of the tax bill is to pump money into the economy quickly, why not give it to those most apt to spend it? Such relief could be paid for by cutting the rates for those in the top brackets (people with taxable income of more than about $312,000) just a smidgen less. These folks already get the biggest rate reduction of all, from 38.6 percent to 35 percent; merely edging that up to 35.3 percent would have paid for the extra child credits. If anything, the question lawmakers should consider is why those who make less than $10,50 shouldn't be entitled to some credit as well. The theory has been not to subsidize those who choose to work only part time, but in this economy any number of people are working fewer hours because that is all that is available. Some 8 million children live in families who earn below the current threshold.

Indeed, the discussion should be broadened to include the question of why the bill, in a similar fashion, speeded up marriage penalty relief for everyone but the bottom tier, those who qualify for the Earned Income Tax Credit. This is arguably even more unfair than the failure to accelerate the entire child credit: the backwardness of the social policy—discouraging marriage—is obvious, and the marriage penalty is particularly steep in this category. For example, two single parents, each with one child and each earning $10,000, would receive about $2,500 through the tax credit; if the married, their tax benefits would drop by more than $1,000.

Democrats, who somehow never managed to get traction with an argument about the unfairness of the cuts before the bill was passed, are seizing on the new attention to the child credit. Today Sens. Blanche L. Lincoln (D-Ark.) and Olympia J. Snowe (R-Maine) plan to introduce a bill that would accelerate the credit, paid for by curbing corporate tax shelters and imposing some user fees. We're looking forward to the debate.

[From the New York Times, June 5, 2003]

THE POOR HELD HOSTAGE FOR TAX CUTS

Millions of low-income families were cruelly denied child credits in the administration's latest detaxation victory. Now, with consummate arrogance, Republican leaders in Congress are threatening another irresponsible tax-cut bidding war as the price for repairing the damage. ''There are a lot of other things that are more important than that,'' said Tom Delay, the House Republican majority leader, signaling that revisiting the child-care issue will open the door to even worse deficit-feeding tax-cut plans. Mr. DeLay at least offered unabashed candor instead of the crocodile tears of other Republicans. They are now embarrassed over the furor that low-income families were deleted in the final G.O.P. deal on the tax-cut boon weighted so shamelessly last month to favor the wealthiest Americans.

There is a clear and sensible solution to restore the $400 child-credit increase to the working poor in a Senate proposal from Blanche Lincoln, Democrat of Arkansas, and Olympia Snowe, Republican of Maine. Their measure, which would cost $3.5 billion and help nearly 12 million children, would be paid for by eliminating some of the tax-shelter abuses that fed the Enron scandal.

Republicans are scrambling for political cover now, fearing the wrath of the mythic soccer-mom voting bloc next year. But the rival child-care solution being offered by Senator Charles Grassley, Republican of Iowa and the finance chairman, introduces a whole new scale of irresponsibility to the tax-cut games. This would expand the credit to 6.5 million low-income households, although not to minimum-wage earners of less than $10,500 a year. But at the same time, the upper-bracket limit would be generously, gratuitously raised another $40,000 to benefit families earning up to $189,000, hardly the neediest among us. Plus the credits would be made permanent instead of temporary, as currently enacted.

This makes it a $100-billion-plus budget-busting measure lacking the cost offsets of the sane and prudent Lincoln-Stowe approach. The fiction of Republican leaders' promises to contain the deficit damage of their tax cuts is becoming clearer with each wad of debt rolled onto future generations.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise today to voice my strong opposition to this rule. There is a lot of talk about what the recent tax cuts would do for our economy and for working families, and I would like to talk a little bit about what they will not do.

The $350 billion in tax cuts leaves out working families, in particular, families that make anywhere between $10,000 and $26,000. They will not qualify for a child care tax credit. I ask my colleagues to look at this photograph that I have here. This is a working family, a representation of a family that lives in my district. They make $24,000 a year. They will not get a rebate. They have a son that is serving in our war, that is serving in our war in Iraq; but he will not get any benefit from this tax cut.

Let us really talk about working families and what they do for our economy. They do pay Social Security taxes, they do pay sales taxes. In fact, they are taxed so much that they are looking to us as representatives of this House to do the right thing. One million children in military families, like these families, will get no tax break or credit. This is wrong.

We know that somehow the Republicans found $90 billion to give to 200,000 millionaire families. Imagine that. That money will not make it to my district because I do not have a single millionaire that lives in my district. We have people that make less than $20,000, so they do not get the benefit of that money.

Republicans say this is class warfare that we are discussing. Look at the facts. The money does not come home to the districts that send money here to Washington because our Republican colleagues are sending it to their friends. In fact, in California, 31 percent of California families will not receive any child tax credit, and that includes 2.4 million children in California alone. Forty-seven percent of those Californians will get a total tax credit of less than $100; $100 does not even help to pay rent in my district, where an apartment goes from $800 to $1,000.

I urge Members to vote ''no'' on the rule. Let us do a child tax credit that is fair for working families.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, the first time I got up, I talked about the subject at hand, and that was Check-21. But I do want to address what the Democratic Members have talked about, and that is the recently passed tax cut.

One would not think there would be such an uproar from the other side because, in fact, the bill we passed exempts 3 million-plus low-income workers from any Federal tax liability. But there is still an uproar. It increases the child tax credit from $600 to $1,000. But there is still an uproar. It actually gives back, and only in Washington could you give back a tax refund above what people pay in, but it actually gives back $2,000 more to low-income families with children than they paid in; yet there is still an uproar.

Why the uproar? Because the other side wants to take tax money, taxpayers' money that was paid in, and pay it back to people who did not pay taxes. In other words, an individual paying in $1,500 ought to get back $3,500. Well, let me tell my colleagues that there is only one problem with that, and that is who pays the $2,000? The answer is the middle class.

In Alabama, if my colleagues talk to my constituents and say to them that they are going to pay back $2,000 to people who did not pay taxes, with their tax dollars, because they have children, they are going to call that welfare. And that is exactly what it is. When we pay folks because they have children, and we pay them back $4,000 just because they have children, not in money they paid in but with someone else's money, that is welfare.

The other side is still upset that we cut welfare several years ago, and they want to use this as an opportunity to start a new welfare program and to fund it out of middle-class taxpayers' pockets.

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

Mr. WYNN. Mr. Speaker, yes, there is an uproar; and, yes, we are appalled. We are appalled that the children of 12 million working families have been excluded from this bill. They are quite content to give $93,000 in tax cuts to the very wealthy millionaires; but we have 12 million children who have been excluded, 196,000 from my State of Maryland. Yes, there is an uproar. There is something fundamentally wrong with that.

What the Republicans are trying to tell Americans is that these people do not pay taxes. Oh, yes, they do. Number one, they work every day. Every one of these families works every day. Number two, they pay property tax, sales tax, entertainment tax, and they pay all the other kinds of taxes. Importantly, many of these people are in the military. They are privates, they are grunts, they are the people who do the dirty work to defend our country. Yet our Republican colleagues say it is okay to give a millionaire $93,000 in tax cuts, but it is not okay to give someone making less than $26,000 a tax break.

Mr. Speaker, I do not call that welfare; I call that democracy. We are Democrats. Every time we talk about this issue, the Republicans want to say that is class warfare. Yes, that is class warfare. But let me talk about that class. It is a class composed of people who work every day and make less than $26,000 a year. They have 12 million children, and they are not going to get the benefit of tax relief.

Republicans want to talk about putting money back into Americans' pockets. What about the class of Americans that work every day but do not get the benefit of this big $350 billion tax deal? This tax deal gives a $90,000 tax cut to millionaires, but they cannot give $1,000 to a family that works every day and has a child. My colleagues have the audacity to come on this floor and say it is welfare. Yes, there is going to be an uproar. Yes, I am appalled, because it is undemocratic, it is unfair, and it is disgraceful.

All my Republican colleagues want to do is give more money to the very rich; and when we tell them that people are working and need a tax break, they cannot see fit to do it, particularly when some of those people are in our military. It is a disgrace. Let us reject the Republican approach.

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

Mr. MCGOVERN. Mr. Speaker, can you inform us how much time is left on both sides?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Massachusetts (Mr. MCGOVERN) has 10 minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 4½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, it seems as if we have hit a nerve here. We are supposedly talking about a bill that would make it easier to get checks, and the Republicans are clearly embarrassed that there is a whole lot of people, in fact 12 million children, whose families are not going to get checks. They know darn well that that provision that would have sent the check was in the legislation in the Senate, and in a late-night deal that money was taken out.

Here is one of the families. They live in my district. It is Maria, that is the mom, Alma and Elia Narvaez. They are not going to get a check. They are one of the 6.8 million families that thought they were going to get one, but they are not. Along with them, as has been pointed out, there are going to be a million children whose families were going to get checks of people in the military, our young men and women who went off to serve, the low-level private first class. They are not going to get a check.

So it is not just an uproar from this side of the aisle; there is an uproar going on in the country right now.

□ 1130

We read about it in the press, and we hear about it from our constituents. So who is getting the money?

They are talking about it only goes to taxpayers and ask these people if they pay taxes, but who is getting the money?

Well, let us look at the Bush cabinet. We are talking about Treasury Secretary John Snow. He was the CEO of the CSX Corporation, a corporation that paid no Federal income tax in 2001, 2000, and 1998. Do Members know how much he is going to get in a tax break? He is going to get $330,000 a year in dividend capital gains tax cuts. That is more than Maria Narvaez makes in 16 years. That is his tax cut for 1 year, what she makes in 16 years.

Think about it another way, what the Secretary of the Treasury gets, $330,000 in 1 year in a tax break, 1,000 families could get a check. Members decide what is fair.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

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

Mr. FORD. Mr. Speaker, let me preface by saying I rise in support of the rule and rise in strong support of the bill and thank the gentlewoman from Pennsylvania (Ms. HART), the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for all of their hard work.

In light of the conversation that is occurring, there has been a lot of back and forth. I rise just to say two things: One, this really represents the difference in priorities between the two parties. While one cannot dispute that

the bill that passed here a few nights ago in the form of a jobs bill or a tax cut bill, whatever Members choose to call it, the President has suggested that his tax bill will produce a million jobs, so I have taken to calling it a jobs creation bill.

The reality is the bill cuts taxes for some people but not enough people. The $3.5 billion that was taken out of the bill, tax cuts that were removed from the bill to make room for other tax cuts, my side characterizes it as tax cuts for wealthy Americans. The other side characterizes it differently.

The reality is $3.5 billion was taken out of the tax cut that would have gone primarily to families who earn under $25,000 a year. It is suggested that up to 12 million children will lose out.

The gentleman from Alabama (Mr. BACHUS) is my friend, but I take issue with one characterization. This is not a welfare program. These people earning under $25,000, they work. Some may work not only in the military but here on this Capitol Hill where we work day in and day out. I believe people who work day in and day out deserve a break.

Not only do these people need it to help feed their families and pay their higher energy bills, they will also spend it in ways that will help rejuvenate this economy.

A point was made about the middle class, and I will submit for the RECORD yesterday's Washington Post piece that shows numerous studies indicate that the middle-class tax share is set to rise after the passage of the 2001, 2002, and 2003 tax bills. We may not like this, but these are the facts. It reports that people earning between $28,000 and $337,000 a year will end up paying a higher share of taxes than any other group of Americans after the passage of the 2001, 2002 and 2003 tax bills.

Mr. Speaker, I hope that my friends who label this as an effort to increase welfare will take a look at the facts of the tax bills that this Republican House and Republican Senate have passed.

[From the Washington Post, June 4, 2003]

MIDDLE CLASS TAX SHARE SET TO RISE

STUDIES SAY BURDEN OF RICH TO DECLINE

(By Dana Milbank and Jonathan Weisman)

Three successive tax cuts pushed by President Bush will leave middle-income taxpayers paying a greater share of all federal taxes by the end of the decade, according to new analyses of the Bush administration's tax policies.

As critics of the tax cuts in 2001, 2002 and 2003 have noted, the very wealthiest Americans—those earning $337,000 or more per year—will be the greatest beneficiaries of the changes in the nation's tax laws. And, as administration officials have argued, low-income taxpayers will also enjoy a disproportionately lighter tax burden.

The result is that a broad swath of lower-middle, middle- and upper-middle-income people, as well as some rich Americans, will carry a greater share of the federal tax burden after the laws passed in the past three years are fully implemented. While taxes are scheduled to decline for all income groups, those earning more than $28,000 but less than $337,000 will end up paying a greater share of the taxes than they did before the changes.

The findings, by two groups that have been critical of the Bush administration's tax policies, add a new wrinkle to the increasingly contentious debate over the fairness of Bush's tax policies and which income groups would benefit most.

Liberal groups have argued that the Bush administration is penalizing the poor while rewarding the rich. In part to answer those critics, Republicans have targeted the poor with expanded tax refund checks for families with children, a new 10 percent tax bracket and a larger earned-income credit for married couples who are poor.

The result may be a surprise to both sides: By the end of the decade, the middle class will be picking up a greater share of the government's tab.

''It's hard to get a lot of progressivity at the very top,'' said R. Glenn Hubbard, the architect of Bush's most recent tax cut proposal and a former chairman of the White House Council of Economic Advisers. By slashing taxes on dividends, capital gains and inheritances, the cuts ensure that tax burdens will no longer rise consistently with income, as they would with a perfectly ''progressive'' system. ''But,'' Hubbard added, ''we've very much retained progressivity overall because so much money was dumped into the bottom rates.''

The two studies focused on separate issues. Citizens for Tax Justice examined the percentage changes in total federal taxes that would be paid by different income groups through 2010. The Tax Policy Center, jointly run by the Brookings Institution and the Urban Institute, looked at the share of federal taxes that would remain for the various groups once those changes are fully phased in. But the studies reached similar conclusions.

Citizens for Tax Justice found that for the lowest fifth of taxpayers—those earning below $16,000—federal taxes would fall 10 percent between now and 2010, while federal taxes for those in the second quintile—earning between $16,000 to $28,000—would fall 12 percent. At the other end of the scale, the decline for the top 1 percent of taxpayers—those making $337,000 and up—would be 15 percent.

In contrast, for taxpayers earning between $45,000 and $337,000, the decline would be 7 percent, less than half the cut reaped by the very wealthy.

Citizens for Tax Justice assumed that those provisions in the tax laws scheduled to expire before 2011 would expire as scheduled, although administration officials have said they are determined to make those changes permanent.

The Tax Policy Center assumed that all proposed tax cuts would become permanent. It found that the share of federal taxes paid by the top 1 percent of taxpayers would drop to 22.8 percent of the total in 2011, from 24.3 percent today, while the share paid by the lowest 40 percent would fall to 2 percent, from 2.2 percent.

All others would have a slightly larger proportion of the federal tax burden in 2011 than they do today. For families earning between $22,955 and $80,903, their share of federal taxes would rise from 25.5 percent to 26.1 percent.

Both groups included all federal income, payroll, corporate and estate taxes; Citizens for Tax Justice also included excise taxes.

Treasury Department officials said the studies are skewed because they include Social Security and Medicare payroll taxes, which the tax cuts did not seek to reduce. Pamela F. Olson, the assistant Treasury secretary for tax policy, said that if Social Security taxes are included, then Social Security benefits should also be measured. ''Then you would have a very progressive system,'' she said.

Instead, Olson pointed to the Treasury's analysis of the impact of successive tax cuts on individual income taxes only. In that analysis, all taxpayers with less than $100,000 in income are shown to be paying a smaller percentage of their income in taxes than they did before Bush took office. Households earning $100,000 or more are now paying 73.3 percent of federal income taxes, up from 70 percent.

Figuring out whether tax policy benefits the wealthy or the poor is a hotly disputed subject. Liberals favor a progressive tax system in which households pay higher tax rates and a higher share of their total income as they climb up the income ladder. By that measure, the Bush tax cuts have made the tax code less progressive. By 2011, the poorest taxpayers' after-tax income will have risen only 0.3 percent, according to the Tax Policy Center, while household income for the richest 1 percent of taxpayers will have jumped 8.6 percent.

Conservatives say the better measure is which group winds up paying a greater proportion of the tax burden after the tax cut. The rich may get the largest dollar benefit from the tax cuts, but the top 20 percent of household will still be paying 71.5 percent of all federal taxes in 2011.

Conservatives and liberals alike agree that Bush's tax policies have shifted more of the tax burden to the middle class. Kevin Hassett, a conservative economist with the American Enterprise Institute, said it ''makes complete sense'' that this would happen as a result of Bush's policies.

Changes such as the elimination of the estate tax and the reduction of the stock-dividend tax disproportionately benefit the wealthiest 1 percent, who have the largest amount of assets and capital. Those at the other end of the income spectrum benefit disproportionately from targeted tax cuts such as the child tax credit.

With the biggest gains going to the wealthiest and to low-income taxpayers, those in the middle inevitably get a higher tax burden because they don't qualify for the targeted tax breaks that go to the poor or the investment-related tax breaks that go to the wealthy. ''The middle class is predominantly labor income,'' Hassett said.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, it is shameful enough that the Republican leadership in Congress has chosen to gamble our children's future on a risky and unsustainable tax scheme such as the one signed into law just last week. But what is even more shameful is that the Republicans sold out the very men and women who recently fought for our country in Iraq by cutting many of them out of that tax cut.

That is right. Only hours before Congress was set to vote on President Bush's big tax giveaway, Republicans cut out provisions to expand the child tax credit for working families in order to give the President's wealthy friends a bigger tax cut. The child tax credit provisions Republicans erased would have benefited millions of working families, including many families of Americans soldiers, sailors, airmen and women just as they return from war.

This is outrageous, and my outrage grows when I hear Members of the other party's leadership suggesting that this is grounds to write another tax bill for wealthy investors and accuse us of a new welfare scheme. How can they in all honesty stand on this floor representing the United States and say that kind of thing?

Mr. Speaker, I appeal to Members to fix this problem immediately. This House vote to restore the deleted provisions that would help millions of Americans and their children is one that needs to be taken immediately, so please bring H.R. 2286 to the floor.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I have been listening with a lot of interest to this debate concerning aspects of the Jobs and Growth Act, a bill that I was happy to cosponsor. America needs jobs, needs growth, but I think some on the other side of the aisle forget where jobs come from. Jobs do not come out of this United States Congress. They do not come out of Washington, D.C., or out of the Federal Government. If we want jobs, the people who need tax relief are job creators. Often when I listen to some of the rhetoric on the other side of the aisle, it is as if these people love jobs, but they hate job creators.

Another point, tax relief ought to be for taxpayers. We have a welfare system. I decline those who would take our Tax Code and turn it into a welfare system. We already have a welfare system; and as Republicans have controlled Congress, we have managed to move people off welfare and onto work. This is an excellent debate because it shows the clear differences between the two parties. It is as if the other side will not be happy until everyone is dependent upon a government check. We will not be happy until every American has an opportunity to have a paycheck, and that is a clear difference between the two parties.

So what we need to do once again, if we want to have jobs, we need to give tax relief to job creators. If we want to be fair, we need to give tax relief to taxpayers. That is the difference here, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. I can sit and listen to a lot of this, and I have a lot of friends on the other side of the aisle. But let us be fair. These people making less than $25,000 a year get up and go to work just like you and I do every single day. They pay a payroll tax which is the highest tax paid by 82 percent of Americans. So the other side of the aisle can label us not being for tax cuts if you choose, but do not call this a welfare plan. This is a plan designed to help people who go to work day in and day out but who earn under $25,000 a year.

Mr. SESSIONS. Mr. Speaker, I would like to inquire as to the time remaining.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. SESSIONS) has 2½ minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 4¼ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I will allow the minority the opportunity to consume their time, and then I will close.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, it is unfortunate that the gentleman from Texas (Mr. HENSARLING) who had time remaining would not yield to defend his remarks. He did not have the courage to yield to the gentleman from Tennessee (Mr. FORD) who asked him to do so.

Mr. Speaker, as Americans picked up their newspapers this morning, in USA Today they could read about the controversy about Sammy Sosa or the tragedy of Martha Stewart. As they thumbed through the newspaper, they would also read something else, they would read that the child tax credit is not available to 250,000 of our veterans. One in five children in the military will not get the tax credit. Some 750,000 veterans, veterans, their children will not get this tax credit.

It is a shame. How did this happen? How did 250,000 children of active duty veterans, people fighting for this country, their children will not be eligible for the child tax credit?

Let me set the stage. It is late at night. The Republicans are arguing over tax cuts. Some people want to defend the corporations that go to Bermuda, other Members want to defend millionaires. Vice president DICK CHENEY is running between the Republican factions. It is all in the record. He is putting out fires. He has to make a decision: Do you help these veterans? Do you help these active duty people with their children, give them the tax credit? Or, Vice President CHENEY, if he does that, he will only get $93,000 in tax cuts. If he gives it to the children of hard-working American families earning under $26,000, DICK CHENEY will have to take a reduction. He will only get $88,000.

DICK CHENEY is now the chief negotiator running between the House and the Senate. He is running between the extreme position of the House, Republicans who say no tax credits for these children, and the Senate which voted to give tax credits to the children. DICK CHENEY does not know what to do. What does he do?

He decides he is going to give himself a $93,000 tax cut; and these kids, it is tough. But one would have thought, Mr. Speaker, one would have thought that a former Secretary of Defense would have just dropped off a little change to the troops, to their families and to their children, and to the veterans and their families and their children. It would not have cost DICK CHENEY much. If he just took care of the children, he would have still gotten over $90,000 a year in tax cuts. He could not see it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind the Member to refrain from making personally offensive remarks concerning the Vice President.

Mr. GEORGE MILLER of California. Mr. Speaker, I am just reporting what has been reported in the press.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from California yield for that purpose?

Mr. GEORGE MILLER of California. Yes.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, I did not hear the gentleman from California say anything personally offensive to the Vice President. I wonder when we are being told that something was personally offensive to the Vice President, what would that be? He may be more thick-skinned than you give him credit for, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California leveled an innuendo of pecuniary gain.

Mr. FRANK of Massachusetts. So the ruling is or the indication is that any suggestion that the Vice President might be interested in making money would be personally offensive?

Mr. SESSIONS. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair would need to hear the remark in context.

The gentleman from California (Mr. GEORGE MILLER) may proceed in order.

Mr. GEORGE MILLER of California. Mr. Speaker, the context is this: When the Vice President went into the room, the children of veterans and active duty service people had the tax credit. When he left the room, he had the big tax cut; they had nothing.

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

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

Mr. Speaker, I will be asking for a no vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule.

My amendment will provide that immediately after the House passes the Check Clearing for the 21st Century Act, it will take up H.R. 2286, the Working Families Tax Credit Act of 2003. The Rangel Working Families Tax Credit bill will give immediate help to more working families by providing the child tax credit to an estimated 19 million additional children. It will also help families of soldiers in combat by

extending the child tax credit to them, and it will speed up the marriage penalty relief to lower-income working couples.

□ 1145

It does not increase the deficit, not by one dime. It is entirely paid for by closing the shameful corporate loophole that allows corporations to move offshore simply to avoid paying taxes.

Let me make very clear that a ''no'' vote on the previous question will not stop the consideration of the Check Clearing for the 21st Century Act. A ''no'' vote will allow the House to vote on both the check bill and the tax fairness bill. However, a ''yes'' vote on the previous question will prevent the House from voting on this bill and the child tax credit for working families. I urge a ''no'' vote on the previous question.

The time to fix this is now. These hard-working taxpayers were left behind, deliberately cut from the tax bill in the middle of the night by the Republican leadership. That is wrong. That is also cruel. These are taxpayers. These are taxpayers. These are workers. I urge my colleagues to do the right thing. Let us come together in a bipartisan way to right a terrible wrong.

I ask unanimous consent, Mr. Speaker, that the text of the amendment and the description of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

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

We are having this debate on the rule for Check-21. It quickly went to child tax credits.

I include for the RECORD information on this from the Committee on Ways and Means.

EXAMPLES—REFUNDABILITY OF CHILD CREDIT FOR 2003

	Pre-2001 Law	2001 Law	2003 Law
EXAMPLE 1: MARRIED COUPLE EARNING $30,000 WITH 3 CHILDREN			
Tax Liability Before Credits:			
Earnings	30,000	30,000	30,000
Standard deduction	(7,950)	(7,950)	(9,500)
Personal exemptions	(15,250)	(15,250)	(15,250)
Taxable income	6,800	6,800	5,250
Marginal tax rate	15%	10%	10%
Income tax liability	1,020	680	525
Payroll tax liability	2,160	2,160	2,160
Child credit	1,500	1,800	2,475
Earned income credit	782	992	992
Tax Liability After EIC and Child Credit:			
Income tax liability	0	0	0
Payroll tax liability	898	48	0
Payment from government	0	0	782
EXAMPLE 2: SINGLE MOTHER EARNING $20,000 WITH 2 CHILDREN			
Tax Liability before Credits:			
Earnings	20,000	20,000	20,000
Standard deduction	(7,000)	(7,000)	(7,000)
Personal exemptions	(9,150)	(9,150)	(9,150)
Taxable income	3,850	3,850	3,850
Marginal tax rate	15%	10%	10%
Income tax liability	578	385	385
Payroll tax liability	1,440	1,440	1,440
Child credit	578	1,200	1,335
Earned income credit	2,888	2,888	2,888
Tax Liability After EIC and Child Credit:			
Income tax liability	0	0	0
Payroll tax liability	0	0	0
Payment from government	1,748	2,263	2,398

COMMITTEE ON WAYS AND MEANS

CHILD CREDIT REFUNDABILITY—FACT SHEET

What is a refundable credit?

Most tax credits are nonrefundable. In other words, individuals are eligible for the credit only to the extent they have income tax liability. A credit is refundable if it is payable to individuals who have no income tax liability. The ''refundable'' amount of the credit is the amount that exceeds the individual's income tax liability.

What was the child credit prior to 2001?

Prior to 2001, the child credit was $500 per eligible child. The credit was not refundable for most families. However, for families with 3 or more eligible children, the credit was refundable to the extent the family had payroll tax liability that was not offset by the Earned Income Credit (EIC).

How was the child credit expanded in 2001?

The Economic Growth and Tax Relief Reconciliation Act of 2001 significantly expanded the child credit in two important ways:

(1) The law gradually increased the credit from $500 to $1,000. The credit was $600 for 2003 and was scheduled to reach $1,000 in 2010.

(2) The law made the child credit partially refundable for all families with children—not just those with 3 or more children. The credit is now refundable by an amount equal to 10% of the family's earned income in excess of $10,000 (Families with three or more children get the greater of payroll tax liability or 10% of earning income over $10,000). The $10,000 threshold is indexed annually for inflation (it is $10,500 for 2003), and the 10% refundability rate will increase to 15% in 2005.

How was the child credit expanded in the Jobs and Growth Law of 2003?

The Jobs and Growth Tax Relief Reconciliation Act of 2003, which was signed into law on May 28, accelerates the increase in the child credit. The credit will increase from $600 per child to $1,000 per child in 2003 and 2004. In 2005, the credit will revert to its 2001 Act phase-in schedule, and the 10% refundability rate will increase to 15%.

Who will benefit from the new law?

According to the Joint Committee on Taxation, 44 million children (27 million families) will benefit from the acceleration of the increase in the child credit. Some of these children will receive larger refundable credits because of the new law.

Criticisms from the Very Liberal Center on Budget and Policy Priorities

The Center on Budget and Policy Priorities (CBPP), an extremely far left political organization, recently released a ''report'' arguing that 12 million children would receive more benefits if the new law included a provision to accelerate the increase in the refundability rate from 10% to 15%. Of this 12 million, 8 million receive no new benefits under the new child credit law and 4 million would receive higher benefits if the refundability were accelerated. However, several factors should be kept in mind.

The new tax law includes several provisions that would benefit low-income families. The expansion of the 10% tax bracket and the increase in the standard deduction for married couples are both targeted to low- and middle-income families. Plus, $10 billion in State aid was directed to Medicaid, the health care program for the poor.

The new tax law takes an additional 3 million low-income families off the tax rolls entirely.

The child credit provision in the new law tax is refundable to the extent of 10% of earned income in excess of $10,500. In 2005, the 10% rate will increase to 15%.

Accelerating the increase in the refundability rate from 10% to 15% would affect families who pay no income taxes, In fact, these families generally have negative income tax liability because they are already receiving government payments from the Earned Income Credit and the refundable child credit that was enacted in 2001.

Expanded refundability was not included in President Bush's $726 billion tax proposal; it was not included in the $50 billion tax proposal that passed the House, and it was not

included in Chairman GRASSLEY's mark. Instead, expanded refundability was added during the Senate Committee markup as a member item. With the exception of State aid, the final conference report does not include any narrow items or revenue raisers that were added in the Senate.

Expanded refundability would not benefit all children—14 million children would be left out. These children would continue to be left out because their family income is so low (less than $10,500 of earned income) that they pay no income tax and quality for many other anti-poverty programs or these families' incomes are too high (more than $75,000 of Adjusted Gross Income for single parents and $100,000 for married couples with children).

The partisan Democrats at the Center on budget and Policy Priorities vehemently opposed any tax cut of any kind during the debate on the growth bill. Now they are arguing that the tax cut wasn't large enough for families who don't pay income taxes in the first place.

Congress needs to expeditiously consider a significant expansion of the child tax credit.

Mr. Speaker, the American system which we are all a part of and which we support works. It works because we allow the free enterprise system to employ people, to have our economy work; but the tax policy that we have in this country is repressive. Too many people are paying too much in taxes and that is why we have had continuing tax relief. But in the overall system, if you just look at a book that was called ''The Myth of the Rich and Poor in America,'' which was published several years ago, it talked about 76 percent of those who were considered poor in the eighties became the middle class in the nineties. That was because here in America, we have a system, a system that is fair for people, that if they get up and go to work, as has been suggested that a number of people do, they will find in time that they will be a part of the American Dream, a system that works. I believe that the tax cut bill of the President's growths and jobs package is the right thing to do. I believe that our Check–21 bill is another example of the things that this body continues to maintain.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 256—RULE ON H.R. 1474 CHECK CLEARING FOR THE 21ST CENTURY ACT

At the end of the resolution add the following new section:

''SEC. . Immediately after disposition of the bill H.R. 1474, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2286) the Working Families Tax Credit Act of 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Chairman and ranking Minority Member of the Committee on the Ways and Means; and (2) one motion to recommit with or without instructions.''

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 198, not voting 16, as follows:

[Roll No. 243]

YEAS—220

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

NAYS—198

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

NOT VOTING—16

Burton (IN)
Carson (OK)
Cox
Dicks
Eshoo
Gephardt
Lantos
Larson (CT)
Lewis (KY)
Lofgren
McInnis
Moore
Ryan (WI)
Smith (WA)
Toomey
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1208

Mrs. LOWEY changed her vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1329

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1329.

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

There was no objection.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1474.

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

There was no objection.

CHECK CLEARING FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 256 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1474.

□ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

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

Mr. BACHUS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

(Ms. HART asked and was given permission to revise and extend her remarks.)

Ms. HART. Mr. Chairman, I rise in support of H.R. 1474.

A lot of people are not familiar with the legislation. We have been calling it ''check truncation.'' The official title is Check Clearing for the 21st Century Act. Our truncated name is Check 21.

This legislation holds the promise of a more efficient check collection system by removing legal barriers to the full utilization of new technologies. It is a win for consumers. It is a win for the financial services industry. It will empower banks to help prevent fraud. It will empower consumers to have more control over their accounts and more efficiency in the transfer of their funds.

Our current check system's legal framework has not kept up with technological advances and has constrained the efforts of many banks to use innovations like digital check imaging to improve check processing efficiency, providing improved service to customers and substantial reductions in transportation and other check processing costs.

This digital check imaging looks like a check. It simply is a copy that is transferable digitally, transferable more quickly, than a paper check. It also can be copied and utilized just like a canceled check.

It is important to implement the technological advances made in the field of payment systems so that we provide customers with expedited access to capital, to credit, yet they will be ensured that they are protected from fraud.

This legislation permits banks, credit unions and other financial institutions to truncate checks, just simply not have to transport that canceled check. It allows them to process and clear checks electronically, without moving those paper checks to clearinghouses and returning the original cancelled checks to customers.

□ 1215

The problem with the current system is that over and over these checks are processed, and it takes a lot of time. It requires physical delivery of the check from the institution of deposit through an intermediary, such as clearinghouses or the Federal Reserve Bank, to the bank of the customer who wrote the check before it can be paid. Each step of this inefficient process relies on the physical transportation of that check, resulting in billions of checks being driven or flown across the country every day.

The problem with this legal framework was highlighted in the days following the September 11 attacks when the Nation's planes were grounded, and the flow of checks transported by air came to a complete stop. During that time, the Federal Reserve's daily check float grew from its normal few hundred million dollars to over $47 billion.

Under current law, banks, credit unions, and other financial institutions are unable to truncate checks. They are only able to truncate checks if they have special arrangements with other institutions that are part of the transaction. There are over 15,000 banks, thrifts, and credit unions, and they are all negotiating separate agreements among themselves, so it is impossible to follow and keep in touch with all of those, even for the most diligent financial institution.

The way this bill would work, a Pennsylvania bank would no longer have to ship a check drawn on a California bank all the way across the country in order for it to clear, for it to be processed, and for the actual payment of the check. This is done by creating a new negotiable instrument called a substitute check.

Again, the substitute check would permit banks to truncate the original check; and it would process the information electronically, immediately, and print and deliver the substitute checks to banks and bank customers. So the customer who wishes to retain that record, such as a canceled check, would have something that looks just like it.

This shows exactly what that substitute check looks like. It looks familiar, does it not? It is just an identical copy of a canceled check.

This is the legal equivalent of the original check under our legislation. It would include all the information contained on the original check and the image of the front and back of the original check, as well as the machine-readable numbers which appear on the bottom of the check. And because the substitute check can be processed just like an original check, a bank would not need to invest in any new technology or otherwise change its current check processing operation, unless the bank chooses to update its technology.

Consumers benefit, and this is the most important part of the legislation. Customers maintain the same protections that they have with this law as they have with their original check. Reducing processing costs will result in efficiency gains and expedited services for customers. Accessing images of checks will take a fraction of the time that it currently takes to access microfilm or the physical archives or the canceled check itself. Customers will no longer have to wait for a copy of the check to be obtained from a central processing facility or the microfilm library.

Institutions that have already implemented this check imaging technology offer their customers a wide variety of ways to access these images, including in person at branches as they would today, or through the mail but also over the Internet and in image statements and advanced ATMs. So, for the customer, this is just a wonderful boost.

Customers will also benefit from the availability of check imaging to help combat fraud and the problems associated with bad checks. The ability to access check images on the Internet helps consumers to quickly and conveniently verify their transactions. They can identify potential errors. They can detect fraudulent transactions sooner, rather than waiting until the end of the month when they receive their traditional statement.

Identifying errors and potential fraud as soon as possible helps everyone. It helps the banks minimize customer inconvenience and cost. It helps control potential losses. It helps give law enforcement an advantage in tracking down the perpetrators of fraud.

Promoting this image technology can help speed processing and encourage banks to provide new and improved products and services to consumers. Financial institutions will be able to establish branches or ATMs in remote locations to further service their customers, provide more cost-effective service, provide customers with later deposit and cut-off times, and provide printed copies of checks deposited at ATMs on ATM receipts. Such changes could result in a check being credited a day earlier and interest accruing a day earlier on interest-bearing accounts. Obviously, that will make customers quite happy.

In conclusion, this is a win-win for everyone. It is a win for the industry, but it is especially a win for consumers. I encourage my colleagues to support H.R. 1474 and significantly increase the efficiency of the Nation's check clearing process.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is a very good idea. It is efficient. We make sure consumers are fully protected. I agree with just about everything everybody else is going to say today.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the sponsors for giving me an opportunity to speak.

This is clearly a bill, as the previous speaker outlined, that improves efficiency and hopefully reduces costs to banks. One thing that was not addressed in this legislation, though, is a remaining area of patent unfairness to consumers.

We all know that a check is essentially an article of faith. It is a contract between two people. From time to time, people write checks that they simply do not have the money to cover. They are penalized. They pay a fine by their bank, anywhere in the neighborhood of $15 to $25.

But what continues to be the case in this country, in many banks, in the neighborhood of about 85 percent of the big banks and about 75 percent of smaller banks, is someone who receives the check, who is already out the amount of money that they were supposed to be given, is also charged a fee, a fine. This is patently unfair. It is counterintuitive; and, frankly, it is indefensible. I think we should address this in this House.

Some of the arguments that are raised to defend the idea that the person who gets the check should be fined when someone bounces a check say that there is an added cost to banks when someone bounces a check.

This is true. It is estimated that that cost is in the neighborhood of 48 to 65 cents, depending on what study we see. It is clear that someone should be penalized for that. Frankly, we can argue it is too high, but the person who wrote the check is already getting a $20-some-odd-dollar fine.

Also, there is a relationship between all banks in the system that when there is a bounced check, if the credit union has a bounced check that they have to return to CitiBank, there is a relationship there that they exchange a few dimes to make up for that cost.

The net of all of this is the banking business makes about $6.1 billion of profits, according to 1999 numbers, just on these transactions. They cover the costs, and then industry-wide they make about $6.1 billion. So the idea that the costs are not getting covered is certainly not the case.

Secondly, some have argued that we need to have a disincentive for a merchant who is going to get a bad check. We have to incentivize them, checking vigorously to make sure they are getting it from a legitimate person.

Well, this is the silliest argument. They already have the greatest incentive of all. If they get a bad check, they are out the money or they are out the service or they are out the product that they exchange in exchange for that. That is why we all go to our local diners and we see the checks up, notices up, ''we do not accept checks from this person,'' because they definitely do not want to get snookered a second time. So the idea that they should get a $20, a $15 or $10 fine, somehow creates a disincentive is simply not the case.

A third argument made is that, well, when we are receiving a check, we should be extra vigilant. We should call up to make sure the person has the money in their account. Well, I have news, because of excellent legislation passed by the gentleman from Ohio (Mr. OXLEY) and others, we cannot do that. We cannot receive a check for $100 and call up the bank and say, listen, I have account number 1751. Do they have $100 in their account? They cannot even exchange that information, so there is no way you as the person receiving the check can avoid that fee.

Some people have said, well, the receiving banks have costs just like the issuing bank has costs. As I mentioned, those costs are already covered.

Then, finally, after we cut through all of it, I have found in my one experience with this, and some industry leaders have said, do you know what, at the end of the day if you make a stink about it, we do not charge. That is not any way to run a railroad.

Frankly, this fee, this fine, this penalty is indefensible. It does not penalize someone who does something wrong, it does not disincentivize activity in any way, and it does not encourage any type of activity that a person can protect.

One of the things we are doing here is making this transaction more efficient. The gentleman from Alabama (Mr. BACHUS) said it in the debate on the rule, do we want to improve the efficiency here? That is the rationale. But I think we also have to restore a sense of fairness. This is one open fissure in the law that I look for opportunities to address.

Now, I know that we are here under an open rule and I have the opportunity, but I would ask the gentleman from Massachusetts if perhaps there might be other opportunities to address this inequity.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman is right, we are trying in everything we have done, and I think we have accomplished that in our committee so far. The chairman has been very cooperative in promoting efficiency while protecting consumers. This bill, as I said, does do that with regard to your ability to get the check if you actually need it.

The gentleman raises a point that had not previously occurred to me that I think is a good one. I think it ought to be addressed. I would be obviously, as I have told him, very reluctant to do it now without a chance to examine it and have some hearings.

We do have pending in the process a more comprehensive bill called the Regulatory Relief Bill into which I believe this would fit. The bill passed our committee. It is being sequentially referred to the Committee on the Judiciary.

There are some important issues there, particularly including the industrial loan corporations, where we have given assurances that we are going to try and work some compromises out. So I can guarantee to the gentleman from New York (Mr. WEINER), who has raised this very important issue, that further work remains to be done on regulatory relief. I have spoken to the chairman of both the full committee and the subcommittee, and we agree that this is an issue worthy of consideration.

I would say this, whether or not we would all ultimately agree on a solution cannot be predicted. Certainly the gentleman will, I believe, have an opportunity if not to offer it today to offer it later, and I hope then to be able to offer it with a good deal more agreement.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

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

Mr. OXLEY. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, the gentleman from New York makes an excellent point. This is an issue that needs to be addressed. I think, indeed, the avenue that the gentleman from Massachusetts (Mr. FRANKS) mentioned would be

the most appropriate, as opposed to this check truncation bill. So I appreciate the gentleman's withholding the amendment until we have an opportunity to find out where it fits.

Indeed, as the regulatory relief bill works its way through the process, the gentleman would have adequate opportunity to work his amendment in that particular venue. So I appreciate the gentleman for yielding and look forward to working with him.

Mr. WEINER. Mr. Chairman, I thank the chairman and the ranking member for those words. Perhaps in the interim we could also inform some of the small business groups and advocates, who are probably the primary victims of these fees, small businesses who are in good faith accepting these things. The larger businesses, the Wal-Marts of the world, probably say to their banks, we refuse to pay them.

But this will be an opportunity. I appreciate the gentleman's willingness to give me another bite at this apple at the appropriate time.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee (Mr. FORD) be allowed to manage the remainder of our time on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee.

Mr. OXLEY. Mr. Chairman, I rise today to encourage my colleagues to support this important legislation.

I want to particularly pay my highest regards and admiration to the gentleman from Alabama (Chairman BACHUS) for working so well in a bipartisan way on this legislation; to our good friend, the gentlewoman from Pennsylvania (Ms. HART); my good friend, the gentleman from Tennessee (Mr. FORD), for being the lead Democrat to sponsor on this legislation; and the gentleman from New Jersey (Mr. FERGUSON).

This is a very important piece of legislation that modernizes the system. Just think about it. We are in many ways operating in kind of a Pony Express system today in moving checks around. Admittedly, instead of ponies, we do it by airplane.

We have found in our hearings, in our deliberations on this legislation, that the 4 days after 9/11/01 were 4 days in which nobody was flying. The checks were piling up. We process 42 billion checks in this economy every year, and the system was badly in need of modernization. I think that 4-day period pointed that out so well.

So this is really recognizing the technology that is out there.

I had an opportunity to visit NCR headquarters in Dayton, just south of my congressional district, last year. I got an eyewitness look at the new technology that is out there that allows this bill to come to fruition. It allows us to move a step forward in the check-clearing process and at the same time making us more efficient as we proceed. That is an amazing effort that can bring about a great deal of change.

So I want to encourage my colleagues to support this legislation. It is long overdue. I again thank the leaders, particularly the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), for their leadership on this issue.

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

Mr. Chairman, I thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for his leadership, as well as the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from New Jersey (Mr. FERGUSON), and all my friends on the committee and all my friends on the Democrat side.

The rule kind of got heated and spirited over another issue that probably deserves some heat and spirit, but I think this issue here is one that should enjoy relative ease as we move forward.

I thank the gentleman from Ohio (Mr. OXLEY) (for working with the gentleman from New York (Mr. WEINER) and the gentleman from Massachusetts (Mr. FRANK) in addressing what also is an important issue in how people's checks are cashed and how they may be penalized for someone else wronging them.

□ 1230

That being said, the gentlewoman from Pennsylvania (Ms. HART) has walked through in pretty good detail what this bill seeks to do. In a lot of ways, Check 21 is pretty simple in what it does. It just modernizes the Nation's check payment system and tries to keep up with all the new technologies in the 21st century.

The gentleman from Alabama (Mr. BACHUS) mentioned how many millions of dollars can flow across the continents and across the oceans with the click of a mouse and the challenge we faced 2 years ago after the tragedies of 9/11 and how this bill really tries to respond. I know some people suggested, my good friend, the gentleman from Texas (Mr. SESSIONS), suggested earlier somehow or another this would really help to decrease oil costs. I hope we are not overstating the impact of the bill, and this will help in our fight against terrorism. Perhaps it will.

But one thing can be said, it is pro-consumer. It is pro-business in a lot of ways, not only pro-business for the banks but pro-business for those institutions who electronically transfer monies and those who depend heavily on checks.

My good friend, the gentleman from Vermont (Mr. SANDERS), who deserves some thanks also on our side of the aisle for working with the gentleman from Alabama (Mr. BACHUS), in particular raised some legitimate concerns throughout the debate about checks and whether or not these substitute checks that have now been introduced as a legal equivalent will somehow or another diminish the rights of those who rely on checks heavily, particularly seniors.

Perhaps the opposite is true. Not only does this legislation not affect arrangements between banks and customers moving forward, but it will probably also allow for a cheaper, more efficient way for checks to be used. I say that because banks will actually save money on the process and will actually be able to provide a greater array of services to all of its customers, particularly those customers who may rely more on checks.

The year upwards of 60 billion checks will be written in the United States; and although, more and more people are relying on forms of electronic payments, the Fed makes clear that checks will remain an indispensable part of our financial system.

Mr. Speaker, I could go on and on about the bill, but I take 30 more seconds before yielding to the gentlewoman from New York (Mrs. MALONEY) for some comments on the bill.

We talked about check truncation, and just to be real simple about what this is, we wanted to find a way to sort of foster innovation without mandating the receipt of checks in electronic form. It is important for banks and businesses, consumers to continue to have that option of accepting checks in paper form.

Essentially, what truncation is is when information on the paper check is captured off the check and delivered electronically, instead of the paper check being presented physically. Through check truncation, paper checks are rendered into zeros and one digital signals which can move through the payment system at digital speeds.

Check 21 accomplishes this by establishing this new negotiable instrument, a substitute check which has the same legal status as original checks. The substitute checks would contain the two-face image of the original check. They would include the magnetic code at the bottom so that any bank could process them using existing equipment.

They would conform to standards for size, paper stock and the like. The substitute checks can then be used by banks and consumers in the same way as original checks.

I make one last comment about my friend from North Carolina (Mr. WATT). He and the gentleman from Alabama (Mr. DAVIS) both contributed heavily to this bill ending up as good as it has, largely because of concerns they raised about the language. But for the gentleman from North Carolina (Mr. WATT) bringing to our attention how there might have been some ambiguity regarding coverage of the Uniform Commercial Code as it relates to certain disputes between banks, we might not have tightened the language. And but for the work of the gentleman from Alabama (Mr. DAVIS), who will speak in a few minutes, the language regarding

the recredit provision, which actually is a new protection for consumers, might not have been included.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

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

Mr. Chairman, I rise in support of the Check 21 legislation that will modernize the Nation's check clearing system and benefit our constituents across the country. I thank the ranking member, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Tennessee (Mr. FORD) and the gentleman from Vermont (Mr. SANDERS), along with the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their hard work on this bill.

This legislation will increase electronic check presentment and lower the cost of check clearing, and it will make it easier for the payments system to proceed without breakdown in the event of another terrorist attack.

Today, the technology exists to allow customers to view images of checks on their own home computers so they do not have to wait until the end of the month to get their checks. This legislation complements this technology and will spur more financial institutions to offer these services to consumers.

As a practical matter, the ability of a consumer to see an electronic imagine of a check will allow them to more easily resolve disputed checks and combat fraud. The legislation also includes important consumer provisions that will allow customers to retrieve and properly debit funds.

Check truncation legislation will help prevent another post-9/11 situation where the grounding of the Nation's airplanes prevented checks from being cleared. Currently, checks that are not truncated have to be physically flown to their paying bank. With the planes grounded, massive float built up in the payment system after the terror attack and could have threatened a widespread economic interruption had flights not resumed.

Not only was this a problem after 9/11, but there is a long history of inefficiency in the transfer of checks by airplane, especially with respect to check-clearing services provided by the Federal Reserve. I have had a long interest in this issue, and I thank the sponsors of this legislation for including language in the bill that adds check transportation services to the Monetary Control Act.

I have had an interest in this issue and I thank the sponsors of the legislation for including language in the bill that adds check transportation services to the Monetary Control Act.

This provision will require the Federal Reserve the disclosure of costs related to check transportation and prevent further inefficiency.

This legislation is the product of years of work by the Federal Reserve and the Financial Services Committee. It represents contributions from many Members over the course of countless hearings.

I urge my colleagues to support the underlying bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON), who is last year's sponsor of the bill and is an original cosponsor this year.

Mr. FERGUSON. Mr. Chairman, I am pleased to be here. I certainly appreciate the chairman of the subcommittee and the chairman of the full committee for their work on this, and the ranking member of the full committee and the subcommittee and certainly my friend, the gentlewoman from Pennsylvania (Ms. HART), my friend, the gentleman from Tennessee (Mr. FORD), for their great work in sponsoring this legislation in this Congress.

I rise in support of this important legislation. It is common-sense legislation. It has garnered overwhelming support from financial institutions, from technology companies, from various trade associations, and from the Federal Reserve.

The way in which banks currently handle check transfers is totally outdated. Currently, banks are required to physically present and return original paper checks. It is a tedious process that is inefficient. It is expensive, and it is rife with potential for fraud. As a result, millions of paper checks are physically transported between banks every day. The system relies solely on uninterrupted air and ground traffic in order to ensure that checks are presented to paying banks in a timely manner.

When the horrific events of September 11 grounded all air traffic in the United States, hundreds of millions of checks did not move and the U.S. payment system was stalled, creating a situation that severely threatened our economic security. That is why the Federal Reserve, after consulting with the banking industry, technology companies, and consumer groups, submitted a proposal to Congress that would reduce the need for physical transportation of checks through increased electronic truncation.

Last Congress, I sponsored Check 21, a bill which builds on the Federal Reserves proposal and modernizes the Nation's check payments system by allowing banks to exchange checks electronically. This Congress, I am proud to be a co-sponsor of the gentlewoman from Pennsylvania's (Ms. HART) and the gentleman from Tennessee's (Mr. FORD) legislation.

Check 21 strengthens our economic security by capitalizing on existing technology to make the collection process faster and more efficient while improving customer service, access to funds, and any fraud protections. Check 21 is simply a better, more efficient way of transferring checks that takes advantage of the technology that we have at hand.

Mr. Chairman, I am pleased that we were poised to pass this legislation.

Mr. FORD. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. DAVIS), a new colleague but one who has already distinguished himself in the Congress.

Mr. DAVIS of Alabama. Mr. Chairman, I want to thank the gentleman for yielding me time.

This is somewhat of a departure from the debate of the morning and from the debate that we may have this afternoon on some issues, but it is something of a welcome departure I suspect for some of us.

The way this institution works when it is at its best is we find a way to work with the best interests of the business community and we find a way to work with the best interests of the consumer community; and if we get some efficiency out of the process, well, all the better.

This legislation is a good bill. It is outstanding legislation, and I want to compliment the leadership of this committee. I want to compliment our very able colleague, the gentlewoman from Pennsylvania (Ms. HART), as well as my good friend, my very able colleague, the gentleman from Tennessee (Mr. FORD), as well as a number of members of this committee who have contributed to taking what was a good bill and getting it to the point that it is an excellent piece of legislation.

A number of people have extolled the virtues of this bill as far as efficiencies are concerned. A number of people have extolled its virtues as far as making a system that has been something of a maze a much more comprehensible process.

I want to dwell for a minute on an act of simplification that this bill creates with respect to consumers. Right now, a good many of the people who are watching this or who are part of our districts have had the experience of looking at their bank ledgers and finding out that they have been credited for something that they did not think they wrote. A lot of people regularly run into these kinds of very small issues with the banking community, and those of us who went to law school can recall the portions of our bar books that summarize the UCC and the various protections, and they have been something of an imponderable maze.

This bill improves that. The expedited recredit provision has a number of very simple but very important features.

The first one is that if it is determined that a bank has falsely credited someone's account, within 1 day of that determination the bank must recredit the account. And there is a very specific window of time that is set to resolve a dispute. If a bank has not determined that a claim is valid within 10 business days, the bank has two options: either recrediting the lesser of the amount charged or $25 with interest being recredited and any remaining amount within 45 calendar days. That is an important act of simplification.

Another important act is that if there is an invalid claim or notice of recredit, the consumer must receive it no later than the day after the bank makes the determination. Why is that maze of words important? Because a lot of banks, Mr. Chairman, have not necessarily had the clearest or best guidance from the UCC on what to do in the very simple instance someone comes into a bank and wants to straighten out their account. This bill helps.

Another instance, we had a question during the committee process about the substitute check and a number of valid questions were raised about the meaning of the substitute check. In working with our colleagues on the other side of the aisle, we managed to clear up a lot of these ambiguities. It is now very clear that someone who may not have a substitute check in hand, that individual can still take advantage of the expedited recredit provisions. That is important in a world where paper sometimes gets lost in the mail.

So I will conclude, Mr. Chairman, by saying that this bill reflects what we can do when we are able to step outside of our partisan boxes and what we can do when we bring a little bit of common sense to the process. Again, I want to thank the leadership of the committee for bringing this to place.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I rise today in support of H.R. 1474, the Check Clearing for the 21st Century Act.

This bill, which modernizes check-clearing transactions, is a win-win for both consumers and financial institutions. Check 21 will result in fewer errors in check transactions while providing consumers with more choices.

Because of increased on-line access, consumers can now have more confidence when inquiring about the status of their personal checks, and they can receive a much quicker response from their bank.

Consumers will further benefit by the reduced cost associated with modernization of check clearing, and Check 21 ensures that banks remain fully accountable to the consumers they serve.

Mr. Chairman, the act will make banking more efficient, reduce transactional cost, provide consumers with more choices, and help our financial services industry remain preeminent in the world.

I want to thank the gentleman from Alabama (Mr. BACHUS) and my friends, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), for their leadership on this important legislation. I urge all of my colleagues to vote yes on H.R. 1474.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I rise in support of H.R. 1474, the Check Clearing for the 21st Century Act.

Every day banks assume enormous risks in order to create jobs and build opportunities. They have infused our economy with its lifeblood of capital and credit, while maintaining the health of our global economy's circulatory arteries. Nevertheless, banks still must cope with costly and antiquated laws and regulations that do not accurately reflect the realities, demands, and opportunities of today's cyber economy.

Under the current law that governs the check-clearing process, banks must physically transport checks to a recipient bank, unless an electronic exchange agreement is in place with that recipient bank.

□ 1245

This requirement is costly, time-consuming and completely unnecessary in light of the safeguards and security available through digital imaging and electronic transmission.

H.R. 1474 helps us bring our banking system into the 21st century by granting full legal standing to substitute checks which can be digital images of the front and back of the original check that contain all of the information in readable form.

This bill modernizes the check collection process enabling banks to provide customers with faster and less expensive service. Moreover, H.R. 1474 retains and enhances all of the legal protections against fraud and errors that consumers enjoy under the current system while preserving the flexibility of recipient banks to process an electronically received check in the same way they would process the original.

Mr. Chairman, I urge my colleagues to support this long overdue legislation which will play a critical role in preserving the health of our financial system and revitalizing our economy, and I applaud the leadership and the sponsors this bill.

Mr. FORD. Mr. Chairman, I yield myself the remaining time. I will consume the shortest period of time as I possibly can, Mr. Chairman.

The gentleman from New Jersey (Mr. FERGUSON), who walked off the floor, deserves a lot of credit for this, and forgive me for not mentioning him more, and obviously the gentlewoman from Pennsylvania (Ms. HART), it is her bill this go around; but the gentleman from New Jersey (Mr. FERGUSON) brought my attention to the bill, and I thank him for that.

I think all the merits of the bill have been talked about pretty extensively and maybe the more we talk we may lose what unanimous support we have. So I am not going to talk much longer other than to thank a few people.

I want to thank Roger Ferguson at the Federal Reserve, the vice chair. I want to thank Ed Hill and Grant Cole at Bank of America. I want to thank Janelle Duncan with the Consumers Union, as well as the Consumer Federation of America and the United States Public Interest Research Group, for all of their hard work. As the gentleman from Alabama (Mr. DAVIS) said, this is one bill that I think in a lot of ways can be accurately described as pro-business and pro-consumer.

I want to thank Brant Imperatore with O'Conner and Hannan, and of course, the committee staff on both sides, Erika Jeffers, who is a law school classmate, and Ken Swab and Jaime Lizarraga; as well as the gentleman from Ohio's (Mr. OXLEY) staff, Kevin MacMillan, Deena Ellis, Jim Clinger, Carter McDowell.

There were a number of groups outside of here, the Independent Community Bankers, America's Community Bankers, Credit Union National Association and many others, who contributed to making this final product as good as it is.

I ask my colleagues to support the bill.

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

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

Mr. Chairman, present law requires that checks be returned to the bank where they were originally drawn, and that way of doing business has basically been the law and the procedure in this country for over 100 years. We have technology now that makes something else possible, and that is electronic transfer, as opposed to transfer of the paper check.

What we have in our country today is an antiquated process, which is also a tedious process, which each day involves as many as 10 to 12,000 cars, trucks and airplanes returning checks when none of this is necessary.

The credit unions some 20 years ago went away from this process. They have had zero consumer complaints. The largest banks have made agreements between banks, and they have gone away from this process; but today, two-thirds of the checks still are processed in this outdated manner.

What this House has done in a bipartisan way is take a bill that has been cosponsored by two of our most able Members, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Tennessee (Mr. FORD), very aware of this issue, very knowledgeable on the issue, they have drafted this bill. The committee has looked at the bill. We have made changes to protect the consumer, slight changes. The bill as it exists today has been endorsed by the Federal Reserve, all the regulators, all the financial institutions involved, all the trade groups, consumer groups. It is a model for what this House can do when it puts aside its differences and works together for the good of the Nation as a whole.

This bill is good for customers. This bill is good for consumers. This bill is good for the economy.

We have talked about little things such as airport congestion, how this will help address that, congestion on the roadway, our energy dependence.

I want to commend, in closing, the gentleman from Ohio (Mr. OXLEY), who

has made this one of his three goals for this year to move this legislation; the gentleman from Massachusetts (Mr. FRANK), the ranking member, who identified this as necessary legislation.

My colleagues may say, well, this ought to be simple. For 20 years we tried to reform our check-clearing process. We have not been able to do it until this moment. This House today I think will take a historic step in making us more competitive in the world economy by bringing our check-clearing system up to a model for the world.

Mr. Chairman, I commend the gentleman from Tennessee (Mr. FORD) and the gentlewoman from Pennsylvania (Ms. HART).

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, before the gentleman yields back, Jim Worth, I forgot to mention him, the legislative counsel. I thank him as well.

Mr. BACHUS. That is absolutely true. Our staff worked together very closely and in a very bipartisan spirit.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong support of H.R. 1474, the Check Clearing for the 21st Century Act. I commend Representatives MELISSA HART and HAROLD FORD for introducing the legislation and for tenaciously working to ensure the legislation came to the House floor today.

I also want to thank Chairman OXLEY, Chairman BACHUS, Ranking Member FRANK and Ranking Member SANDERS for bringing this legislation to the floor today.

H.R. 1474 will modernize the nation's check payment system by allowing, but not mandating, banks to exchange checks electronically. Recognizing that not all banks have the ability to accept electronic transmission of a check, H.R. 1474 authorizes the creation of substitute checks for payment.

This substitute check would be used in place of the original paper check, and it would be a negotiable instrument. Banks that create an electronic check will be able to create a substitute check and use that for presentment to a bank that has not upgraded its system to accept electronic checks.

This legislation capitalizes on existing technology to make the current process faster and more efficient, while increasing customer service, improving access to funds and increasing antifraud measures that ensure our economic security. H.R. 1474 will decrease our check payment system's financial dependence on physically transporting checks, thus avoiding any types of delays or paralysis in the U.S. payment system that might be created by another September 11th terrorist attack.

I believe that the Committee successfully crafted very difficult and complicated recredit provisions in the legislation that address the concerns of consumer groups.

This legislation is a well-crafted bill that will provide the structure for an efficient financial payments framework to enable financial institutions to provide better customer service. I encourage my colleagues to support this legislation.

Mr. OXLEY. Mr. Chairman. I wanted to take this opportunity to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his assistance in bringing this important measure to the floor. I am inserting for the RECORD an exchange of correspondence regarding his committee's jurisdiction over the measure.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 22, 2003.

Hon. MICHAEL OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY: In recognition of the desire to expedite floor consideration of H.R. 1474, the ''Check Clearing for the 21st Century Act,'' the Committee on the Judiciary hereby waives consideration of the bill. Certain provisions of the bill relating to the litigation of claims relating to check clearing fall within the Committee on the Judiciary's Rule X jurisdiction. However, given the need to expedite this legislation, I will not seek a sequential referral based on their inclusion.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your committee report on H.R. 1474 and in the Congressional Record during consideration of H.R. 1474 on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 22, 2003.

Hon. F. JAMES SENSENBRENNER, JR.,
Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1474, the Check Clearing for the 21st Century Act.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1474

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Check Clearing for the 21st Century Act''.

(b) FINDINGS.—The Congress finds as follows:

(1) In the Expedited Funds Availability Act, enacted on August 10, 1987, the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.

(2) In that same Act, the Congress—

(A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and

(B) directed that the exercise of such authority by the Board superseded any State law, including the Uniform Commercial Code, as in effect in any State.

(3) Check truncation is no less desirable today for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.

(c) PURPOSES.—The purposes of this Act are as follows:

(1) To facilitate check truncation by authorizing substitute checks.

(2) To foster innovation in the check collection system without mandating receipt of checks in electronic form.

(3) To improve the overall efficiency of the Nation's payments system.

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT NO. 1 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. HART:

In section 1, insert ''or the 'Check 21 Act' '' before the period at the end.

Ms. HART. Mr. Chairman, this amendment is actually very brief. It is one line. It is very simple; and it is, as far as I can tell, completely noncontroversial.

The amendment simply adds another name to this legislation to the title of the bill. It will be, by this amendment, also referred to as the Check 21 Act. Everyone who has been familiar with this bill has commonly referred to it as Check-21, and this amendment simply brings clarity to that issue.

I would urge my colleagues to support the amendment.

Also, I would like to add to the thanks for the cooperation on a bipartisan basis for the bill itself as well. I would like to thank the gentleman from Ohio (Mr. OXLEY), the gentleman from Alabama (Mr. BACHUS), the ranking member as well, and also my fellow sponsors, the gentleman from Tennessee (Mr. FORD) and the gentleman from New Jersey (Mr. FERGUSON).

Everyone's cooperated well and explained this issue; but those who have not been mentioned today, those in the private sector who will be affected by this legislation have also been extremely supportive and very cooperative in working out differences that

they had during the process of moving this legislation forward, and I wish to recognize them as well. When we as the sponsors had asked them to sit down and iron some issues out, they did so and they did so very efficiently.

Mr. Chairman, I simply offer my amendment and ask for its approval, very simply adding the name Check 21 Act.

The CHAIRMAN. Does any other Member wish to speak on this amendment?

The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

The amendment was agreed to.

Mr. BACHUS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACCOUNT.—The term ''account'' means a deposit account at a bank.

(2) BANK.—The term ''bank'' means any person that is located in a State and engaged in the business of banking and includes—

(A) any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act);

(B) any Federal reserve bank;

(C) any Federal home loan bank; or

(D) to the extent it acts as a payor—

(i) the Treasury of the United States;

(ii) the United States Postal Service;

(iii) a State government; or

(iv) a unit of general local government (as defined in section 602(24) of the Expedited Funds Availability Act).

(3) BANKING TERMS.—

(A) CLAIMANT BANK.—The term ''claimant bank'' means a bank that submits a claim for recredit under section 7 to an indemnifying bank.

(B) COLLECTING BANK.—The term ''collecting bank'' means any bank handling a check for collection except the paying bank.

(C) DEPOSITARY BANK.—The term ''depositary bank'' means—

(i) the first bank to which a check is transferred, even if such bank is also the paying bank or the payee; or

(ii) a bank to which a check is transferred for deposit in an account at such bank, even if the check is physically received and indorsed first by another bank.

(D) PAYING BANK.—The term ''paying bank'' means—

(i) the bank by which a check is payable, unless the check is payable at or through another bank and is sent to the other bank for payment or collection; or

(ii) the bank at or through which a check is payable and to which the check is sent for payment or collection.

(E) RETURNING BANK.—

(i) IN GENERAL.—The term ''returning bank'' means a bank (other than the paying or depositary bank) handling a returned check or notice in lieu of return.

(ii) TREATMENT AS COLLECTING BANK.—No provision of this Act shall be construed as affecting the treatment of a returning bank as a collecting bank for purposes of section 4–202(b) of the Uniform Commercial Code.

(4) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(5) BUSINESS DAY.—The term ''business day'' has the same meaning as in section 602(3) of the Expedited Funds Availability Act.

(6) CHECK.—The term ''check''—

(A) means a draft, payable on demand and drawn on or payable through or at an office of a bank, whether or not negotiable, that is handled for forward collection or return, including a substitute check and a travelers check; and

(B) does not include a noncash item or an item payable in a medium other than United States dollars.

(7) CONSUMER.—The term ''consumer'' means an individual who—

(A) with respect to a check handled for forward collection, draws the check on a consumer account; or

(B) with respect to a check handled for return, deposits the check into, or cashes the check against, a consumer account.

(8) CONSUMER ACCOUNT.—The term ''consumer account'' has the same meaning as in section 602(10) of the Expedited Funds Availability Act.

(9) CUSTOMER.—The term ''customer'' means a person having an account with a bank.

(10) FORWARD COLLECTION.—The term ''forward collection'' means the transfer by a bank of a check to a collecting bank for settlement or the paying bank for payment.

(11) INDEMNIFYING BANK.—The term ''indemnifying bank'' means a bank that is providing an indemnity under section 5 with respect to a substitute check.

(12) MICR LINE.—The terms ''MICR line'' and ''magnetic ink character recognition line'' mean the numbers, which may include the bank routing number, account number, check number, check amount, and other information, that are printed near the bottom of a check in magnetic ink in accordance with generally applicable industry standards.

(13) NONCASH ITEM.—The term ''noncash item'' has the same meaning as in section 602(14) of the Expedited Funds Availability Act.

(14) PERSON.—The term ''person'' means a natural person, corporation, unincorporated company, partnership, government unit or instrumentality, trust, or any other entity or organization.

(15) RECONVERTING BANK.—The term ''reconverting bank'' means—

(A) the bank that creates a substitute check; or

(B) if a substitute check is created by a person other than a bank, the first bank that transfers or presents such substitute check.

(16) SUBSTITUTE CHECK.—The term ''substitute check'' means a paper reproduction of the original check that—

(A) contains an image of the front and back of the original check;

(B) bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks;

(C) conforms, in paper stock, dimension, and otherwise, with generally applicable industry standards for substitute checks; and

(D) is suitable for automated processing in the same manner as the original check.

(17) STATE.—The term ''State'' has the same meaning as in section 3(a)(3) of the Federal Deposit Insurance Act.

(18) TRUNCATE.—The term ''truncate'' means to remove an original paper check from the check collection or return process and send to a recipient, in lieu of such original paper check, a substitute check or, by agreement, information relating to the original check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without subsequent delivery of the original paper check.

(19) UNIFORM COMMERCIAL CODE.—The term ''Uniform Commercial Code'' means the Uniform Commercial Code in effect in a State.

(20) OTHER TERMS.—Unless the context requires otherwise, the terms not defined in this section shall have the same meanings as in the Uniform Commercial Code.

SEC. 3. GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS.

(a) NO AGREEMENT REQUIRED.—A person may deposit, present, or send for collection or return a substitute check without an agreement with the recipient, so long as a bank has made the warranties in section 4 with respect to such substitute check.

(b) LEGAL EQUIVALENCE.—A substitute check shall be the legal equivalent of the original check for all purposes, including any provision of any Federal or State law, and for all persons if the substitute check—

(1) accurately represents all of the information on the front and back of the original check as of the time the original check was truncated; and

(2) bears the legend: ''This is a legal copy of your check. You can use it the same way you would use the original check.''.

(c) ENDORSEMENTS.—A bank shall ensure that the substitute check for which the bank is the reconverting bank bears all endorsements applied by parties that previously handled the check (whether in electronic form or in the form of the original paper check or a substitute check) for forward collection or return.

(d) IDENTIFICATION OF RECONVERTING BANK.—A bank shall identify itself as a reconverting bank on any substitute check for which the bank is a reconverting bank so as to preserve any previous reconverting bank identifications in conformance with generally applicable industry standards.

(e) APPLICABLE LAW.—A substitute check that is the legal equivalent of the original check under subsection (b) shall be subject to any provision, including any provision relating to the protection of customers, of part 229 of title 12 of the Code of Federal Regulations, the Uniform Commercial Code, and any other applicable Federal or State law as if such substitute check were the original check, to the extent such provision of law is not inconsistent with this Act.

SEC. 4. SUBSTITUTE CHECK WARRANTIES.

A bank that transfers, presents, or returns a substitute check and receives consideration for the check warrants, as a matter of law, to the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser (regardless of whether the warrantee receives the substitute check or another paper or electronic form of the substitute check or original check) that—

(1) the substitute check meets all the requirements for legal equivalence under section 3(b); and

(2) no depositary bank, drawee, drawer, or endorser will receive presentment or return of the substitute check, the original check, or a copy or other paper or electronic version of the substitute check or original check such that the bank, drawee, drawer, or endorser will be asked to make a payment based on a check that the bank, drawee, drawer, or endorser has already paid.

SEC. 5. INDEMNITY.

(a) INDEMNITY.—A reconverting bank and each bank that subsequently transfers, presents, or returns a substitute check in any electronic or paper form, and receives consideration for such transfer, presentment, or return shall indemnify the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser, up to the amount described in subsections (b) and (c), as applicable, to the extent of any loss incurred by any recipient of a substitute check if that loss occurred

due to the receipt of a substitute check instead of the original check.

(b) INDEMNITY AMOUNT.—

(1) AMOUNT IN EVENT OF BREACH OF WARRANTY.—The amount of the indemnity under subsection (a) shall be the amount of any loss (including costs and reasonable attorney's fees and other expenses of representation) proximately caused by a breach of a warranty provided under section 4.

(2) AMOUNT IN ABSENCE OF BREACH OF WARRANTY.—In the absence of a breach of a warranty provided under section 4, the amount of the indemnity under subsection (a) shall be the sum of—

(A) the amount of any loss, up to the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation).

(c) COMPARATIVE NEGLIGENCE.—If a loss described in subsection (a) results in whole or in part from the negligence or failure to act in good faith on the part of an indemnified party, then that party's indemnification under this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that party.

(d) EFFECT OF PRODUCING ORIGINAL CHECK OR COPY.—

(1) IN GENERAL.—If the indemnifying bank produces the original check or a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated) or is otherwise sufficient to determine whether or not a claim is valid, the indemnifying bank shall—

(A) be liable under this section only for losses covered by the indemnity that are incurred up to the time the original check or such copy is provided to the indemnified party; and

(B) have a right to the return of any funds the bank has paid under the indemnity in excess of those losses.

(2) COORDINATION OF INDEMNITY WITH IMPLIED WARRANTY.—The production of the original check, a substitute check, or a copy under paragraph (1) by an indemnifying bank shall not absolve the bank from any liability on a warranty established under this Act or any other provision of law.

(e) SUBROGATION OF RIGHTS.—

(1) IN GENERAL.—Each indemnifying bank shall be subrogated to the rights of any indemnified party to the extent of the indemnity.

(2) RECOVERY UNDER WARRANTY.—A bank that indemnifies a party under this section may attempt to recover from another party based on a warranty or other claim.

(3) DUTY OF INDEMNIFIED PARTY.—Each indemnified party shall have a duty to comply with all reasonable requests for assistance from an indemnifying bank in connection with any claim the indemnifying bank brings against a warrantor or other party related to a check that forms the basis for the indemnification.

SEC. 6. EXPEDITED RECREDIT FOR CONSUMERS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A consumer may make a claim for expedited recredit from the bank that holds the account of the consumer with respect to a substitute check, if the consumer asserts in good faith that—

(A) the bank charged the consumer's account for a substitute check that was provided to the consumer;

(B) either—

(i) the check was not properly charged to the consumer's account; or

(ii) the consumer has a warranty claim with respect to such substitute check;

(C) the consumer suffered a resulting loss; and

(D) the production of the original check or a better copy of the original check is necessary to determine the validity of any claim described in subparagraph (B).

(2) 30-DAY PERIOD.—Any claim under paragraph (1) with respect to a consumer account may be submitted by a consumer before the end of the 30-day period beginning on the later of—

(A) the date on which the consumer receives the periodic statement of account for such account which contains information concerning the transaction giving rise to the claim; or

(B) the date the substitute check is made available to the consumer.

(3) EXTENSION UNDER EXTENUATING CIRCUMSTANCES.—If the consumer's ability to submit the claim within the 30-day period under paragraph (2) is delayed due to extenuating circumstances, including extended travel or the illness of the consumer, the 30-day period shall be extended for a total not to exceed 30 additional days.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim for an expedited recredit under subsection (a) with respect to a substitute check, the consumer shall provide to the bank that holds the account of such consumer—

(A) a description of the claim, including an explanation of—

(i) why the substitute check was not properly charged to the consumer's account; or

(ii) the warranty claim with respect to such check;

(B) a statement that the consumer suffered a loss and an estimate of the amount of the loss;

(C) the reason why production of the original check or a better copy of the original check is necessary to determine the validity of the charge to the consumer's account or the warranty claim; and

(D) sufficient information to identify the substitute check and to investigate the claim.

(2) CLAIM IN WRITING.—The bank holding the consumer account that is the subject of a claim by the consumer under subsection (a) may, in the discretion of the bank, require the consumer to submit the information required under paragraph (1) in writing.

(c) RECREDIT TO CONSUMER.—

(1) CONDITIONS FOR RECREDIT.—The bank shall recredit a consumer account in accordance with paragraph (2) for the amount of a substitute check that was charged against the consumer account if—

(A) a consumer submits a claim to the bank with respect to that substitute check that meets the requirement of subsection (b); and

(B) the bank has not provided to the consumer the original check, a substitute check, or a copy of the original check and demonstrates that the substitute check was properly charged to the consumer's account.

(2) TIMING OF RECREDIT.—

(A) IN GENERAL.—The bank shall recredit the consumer's account for the amount described in paragraph (1) no later than the end of the business day following the business day on which the bank determines the consumer's claim is valid.

(B) RECREDIT PENDING INVESTIGATION.—If the bank has not yet determined that the consumer's claim is valid before the end of the 10th business day after the business day on which the consumer submitted the claim, the bank shall recredit the consumer's account for—

(i) the lesser of the amount of the substitute check that was charged against the consumer account, or $2,500, together with interest if the account is an interest-bearing account, no later than the end of such 10th business day; and

(ii) the remaining amount of the substitute check that was charged against the consumer account, if any, together with interest if the account is an interest-bearing account, not later than the 45th calendar day following the business day on which the consumer submits the claim.

(d) AVAILABILITY OF RECREDIT.—

(1) NEXT BUSINESS DAY AVAILABILITY.—Except as provided in paragraph (2), a bank that provides a recredit to a consumer account under subsection (c) shall make the recredited funds available for withdrawal by the consumer by the start of the next business day after the business day on which the bank recredits the consumer's account under subsection (c).

(2) SAFEGUARD EXCEPTIONS.—A bank may delay availability to a consumer of a recredit provided under subsection (c)(2)(B)(i) until the start of either the business day following the business day on which the bank determines that the consumer's claim is valid or the 45th calendar day following the business day on which the consumer submits a claim for such recredit in accordance with subsection (b), whichever is earlier, in any of the following circumstances:

(A) NEW ACCOUNTS.—The claim is made during the 30-day period beginning on the business day the consumer account was established.

(B) REPEATED OVERDRAFTS.—Without regard to the charge that is the subject of the claim for which the recredit was made—

(i) on 6 or more business days during the 6-month period ending on the date on which the consumer submits the claim, the balance in the consumer account was negative or would have become negative if checks or other charges to the account had been paid; or

(ii) on 2 or more business days during such 6-month period, the balance in the consumer account was negative or would have become negative in the amount of $5,000 or more if checks or other charges to the account had been paid.

(C) PREVENTION OF FRAUD LOSSES.—The bank has reasonable cause to believe that the claim is fraudulent, based on facts (other than the fact that the check in question or the consumer is of a particular class) that would cause a well-grounded belief in the mind of a reasonable person that the claim is fraudulent.

(3) OVERDRAFT FEES.—No bank that, in accordance with paragraph (2), delays the availability of a recredit under subsection (c) to any consumer account may impose any overdraft fees with respect to drafts drawn by the consumer on such recredited amount before the end of the 5-day period beginning on the date notice of the delay in the availability of such amount is sent by the bank to the consumer.

(e) REVERSAL OF RECREDIT.—A bank may reverse a recredit to a consumer account if the bank—

(1) determines that a substitute check for which the bank recredited a consumer account under subsection (c) was in fact properly charged to the consumer account; and

(2) notifies the consumer in accordance with subsection (f)(3).

(f) NOTICE TO CONSUMER.—

(1) NOTICE IF CONSUMER CLAIM NOT VALID.—If a bank determines that a substitute check subject to the consumer's claim was in fact properly charged to the consumer's account, the bank shall send to the consumer, no later than the business day following the business day on which the bank makes a determination—

(A) the original check or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine whether or not the consumer's claim is valid; and

(B) an explanation of the basis for the determination by the bank that the substitute check was properly charged, including copies of any information or documents on which the bank relied in making the determination.

(2) NOTICE OF RECREDIT.—If a bank recredits a consumer account under subsection (c), the bank shall send to the consumer, no later than the business day following the business day on which the bank makes the recredit, a notice of—

(A) the amount of the recredit; and

(B) the date the recredited funds will be available for withdrawal.

(3) NOTICE OF REVERSAL OF RECREDIT.—In addition to the notice required under paragraph

(1), if a bank reverses a recredited amount under subsection (e), the bank shall send to the consumer, no later than the business day following the business day on which the bank reverses the recredit, a notice of—

(A) the amount of the reversal; and

(B) the date the recredit was reversed.

(4) MODE OF DELIVERY.—A notice described in this subsection shall be delivered by United States mail or by any other means through which the consumer has agreed to receive account information.

(g) OTHER CLAIMS NOT AFFECTED.—Providing a recredit in accordance with this section shall not absolve the bank from liability for a claim made under any other law, such as a claim for wrongful dishonor under the Uniform Commercial Code, or from liability for additional damages under section 5 or 9.

(h) CLARIFICATION CONCERNING CONSUMER POSSESSION.—A consumer who was provided a substitute check may make a claim for an expedited recredit under this section with regard to a transaction involving the substitute check whether or not the consumer is in possession of the substitute check.

(i) SCOPE OF APPLICATION.—This section shall only apply to customers who are consumers.

SEC. 7. EXPEDITED RECREDIT PROCEDURES FOR BANKS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A bank may make a claim against an indemnifying bank for expedited recredit for which that bank is indemnified if—

(A) the claimant bank (or a bank that the claimant bank has indemnified) has received a claim for expedited recredit from a consumer under section 6 with respect to a substitute check or would have been subject to such a claim had the consumer's account been charged;

(B) the claimant bank has suffered a resulting loss or is obligated to recredit a consumer account under section 6 with respect to such substitute check; and

(C) production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the customer account or any warranty claim connected with such substitute check.

(2) 120-DAY PERIOD.—Any claim under paragraph (1) may be submitted by the claimant bank to an indemnifying bank before the end of the 120-day beginning on the date of the transaction that gave rise to the claim.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim under subsection (a) for an expedited recredit relating to a substitute check, the claimant bank shall send to the indemnifying bank—

(A) a description of—

(i) the claim, including an explanation of why the substitute check cannot be properly charged to the consumer account; or

(ii) the warranty claim;

(B) a statement that the claimant bank has suffered a loss or is obligated to recredit the consumer's account under section 6, together with an estimate of the amount of the loss or recredit;

(C) the reason why production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the consumer account or the warranty claim; and

(D) information sufficient for the indemnifying bank to identify the substitute check and to investigate the claim.

(2) REQUIREMENTS RELATING TO COPIES OF SUBSTITUTE CHECKS.—If the information submitted by a claimant bank pursuant to paragraph (1) in connection with a claim for an expedited recredit includes a copy of any substitute check for which any such claim is made, the claimant bank shall take reasonable steps to ensure that any such copy cannot be—

(A) mistaken for the legal equivalent of the check under section 3(b); or

(B) sent or handled by any bank, including the indemnifying bank, as a forward collection or returned check.

(3) CLAIM IN WRITING.—An indemnifying bank may, in the bank's discretion, require the claimant bank to submit in writing the information required by paragraph (1), including a copy of the written claim, if any, that the consumer submitted in accordance with section 6(b).

(c) RECREDIT BY INDEMNIFYING BANK.—

(1) PROMPT ACTION REQUIRED.—No later than 10 business days after the business day on which an indemnifying bank receives a claim under subsection (a) from a claimant bank with respect to a substitute check, the indemnifying bank shall—

(A) provide, to the claimant bank, the original check (with respect to such substitute check) or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine the bank's claim is not valid; and

(B) recredit the claimant bank for the amount of the claim up to the amount of the substitute check, plus interest if applicable; or

(C) provide information to the claimant bank as to why the indemnifying bank is not obligated to comply with subparagraph (A) or (B).

(2) RECREDIT DOES NOT ABROGATE OTHER LIABILITIES.—Providing a recredit under this subsection to a claimant bank with respect to a substitute check shall not absolve the indemnifying bank from liability for claims brought under any other law or from additional damages under section 5 or 9 with respect to such check.

(3) REFUND TO INDEMNIFYING BANK.—If a claimant bank reverses, in accordance with section 6(e), a recredit previously made to a consumer account under section 6(c), or otherwise receives a credit or recredit with regard to such substitute check, the claimant bank shall promptly refund to any indemnifying bank any amount previously advanced by the indemnifying bank in connection with such substitute check.

(d) PRODUCTION OF ORIGINAL CHECK OR A SUFFICIENT COPY GOVERNED BY SECTION 5(d).—If the indemnifying bank provides the claimant bank with the original check or a copy of the original check (including an image or a substitute check) under subsection (c)(1)(A), section 5(d) shall govern any right of the indemnifying bank to any repayment of any funds the indemnifying bank has recredited to the claimant bank pursuant to subsection (c).

SEC. 8. DELAYS IN AN EMERGENCY.

Delay by a bank beyond the time limits prescribed or permitted by this Act is excused if the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of a bank and if the bank uses such diligence as the circumstances require.

SEC. 9. MEASURE OF DAMAGES.

(a) LIABILITY.—

(1) IN GENERAL.—Except as provided in section 5, any person who, in connection with a substitute check, breaches any warranty under this Act or fails to comply with any requirement imposed by, or regulation prescribed pursuant to, this Act with respect to any other person shall be liable to such person in an amount equal to the sum of—

(A) the lesser of—

(i) the amount of the loss suffered by the other person as a result of the breach or failure; or

(ii) the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) OFFSET OF RECREDITS.—The amount of damages any person receives under paragraph (1), if any, shall be reduced by the amount, if any, that the claimant receives and retains as a recredit under section 6 or 7.

(b) COMPARATIVE NEGLIGENCE.—If a person incurs damages that resulted in whole or in part from the negligence or failure of that person to act in good faith, then the amount of any liability due to that person under subsection (a) shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

SEC. 10. STATUTE OF LIMITATIONS AND NOTICE OF CLAIM.

(a) ACTIONS UNDER THIS ACT.—

(1) IN GENERAL.—An action to enforce a claim under this Act may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the cause of action accrues.

(2) ACCRUAL.—A cause of action accrues as of the date the injured party first learns, or by which such person reasonably should have learned, of the facts and circumstances giving rise to the cause of action.

(b) DISCHARGE OF CLAIMS.—Except as provided in subsection (c), unless a person gives notice of a claim to the indemnifying or warranting bank within 30 days after the person has reason to know of the claim and the identity of the indemnifying or warranting bank, the indemnifying or warranting bank is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(c) NOTICE OF CLAIM BY CONSUMER.—A timely claim by a consumer under section 6 for expedited recredit constitutes timely notice of a claim by the consumer for purposes of subsection (b).

SEC. 11. CONSUMER AWARENESS.

(a) IN GENERAL.—Each bank shall provide, in accordance with subsection (b), a brief notice about substitute checks that describes—

(1) the process of check substitution and how the process may be different than the check clearing process with which the consumer may be familiar; and

(2) a description of the consumer recredit rights established under section 6 when a consumer believes in good faith that a substitute check was not properly charged to the consumer's account.

(b) DISTRIBUTION.—

(1) EXISTING CUSTOMERS.—With respect to consumers that are customers of a bank on the effective date of this Act, a bank shall provide the notice described in subsection (a) to each such consumer no later than the first regularly scheduled communication with the consumer after the effective date of this Act.

(2) NEW ACCOUNT HOLDERS.—A bank shall provide the notice described in subsection (a) to each consumer, other than existing customers referred to in paragraph (1), at the time at which the customer relationship is initiated.

(3) MODE OF DELIVERY.—A bank may send the notices required by this subsection by United States mail or by any other means through which the consumer has agreed to receive account information.

(c) MODEL LANGUAGE.—

(1) IN GENERAL.—No later than 1 year after the date of enactment of this Act, the Board shall publish model forms and clauses that a depository institution may use to describe each of the elements required by subsection (a).

(2) SAFE HARBOR.—A bank shall be treated as being in compliance with the requirements of subsection (a) if the bank's substitute check notice uses a model form or clause published by the Board and such model form or clause accurately describes the bank's policies and practices. A bank may delete any information in the model form or clause that is not required by this Act or rearrange the format.

(3) USE OF MODEL LANGUAGE NOT REQUIRED.—This section shall not be construed as requiring any bank to use a model form or clause that the Board prepares under this subsection.

SEC. 12. EFFECT ON OTHER LAW.

This Act shall supersede any provision of Federal or State law, including the Uniform Commercial Code, that is inconsistent with this Act, but only to the extent of the inconsistency.

SEC. 13. VARIATION BY AGREEMENT.

(a) SECTION 7.—Any provision of section 7 may be varied by agreement of the banks involved.

(b) NO OTHER PROVISIONS MAY BE VARIED.—Except as provided in subsection (a), no provision of this Act may be varied by agreement of any person or persons.

SEC. 14. REGULATIONS.

(a) IN GENERAL.—The Board may, by regulation, clarify or otherwise implement the provisions of this Act or may modify the requirements imposed by this Act with respect to substitute checks to further the purposes of this Act, including reducing risk, accommodating technological or other developments, and alleviating undue compliance burdens.

(b) BOARD MONITORING OF CHECK COLLECTION AND RETURN PROCESS; ADJUSTMENT OF TIME PERIODS.—

(1) MONITORING OF CHECK COLLECTION AND RETURN PROCESS.—The Board shall monitor the extent to which—

(A) original checks are converted to substitute checks in the check collection and return process, and

(B) checks are collected and returned electronically rather than in paper form.

(2) ADJUSTMENT OF TIME PERIODS.—The Board shall exercise the Board's authority under section 603(d)(1) of the Expedited Funds Availability Act to reduce the time periods applicable under subsections (b) and (e) of section 603 of such Act for making funds available for withdrawal, when warranted.

(c) PUBLICATION OF SCHEDULE BY BOARD FOR CHECK TRANSPORTATION SERVICES.—Section 11A(b) of the Federal Reserve Act (12 U.S.C. 248a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) check transportation services; and''.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect at the end of the 18-month period beginning on the date of the enactment of this Act, except as otherwise specifically provided in this Act.

The CHAIRMAN. Are there any further amendments?

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ADERHOLT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, pursuant to House Resolution 256, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. 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.

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

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

Mr. DREIER. Mr. Speaker, pursuant to the order of the House yesterday, I call up the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 190 is as follows:

H. CON. RES. 190

Whereas the Government must be able to function during emergencies in a manner that gives confidence and security to the American people; and

Whereas the Government must ensure the continuation of congressional operations, including procedures for replacing Members, in the aftermath of a catastrophic attack: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) there is hereby established a joint committee composed of 20 members as follows:

(1) 10 Members of the House of Representatives as follows: 5 from the majority party to be appointed by the Speaker of the House, including the chairman of the Committee on Rules, who shall serve as co-chairman, and 5 from the minority party to be appointed by the Speaker of the House (after consultation with the Minority Leader); and

(2) 10 Members of the Senate as follows: 5 from the majority party, including the chairman of the Committee on Rules and Administration, who shall serve as co-chairman, and 5 from the minority party, to be appointed by the Majority Leader of the Senate (after consultation with the Minority Leader).

A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

(b)(1) The joint committee shall make a full study and review of the procedures which should be adopted by the House of Representatives, the Senate, and the Congress for the purpose of (A) ensuring the continuity and authority of Congress during times of crisis, (B) improving congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis, and (C) enhancing the ability of each chamber to cooperate effectively with the other body on major and consequential issues related to homeland security.

(2) No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively.

(3) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint committee.

(4) The joint committee shall submit to the Speaker of the House of Representatives and to the Majority Leader of the Senate an interim report not later than January 31, 2004, and a final report not later than May 31, 2004, of the results of such study and review.

(c) The joint committee shall cease to exist no later than May 31, 2004.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of Wednesday, June 4, 2003, the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) each will control 30 minutes.

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

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

Mr. Speaker, let me begin by expressing my appreciation to Speaker HASTERT for his leadership on this very important issue of the continuity of the Congress.

H. Con. Res. 190 creates a joint committee of the House and Senate for systematic review of what congressional procedures, coordination, devices and leadership are necessary to handle a time of national crisis. Today, Mr. Speaker, we act to assure the American people that there will be continuing representation and congressional operations in the face of any catastrophe.

For a number of months, I have been considering the continuity of Congress, homeland security, and what measures we need to have in place to make sure that this institution functions in a time of crisis. I am pleased today to bring before the House a measure which has been sponsored by all 13 members of the Committee on Rules, Democrats and Republicans.

□ 1300

Mr. Speaker, only on a few occasions in the past have we acted to establish bicameral, bipartisan panels to review the structure and the functioning of this institution. The last time we did so was a decade ago, back in 1993, and I was privileged to be a cochairman of

what was called the 1993 Joint Committee on the Organization of Congress.

Now, since the terrorist attacks of September 11, 2001, our perception of national priorities clearly has gone through dramatic changes. Congress's initial response to the act of terrorism included establishing the Department of Homeland Security, our Select Committee on Homeland Security; H. Con. Res. 1, which established the opportunity for the Speaker to have an alternative place and designation for us to meet; the task force that was put into place, led by the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. FROST), and my colleague, the gentleman from California (Mr. COX); and, obviously, within the Committee on Appropriations, the Subcommittee on Homeland Security.

Let me take a moment, Mr. Speaker, to praise the work of my friends, the gentleman from California (Mr. COX), the gentleman from Texas (Mr. FROST), and the other Members who contributed to the thinking that went into the continuity of Congress issue as well as the security of this institution. I also want to extend my congratulations to the Continuity of Government Commission on their work. But I do believe, Mr. Speaker, that more needs to be done, and we need to take a close look at all of those things that have been proposed from a wide range of different sources.

The Presidency has been transferred in critical situations on numerous occasions: war, assassination, and impeachment. But only two or three times in our Nation's history have emergencies tested the ability of the United States Congress to conduct its business under extreme circumstances. Accordingly, Mr. Speaker, Congress should undertake a thorough review of House and Senate rules, joint rules, and other related matters to ensure the functioning of Congress in the event of any catastrophe.

Mr. Speaker, the two Chambers, of course, do have formal and informal devices to bring Representatives and Senators together. We, of course, have conference committees, we have bicameral leadership meetings, but these mechanisms for bicameral organization are typically on an ad hoc basis and they address the legislative and political dynamics of questions that are out there. We have no formal structure in place to jointly address how we would deal with things in the case of an emergency.

Passage of H. Con. Res. 190 would inaugurate a special joint committee study of the ways we can ensure that the structures, procedures and lines of communication between the two Chambers are effectively organized and coordinated so that the legislative branch can fulfill its very important constitutional duties during times of crisis. Specifically, the concurrent resolution establishes a committee of 20 Members, equally divided by Chamber and party. The Speaker and the Senate majority leader would appoint the co-chairman of the joint committee as well as the other Members after consultation with the respective minority leaders. The joint committee is to issue an interim report by January 31 of 2004 and a final report by May 31 of 2004, roughly a year from now.

Among the specific topics the joint committee could consider are continuity of Congress and joint processes and procedures for consideration of homeland security legislation during times of national crisis. Now, Mr. Speaker, I am not wedded to any particular issue. If I am selected to serve on the joint committee, I want to hear from other chairmen and Members about their ideas, including what are we going to be legislating on during a crisis, what do we need to have in place procedurally to deal with this, do we have the proper funding mechanisms in place, and how can we address special elections in order to assure a quorum.

I would like to take a moment, Mr. Speaker, to address the proposals of a constitutional amendment that are out there. I want to say that we had an interesting exchange yesterday in the Subcommittee on Technology and the House of the Committee on Rules, chaired by the gentleman from Georgia (Mr. LINDER), in which we discussed this. I know there are some people who have come out strongly in favor of amending the Constitution. I am one who is very hesitant to move in the direction of an amendment to the Constitution. I will say that while I keep an open mind, I have yet to be convinced that that is the right thing to do. But I will listen and, clearly, be open to arguments that are there. I do think it is only fair for me to let it be known that I do have strong feelings about that issue myself.

Mr. Speaker, I do believe that it is time for us to step forward and take this action. It has been nearly 2 years since September 11 of 2001. We have had a lot of input and a lot of recommendations. We just had yesterday the report come forward from this commission. We obviously will expend time and energy looking at that. So I think that this, as the greatest deliberative body known to man, is now poised to deliberate over these very, very serious, important questions that are over our heads regarding the question of our governance during times of crisis.

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

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

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

Mr. FROST. Mr. Speaker, H. Con. Res. 190 creates a bipartisan and bicameral committee to study what new rules, laws, regulations, or constitutional remedies might be needed to assure the continuity of the Congress in the event of a catastrophic event. This resolution moves forward the discussions that began in the wake of the September 11, 2001, terrorist attacks on this country. On that day, what had been unthinkable happened. On that day, amidst the carnage in New York, at the Pentagon, and in a field in Pennsylvania, the whole notion that this country is immune from terrorist attacks was destroyed in a matter of minutes.

One of the potential targets of the terrorists that day was this building, the seat of our government and the greatest symbol of our democracy. Had those enemies of democracy succeeded, our representative democracy might have been thrown into chaos if a large number of Members of the House of Representatives had been killed, injured, or otherwise incapacitated. The simple fact is that the framers provided only for direct election of House Members, and there is nothing in law that would facilitate speedy replacement of Members of the House in the eventuality of a catastrophic event.

September 11 provided a rude awakening in so many ways, but it is the duty of this body to find a remedy for the aftermath of a potential attack on this institution. This is a weighty matter, one that goes to the heart of representative democracy in this country. On the one hand, we want to ensure the stability of the legislative branch in the wake of such an attack. On the other hand, we should all understand the importance of preserving the unique character of membership in the House of Representatives, foundations that have not changed since the adoption of the Constitution over 214 years ago.

In the last Congress, I cochaired, with the gentleman from California (Mr. COX), a bipartisan working group which began serious discussions on what remedies might be available to the House in the event that a large number of Members were missing, killed, injured, or incapacitated following an attack on this building or any other location where a group of Members might be gathered. We had serious and thoughtful discussions that resulted in three simple rules changes that would aid the Speaker in convening this body in the event of a catastrophic event. Those rules changes were made part of the rules of the House last January.

But it is very important that every Member understand that we cannot embark on these further discussions without an open mind on the issue of whether or not a constitutional amendment is necessary in order to allow this body to continue to function in the event that many, most, or all of us are killed or missing or incapacitated. The Continuity of Government Commission, cochaired by Lloyd Cutler and former Senator Alan Simpson, yesterday released their report and in it recommended the adoption of a constitutional amendment that would allow the Congress to provide for these

eventualities by statute or other means.

We have to understand the simple fact that the framers intended for this body to be the arm of the Federal Government closest to the people. For that reason, this body is the only body that requires direct election of all of its Members. As we all know, it takes a number of months to conduct elections; and if this body has lost large numbers of Members, I believe it is essential that the American public have confidence that every part of its government is up to the task of responding to a national emergency.

Let me state this in the strongest possible terms. It would be a colossal waste of the time of the Congress if Members of this new joint committee go into this process with a closed mind on the issue of a constitutional amendment authorizing appointment or replacement of Members in time of crisis. We must have every option on the table; and we have to be willing, both on the joint committee and in this body, to explore the issues, pose the questions, and find the answers. For the sake of the country and for the sake of the stability of the people's House, we must all be willing to undertake this task. Our work last year was a positive first step; but we have a solemn responsibility to make sure that every option is considered, and it is important that the House work with the Senate to ensure that the entire Congress have a plan to respond to a national emergency.

I want to commend Chairman COX for his work on this issue in the 107th Congress and thank my friend, the gentleman from California (Mr. DREIER), for bringing the issue to the fore this year. This is a matter of such importance and such gravity that we must all devote considerable energies to it. We must be open, we must be nonpartisan, and we must always have in mind that this democracy is resilient, responsible, and ready to meet every challenge. So must we be.

I want to read from the resolution one section which underscores the bipartisan nature of this undertaking. This is section (b)(2), appearing on page 3: ''No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively.''

Now, Mr. Speaker, what does that mean? Well, there are five Republicans from the House and five Democrats from the House on this joint committee; five Republicans from the Senate and five Democrats from the Senate. So that the five Republicans, acting on their own, cannot make any recommendations in the House; and the five Democrats, acting on their own, cannot make any recommendations. Each party has a veto. And, quite frankly, that is exactly the way it should be, that only upon agreement of a majority of the 10 Members from the House and a majority of the 10 Members from the Senate will we be able to recommend anything back to this body.

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

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I would just like to say that again we looked at this modeling it after the Joint Committee on the Organization of Congress from 1993; and I want to congratulate the now minority, then majority, for in fact putting into place a structure whereby we would in fact ensure that in moving ahead it must be done in a bipartisan way.

These issues that we are going to be addressing, Mr. Speaker, are of such gravity that it is important that just as we are here to get total agreement today with the establishment of this joint committee, that as we come forward with our recommendations that we in the same way have the kind of bipartisan agreement that will be necessary.

Mr. FROST. Reclaiming my time, Mr. Speaker, this is different from the way we normally operate in the House of Representatives. Normally, a simple majority, which can be constituted entirely on the majority's side, on the Republican side, could prevail on any issue. We are choosing to adopt a different set of rules for this proceeding, and that is exactly the way we should be handling this matter to guarantee that one party will not be able to dictate the outcome on matters of this magnitude.

I want to thank the majority party for agreeing to that and for moving forward with this very important resolution. This is a matter that I personally have spent a lot of my time on over the last year, but it would not be possible to move forward at this point had the majority party not been willing to do so. And I thank them on behalf of the minority, and I thank them on behalf of the country for their willingness to do this.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to express my appreciation to my friend, the gentleman from Texas (Mr. FROST), for his very kind and supportive words on this important issue as we proceed with this very weighty matter. As I mentioned in my opening remarks, we yesterday held a hearing of the Subcommittee on Technology and the House, chaired very ably by our friend, the gentleman from Atlanta, Georgia (Mr. LINDER).

Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Georgia (Mr. LINDER).

□ 1315

Mr. LINDER. Mr. Speaker, I rise in strong support of House Concurrent Resolution 190 to establish a joint committee to review House and Senate rules, joint rules, and any additional issues of importance pertaining to the continuity and security of congressional operations. The Rules Subcommittee held a hearing yesterday to hear testimony from the chairman of the Committee on Rules and our ranking minority member, the sponsors of this proposed joint committee. It is a serious proposal. It is timely, and the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) deserve great credit for their leadership on this issue.

We are considering this kind of procedural proposal here today because any review of our parliamentary rules and procedures must now be evaluated in a post-September 11 atmosphere that incorporated once implausible circumstances into how the legislative branch will operate. Following the horrendous acts of terrorism perpetrated on the American people on September 11, our Nation realized it had entered into a new era in which liberty and freedom would be under attack from a new kind of enemy. Those of us representing the American people in this Chamber also rededicated ourselves to meet our obligation to act for the protection of our citizens and the institutions that govern them.

As a result, it is imperative that the Federal Government be in the most effective position to protect the American public, and the most visible sign of our Nation meeting this obligation has revealed itself in our efforts to find and eliminate enemies at home and abroad. It is also our obligation to ensure that the continuity of our representational government continues.

The House took action on the opening day of this Congress to implement some appropriate institutional mechanisms in case of an emergency. In light of the critical nature of the considerable responsibilities of the United States Congress, the time is right to continue to reevaluate our procedural requirements that affect the manner in which our legislative duties will be conducted in the House and Senate in an emergency.

Mr. Speaker, the mission of this joint committee will be to undertake a comprehensive review of House and Senate procedures, one, to ensure the continuity and authority of Congress during times of crisis; two, to improve congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis; and, three, to enhance the ability of each Chamber to cooperative effectively with the other body on major and consequential issues related to homeland security.

By passing this concurrent resolution today, we put the wheels in motion for an internal assessment to help ensure the continuity and security of congressional operations. This represents a serious step in the right direction for modernizing congressional procedures, elevating parliamentary preparedness, and having the House and Senate think about what needs to be done to ensure

the legislative's branch continued viability in the face of any emergency situation.

I thank the House leadership for recognizing the importance of these security and continuity of operations matters and for swiftly advancing this proposal to the House floor. I urge unanimous support for this bipartisan proposal.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, people viewing this may be curious as to why it is necessary that we consider this matter, other than the obvious that the gentleman from California (Mr. DREIER) and I have stated.

Under the current precedents and under the current judicial interpretation of the precedents of the House, a quorum is a majority of those sworn and living. If we only have five Members survive, three Members would be a quorum, and business could be conducted. The difficulty of that would be whether the country would have any confidence in legislation enacted by only five Members.

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

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue and also the leadership of the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

What we are about here is about as serious as it gets. We are contemplating the possibility that everyone in this building and most of the Federal Government officials in this city would be killed. It is not pleasant to contemplate, but I view it as a sign of the strength of this great democratic Republic that we are able to contemplate it because what we are saying is this: We are proud to have been elected and serve in this great body, but there is something bigger than us as individuals. There is an institution that we love and hold dear called the House of Representatives that assures the people of our States and our districts that they will have a voice in the Federal Government as it deliberates the most weighty matters that come before this Nation.

Should we all be killed and not have a mechanism to replace this institution, we would leave this great Nation, indeed the world, without the system that has served us so well, the system of checks and balances to ensure that a self-appointed executive would not emerge with no checks and balances, to ensure that an unelected Cabinet member could not exercise extra constitutional powers without the checks of a representative body. That is what we are about.

The gentleman from California (Mr. COX) has done an outstanding job, along with the gentleman from Texas (Mr. FROST) on the working group. Norm Ornstein is certainly to be credited, as is Tom Mann for the gift they gave this body yesterday with the Commission on Continuity. But we have important work to do. It is now almost 2 years since September 11 happened. We just lack a few months from that tragic date. In this time, we have the opportunity to ensure the continuity of this great body. I hope we will act on that.

The entire Constitution was written over the course of a few months by very wise individuals who got together and, as this select committee will do, set aside partisan differences. There were no parties at the time. They simply said: What is good for this country? What will help preserve our liberties? How can we establish a system that will learn from the mistakes of the past and persevere through the challenges of the future?

We have met new challenges, and we understand now we must adapt the ways we do business. This committee will help us learn to do that and will establish the procedures we need to move forward. I commend the two leaders for setting this up.

Mr. DREIER. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise to express a few concerns that I have regarding both the commission and the trend toward a constitutional amendment that might solve some of the problems that people anticipate.

I certainly agree with the gentleman from Washington (Mr. BAIRD) that this is a very serious issue; and this is to me not just a casual appointment of a commission, but we are dealing with something that is, in a constitutional sense, rather profound because we are talking about amendments that are suggesting that our governors will appoint Members of Congress for the first time in our history. That should be done with a great deal of caution and clear understanding of what we are doing.

My concern, of course, with the commission is that we are moving rather rapidly in that direction. Hopefully, that is not the case. We had the commission report of the Continuity of Government Commission yesterday, and that was released, and then we had a unanimous consent agreement to bring this up, like we need to do this in a hurry.

Ordinarily, if we deal with constitutional amendments, quite frequently we will have a constitutional amendment proposed, and then we will hold hearings on that particular amendment. I think we could handle it that way.

But I have another concern about the urgent need and the assumption that the world ends if we are not here for a few days. There are times when we are not here like in August and a few months we take off at Christmas. Of course, we can be recalled, but the world does not end because we're not here. In a way this need for a constitutional amendment to appoint congressmen is assuming that life cannot go on without us writing laws.

I would suggest that maybe the urgency is not quite as much as one thinks. I want to quote Michael Barone who was trying to justify a constitutional amendment that allows governors to appoint moc in a time of crisis. He said, ''think of all the emergency legislation that Congress passed in the weeks and months after September 11 authorizing expanded police powers. None of this could have happened''. But now as we look back at those emergency conditions, a lot of questions are being asked about the PATRIOT Act and the attack on our fourth amendment and civil liberties. I suggest there could be a slower approach no harm will come of it.

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

Mr. PAUL. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding.

I appreciate the concerns that the gentleman has raised. Let me first say that I was very pleased, and my colleagues on the Committee on Rules will recall this, as we proceeded with implementation of the PATRIOT Act I insisted that we have a sunset clause so that this institution would be required to take another look at the ramifications of the PATRIOT Act, and I know that there are wide-ranging concerns that have been raised.

Second, on the issue of the constitutional amendment, I have stated that I am very concerned about the prospect of moving ahead with a constitutional amendment which would take this institution from being the body of the people to becoming, as the other body was designed in the Constitution, to be the body of the States, and make this the body of the States again which I believe would make it the case if we were to have governors appoint Members of the House of Representatives.

I think this joint committee is designed to look at these concerns, look at the issues out there. We have all talked about the gravity of it. We know it is a very, very serious matter. I will assure my friend there is no way this committee, if it were to come forward with a proposed constitutional amendment, would act without going through the process of having the Committee on the Judiciary look at the prospect of amending the Constitution, and we in the Committee on Rules would address it again, and of course it would have to go through the confirmation process.

Mr. PAUL. Mr. Speaker, I would like to say I am pleased to hear what the gentleman has said, because there are some who see this just from the outside, seeing what we are doing here today as nothing more than a continuity of what was done yesterday. The gentleman from California (Mr.

DREIER) suggests he does not see it that way, and that gives me some reassurance, and I thank the gentleman.

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

Mr. Speaker, I want to make it clear to people who may be watching or listening to this again why we are discussing this. There is a historical aberration in our Constitution that provides that senators, when they die or are killed, may be appointed, replacement Senators, but there is no comparable provision for replacement of House Members. That historical aberration arises from the fact that when our Constitution was first passed all Senators were appointed. They were appointed by their State legislatures. It was only much later in our history that we went to the direct election of Senators.

When we did that, we retained the appointment power for the governors of States to replace Senators who die or are killed while in office. No such power was ever in the Constitution originally for the House of Representatives, so we have a different situation currently as it applies to the Senate and as it applies to the House.

Those of us who advocate a change in our Constitution are taking the position that, since the Senate is already covered, since there already is a way to replace Senators in our Constitution, there should be a comparable provision for being able to replace House Members in the event of a mass tragedy.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I would just like to echo the concerns of the gentleman from Texas (Mr. FROST) and his desire and his belief that we need to have an alternative mechanism for appointing Members to the House in the event of a major catastrophe.

I would also like to thank and commend the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their outstanding leadership on this issue. It is a very difficult and in many ways unpleasant subject to be dealing with but one that is very necessary and could mean the survivability of this Republic in the event of a catastrophe.

Mr. Speaker, as a member of the Cox-Frost working group in the 107th Congress, I urged my colleagues to support H. Con. Res. 190 so Congress may continue to operate in the aftermath of a catastrophe that kills or incapacitates a large number of its Members. I also thank the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) and the gentleman from Washington (Mr. BAIRD) for their leadership on this very important issue.

The Constitution declares that Members of the House must be popularly elected. However, the specter of terrorism, notably reports that the Capitol was an intended target on September 11, as well as the subsequent anthrax attacks, remind us that mass casualties in Washington or elsewhere are a real possibility and could have a detrimental effect on the House's ability to fulfill its duties.

□ 1330

While the Cox-Frost group made some significant progress in resolving these complicated problems in the last Congress, many questions still remain. For example, I have been working with the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), and the gentleman from Connecticut (Mr. LARSON) to address the communications needs of Members in emergency conditions. Yesterday, the Continuity of Government Commission issued its first report with recommendations for preserving Congress' ability to function in the wake of a terrorist attack. It is Congress' responsibility to consider those recommendations and develop a strategy to ensure that the people's business will not be interrupted. Today's resolution will help us reach that goal. I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from California (Mr. COX), who very ably led, along with the gentleman from Texas (Mr. FROST), the effort to deal with the continuity of Congress in the 107th Congress.

Mr. COX. I want to thank the Speaker, thank the chairman, and thank the gentleman from Texas (Mr. FROST).

Mr. Speaker, when in May 2002 the Speaker asked us, the gentleman from Texas (Mr. FROST) and me, to cochair this working group, there was not a Department of Homeland Security, there was not a House committee to oversee the Department of Homeland Security; but now that I have assumed that responsibility, I can say that I feel there is no issue more integral to homeland security than the preservation and proper functioning of our democratic institutions in time of national emergency. I am very pleased that the next step that this body, and indeed the other body, is taking this process is to institutionalize through a bicameral group that will be chaired on this side by the leaders of our Committee on Rules to take a further look at these seemingly, in some cases, intractable problems and to solve them.

We have in our working group accomplished a great deal and with the leadership of the Committee on Rules placed before this House at the beginning of this Congress three changes to our rules that address continuity issues that were solved in the working group. In addition, the gentleman from Texas and I yesterday introduced legislation to deal with the problems in the Presidential succession law created by these catastrophic circumstances that we are now forced to imagine.

When we go back to those horrible images of September 11 which are hard to purge from our memory, those video images we have all seen countless times of the World Trade Center and the Pentagon, imagine this Capitol if the same images were seen here. Imagine what would be the result, what would be the effect. Not only would Members have been killed if Flight 93, which we now believe was headed for the Capitol, had succeeded in its mission but Members would have been maimed and disabled. The problems that arise under our rules and our laws are not just those of how do you fill a vacancy after someone dies, but what happens when that person has not died but is incapable of coming to this Chamber and being part of a quorum? What happens when that occurs 100 times over? These are the kinds of problems that lack any immediate solution and that therefore must be handed off to this more permanent body that we are establishing by this resolution.

I want quickly to commend the other members of the working group for their yearlong effort. They include, of course, cochairman MARTIN FROST; chairman of the House Committee on Rules, DAVID DREIER, who is leading us on the floor today and will lead this effort henceforth; chairman of the House Subcommittee on the Constitution, STEVE CHABOT; ranking member on the House Subcommittee on the Constitution, JERROLD NADLER; chairman of the Committee on House Administration, BOB NEY; chairman of the House Democratic Caucus, STENY HOYER; chairman of the House Republican Policy Subcommittee on Redesigning Government, DAVID VITTER; Representative BRIAN BAIRD from whom we have just heard; Representative SHEILA JACKSON-LEE; Representative JAMES LANGEVIN, who is also with us here today on the floor.

Ex officio members of the working group who were enormously important to our efforts included the House Parliamentarian, Charles Johnson; the Deputy House Parliamentarian, John Sullivan; former Clerk of the House, Donn Anderson; House legislative counsel Pope Barrow; House general counsel Michael Stern; and Congressional Research Service senior specialist Walter Olesczek. From May to October of 2002, the working group held eight very long meetings, hearing testimony from law professors, constitutional scholars, members of the academic community, think tank scholars and other experts. The working group considered, in order, changes to the House rules, because they are the least intrusive, most efficient means of solving these problems; next, statutory solutions; and only lastly constitutional amendments.

I want to say with respect to this question of a constitutional amendment because already during this debate we have heard concerns raised about willy-nilly amending the Constitution or about overstating the problems when Congress is, for example, out of town during the August recess with regularity, it was unfortunately necessary for us in this working

group to imagine some circumstances that we hope never arise when not only the whole House but the President and the Vice President also were lost. In that circumstance, there are significant questions of legitimacy of both the institutions of the executive and the legislative, but also even more trenchant concerns about the withdrawal of the checks and balances that undergird our system and protect our civil liberties.

If we imagine what America would be like after such a horrible attack that killed the President, killed the Vice President, killed the Speaker of the House, killed hundreds of Members of this Congress, first we would have as President, this much would be certain, someone who was unelected, someone who perhaps no one had ever heard of before, and someone who might or might not be fit for the job. That person would be vested with the immediate responsibility of presumably determining whether to declare war, responsibility under article 1 of this body which would not be able to function. That person also would be asked to seek emergency appropriations to deal with this problem. Yet there would be no Congress. And that person might want to suspend habeas corpus and other civil liberties because of the emergency, and there might be no legislative check against it. These are the counterweight to the arguments that we should not rush into amending the Constitution. These are the problems that the gentleman from California (Mr. DREIER) is properly taking up with the other body, and I hope they are soon solved.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, I commend the authors of this resolution because they recognize how important it is to protect our constitutional government, even from the possibility that perhaps hundreds of Members of this Congress might be killed by a terrorist act. We should, however, also take a look at the possibility that the death of one, two, or three individuals in line to serve as President could also undermine our constitutional government. We must protect both branches of government from unfortunate acts or terrorist aggression. That is why I strongly support this resolution and wish to bring to the attention of my colleagues a letter that I sent out last week urging them to become cosponsors of the Presidential Succession Act of 2003.

The line of Presidential succession determines who becomes President if both the President and Vice President have died or are unable to fulfill their duties. That line should be as solid as the concrete barriers that protect our Capitol grounds. Unfortunately, that line is not. However, with a mere change in statute, not a constitutional amendment, Congress can ensure the certainty in the line of succession as well as the continuity of the Federal policies of the executive branch.

Article 2, section 1 of the Constitution allows Congress to determine the line of succession to the Presidency following the Vice President. Congress last seriously addressed this issue when it passed the Presidential Succession Act of 1947. Unfortunately, the 1947 act is ambiguous and we cannot afford ambiguity as to the identity or the legitimacy of the President of the United States, particularly at a time of crisis. The 1947 act is further flawed because it allows the Presidency to be shifted from one political party to the other during a 4-year term. This means that if the Vice Presidency is vacant, our stock markets and our foreign enemies will wonder whether some unfortunate event will cause a radical shift of our policies. A terrorist might see an opportunity to radically shift our policies by killing just one individual. And a partially or temporarily impaired President would be highly unlikely to either take a leave of absence under the 25th amendment or to resign permanently if that action would vest control of the executive branch in the opposite political party.

Current law provides that if the office of Vice President is vacant, the next in line is the Speaker of the House, followed by the President pro tempore of the Senate. In the recent season finale of the ''West Wing,'' the President was under extreme personal stress. There was no Vice President serving. That President invoked the 25th amendment and temporarily transferred control of the executive branch to the Speaker of the House who happened to be of the opposite political party. Would that happen in real life? I would hope so, because I would hope that a President under extreme stress would take a leave of absence as provided in the 25th amendment. But in real life, a President arguably suffering from temporary impairment would hang on to the Presidency with the same tenacity that my friend Strom Thurmond held on to his Senate seat when he knew that if he resigned from the Senate he would be replaced by the appointee of a Democratic Governor.

Speaking of my friend Strom Thurmond, we should remember that just a few years ago, while Strom was in his late 90s, he was third in line to succeed to the Presidency. Does this make sense in an era of suicide assassins? In a document that I will append in the RECORD to my remarks here, I will point out that under some scenarios, we could have five individuals, each with a legitimate claim to be President. I will summarize it by simply saying that if we did not have a Speaker of the House, someone could claim to become President because they were serving as temporary Speaker under House rule I, clause 8, subprovision (3)(A). Someone who became Speaker of the House could then try to displace someone who had been temporary Speaker, and then we could have a President pro tem of the Senate all claiming. We could have even more scenarios.

Some will say that Presidential succession has never gotten past a Vice President, but that happened because Gerald Ford was confirmed promptly, before Richard Nixon resigned. Furthermore, in April 1865, John Wilkes Booth headed a partially successful conspiracy to assassinate President Lincoln and those who were first, second and third in line to succeed him. Are we sure that al Qaeda can do no worse?

That is why I will put forward the Presidential Succession Act of 2003, which is similar to legislation I proposed in March 2001. Under it, the President would file a document with the Clerk of this House indicating whether third to succeed to the Presidency should be either the Speaker of the House or the minority leader and whether the fourth should be the Senate majority leader or the Senate minority leader. And, of course, these could be changed if control of the House or the Senate changed. More importantly, the bill would state that once someone becomes President, they serve for the rest of the 4-year term and cannot be pushed aside by someone who later becomes, say, Speaker of the House and is higher in the list. Once they begin to serve a Presidential term, they continue.

Today we will act to ensure the continuity of Congress. Later this year we should act to ensure the continuity of the executive branch. Our friends and enemies around the world and the investment community should know that similar policies will continue throughout a 4-year term and that the Presidency cannot be shifted to another party by a tragic event. More importantly, it should be absolutely clear as to who is legitimate President of the United States. We need to act this year.

[From the Roll Call, May 21, 2003]

ACT NOW TO ENSURE SMOOTH SUCCESSION TO PRESIDENCY

(By Rep. Brad Sherman)

In the post-Sept. 11, 2001, reality, we have seen military guards with M–16s patrol the Capitol and anti-aircraft artillery stationed around national monuments. It is no mystery that terrorists actively seek to interrupt our constitutional democracy.

The line of presidential succession, which determines who becomes president if both the president and vice president have died or are otherwise unable to carry out their duties, should be as solid as the concrete barriers lining the Capitol grounds. It is not. However, with a change in statute—not a constitutional amendment—Congress can ensure certainty in the line of successors, as well as continuity of federal policies.

Article II, Section 1 of the Constitution allows Congress to determine the line of succession to the presidency following the vice president. Congress last visited this issue seriously when it passed the Presidential Succession Act of 1947. Unfortunately, the 1947

act us ambiguous and we cannot afford ambiguity as to the identity and legitimacy of the president, particularly at a time of crisis.

The 1974 act is further flawed because it allows the presidency to be shifted to an opposing political party. This means if the vice presidency is vacant, our stock markets and foreign enemies will wonder whether an unfortunate event will result in a radical shift in policies; a terrorist might see an ''opportunity'' to radically shift our policies; and a partially or temporarily impaired president would think twice about taking a leave of absence under the 25th Amendment, or resigning, if either action would out the other party in control of all executive departments. Finally, third in the current line of successions is the President Pro Tem, a ceremonial position normally held by the longest-serving member of the Senate majority.

Current law provides that if the office of the vice president is vacant, the next in line is the Speaker, followed by the President Pro Tem. The recent ''West Wing'' season final demonstrated how a president, under extreme duress could, at a time when there was no vice president, invoke the 25th Amendment and temporarily transfer control of the White House to a Speaker of the opposite political party. In real life, it is more likely that a president arguably suffering from temporary impairment would hang on to the presidency with the same tenacity that former Sen. Strom Thurmond (R–S.C.) held on to his seat at a time when his resignation would have handed his seat to an appointee of a Democratic governor.

Speaking of Thurmond, we should remember that just a few years ago, while in his late 90s, he was third in line for the presidency. Does this make sense in an era of suicide-assassins?

Here is a hypothetical designed to illustrate all the ambiguities of the 1947 act. The office of vice president, Speaker and President Pro Tem are all vacant. The president has nominated Ms. Smith to the new vice president, and he awaits her confirmation hearings under the 25th Amendment. The House and the Senate have adjourned for the year, though Mr. Jones is serving as ''temporary House Speaker'' pursuant to House rule 1, clause 8 (3)(A). Now, imagine that the president dies.

Does Mr. Jones, the temporary Speaker, become president? Probably not, but we're not sure. In all probability, the secretary of State becomes acting president. But assume the House then reconvenes and elects a Speaker. Does that new Speaker then push aside the secretary of State and become the new president? What if the Senate elects a new President Pro Tem before the House elects a new Speaker? And what if Ms. Smith makes it through her vice presidential confirmation hearings—does she push aside whoever is then serving as president? Under this scenario, and under the ambiguity of the 1947 act, all five of the following could claim the presidency: Ms. Smith, Mr. Jones, the President Pro Tem, the newly elected Speaker and the secretary of State. Other, less contrived scenarios could create three or four claimants to the presidency. Even two plausible claimants to the White House is one too many.

Some will say that presidential succession has never gotten past a vice president, in part because Gerald Ford was confirmed promptly, before Richard Nixon resigned. But Sept. 11 shows that what is unlikely to occur naturally may well occur. In April 1865, John Wilkes Booth headed a partially successful conspiracy to assassinate President Abraham Lincoln and those who stood first, second and third in line to succeed him. Are we sure that al Qaeda can do no worse?

Next month, I will introduce the Presidential Succession Act of 2003, which is similar to legislation I introduced in March 2001. Under this legislation, the president will file an official document with the Clerk of the House designating, after the vice president, the next person in line of succession as either the Speaker or the House Minority Leader. Similarly, the president would file instructions with the Secretary of the Senate, designating the third in line as either the Senate Majority Leader or Minority Leader. (These designations can be revised if the majority becomes the minority.) The bill will further ensure certainty in presidential succession by clearly providing that if someone succeeds to the presidency, that person shall continue to serve until the end of the presidential term.

Our friends and enemies around the world, as well as the investment community, should know that similar policies will continue throughout a four-year term, and that the presidency will not be shifted to the other party by a tragic event. More importantly, the law should be absolutely clear so that whoever serves as president, particularly at a time of crisis, has unquestioned legitimacy. By acting now we can accomplish these ends. Or, we can just put this off until a problem arises.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Metairie, Louisiana (Mr. VITTER), who worked very hard on the commission and was very actively involved in it.

Mr. VITTER. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) for all of their work on this issue; and that work, of course, must continue.

I rise in strong support of this resolution. I was honored and privileged to work on the working group with the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) and so many others.

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I think that working group did some very valuable work, laid an important foundation, and in fact suggested and helped make very real and important and fundamental changes in both our rules and some statutes. We are continuing that work I believe today, and in the very near future the gentleman from California (Mr. COX) will put into the hopper another bill aimed at changing statutes to again fine tune some of these issues with regard to presidential succession and related matters. I am happy to coauthor that bill, and that is further progress.

But just as clearly as we have met and gained consensus on some issues and made important progress, big questions remain; and clearly the biggest question which I believe must be tackled more adequately is the possibility of mass deaths among House Members and how our democratic institution of the House, our most democratic institution, would continue to function under that circumstance of national emergency. So that is why I think this resolution and the new joint work between the House and the Senate led by the gentleman from California (Chairman DREIER) and others is so very important.

I also want to join in the concerns that the gentleman from Texas (Mr. PAUL) raised. They are very legitimate concerns that I and many other people hold, but clearly there are ways to address those concerns. Clearly, this new group is not headed in any specific direction that the rules addressing those concerns adequately deal with.

Mr. Speaker, I look forward to continuing to work on this issue with others.

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

Mr. Speaker, I want to respond to one of the issues raised on the other side, and that is the question of the adequacy of replacing Members of the House through special elections.

Special elections, of course, are determined by State law; and the laws vary from State to State. Some State laws have special elections held rather promptly. Other States have special elections that extend over a long period of time.

For example, in my home State of Texas, our former colleague, Mr. Combest, shortly after the convening of this Congress, announced that he was resigning, was leaving, and his successor, who was chosen in a special election under Texas law which included a runoff, was sworn in today, 6 months into the Congress. So there is a difficulty in citing the remedy of special elections as a way of replacing Members in a prompt way.

I am very sympathetic to the historical precedent that Members of the House up until this point can only serve by election, but there are extraordinary circumstances. We hope the extraordinary circumstances never occur, but we do need to be ready, should anything like that ever happen.

Mr. Speaker, in closing, this resolution is a very significant development. Again, I want to thank the majority for the way this is structured, for having the sides evenly divided, for requiring a majority vote in each House of the members on this joint committee, and I would urge that the Congress, that the House, promptly pass this resolution. I would hope that the Senate, the other body, would do the same thing, so the work of this joint committee could begin as soon as possible.

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

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

Mr. Speaker, I think that we have seen from today's debate that this is an extraordinarily serious matter. This coming September 11 will mark the second anniversary of one of the most tragic days in our Nation's history. We all know of the terrible loss of life and we know of the threat that existed on that date to this institution, this building, which, as we all know, is a symbol not only to Americans but around the world of freedom and democracy.

For that reason, after this nearly 2-year window of time when we have taken a lot of action in response to September 11, it is important for us to now step back and, in a deliberative manner, to very thoughtfully look at the ways in which we can assure that we proceed with fair and balanced representation to maintain a continuity of our Nation's governance. I believe that we have in this resolution which will establish this joint committee an opportunity to, in a bicameral way, look at this very important question.

As I said earlier, exactly 10 years ago, in 1993, I was privileged to be a co-chairman of the Joint Committee on the Organization of Congress, which looked at a lot of the institutional questions that both bodies face. Now we will, in the wake of this very, very serious challenge that we face, have the opportunity to look at those questions which continue.

Obviously, it is important for us to recognize the disparity that exists between the two bodies. The other body is one which has different constituencies than ours, obviously different terms of office and, as the gentleman from Texas (Mr. FROST) has pointed out, different ways for succession.

This institution is known as the People's House. We are the only federally elected officials who must be elected to have the opportunity to serve in our positions. I feel it is very important for us to maintain that status, as James Madison envisaged it over two centuries ago; and I believe that, at the same time, we can, in working with our colleagues in the other body, proceed with a very fair, bipartisan process, which will allow us to address this.

It is obvious, Mr. Speaker, from having listened to the debate which will simply put into place this joint committee, that there is disagreement. But I believe that as we take the input that has been provided by a wide range of individuals, academics, former colleagues, people who spent a lot of time thinking about this, who will be providing us with recommendations, I am convinced that the work of this joint committee will be among the most important things that this 108th Congress will be able to address.

Mr. Speaker, with that, I urge adoption of this resolution.

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

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of Wednesday, June 4, 2003, the concurrent resolution is considered read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 222, ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT AND S. 273, GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

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 (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 40 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. 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 (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 40 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

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 the gentleman from Massachusetts (Mr. MCGOVERN), 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 258 is a closed rule providing for the consideration of two measures, S. 222, the Zuni Indian Tribe Water Rights Settlement Act, and S. 273, the Grand Teton National Park Land Exchange Act.

The rule provides that S. 222 shall be debatable in the House for 40 minutes, equally divided between the chairman and ranking member of the Committee on Resources. The rule also waives all points of order against consideration of the bill and provides one motion to recommit, with or without instruction.

The rule further provides that S. 273 shall be debatable in the House for 40 minutes, equally divided between the chairman and ranking member of the Committee on Resources.

Finally, the rule waives all points of order against consideration of the bill and provides one motion to recommit, with or without instructions.

Mr. Speaker, both of the bills covered by this rule were considered by the House under suspension of the rules on June 3. Neither bill was adopted, having failed to receive the required two-thirds of the votes cast, but each bill was supported by a clear majority in the House.

The Zuni Indian Tribe Water Rights Settlement Act approves a settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona. The bill resolves all of the claims of the Zuni Tribe to water rights in the Little Colorado River basin and elsewhere in Arizona. The bill also provides resources to restore riparian wetlands to the Zuni Heaven Reservation that are of great religious and cultural significance to the tribe and its members.

The Grand Teton National Park Land Exchange Act provides for the acquisition of land owned by the State of Wyoming within the boundaries of the Grand Teton National Park. These lands, rich in wildlife habitat, will be exchanged for other Federal lands or assets of equal value. In turn, the State will be able to acquire lands that have greater potential to generate revenue for public schools, ensuring that the State of Wyoming meets its constitutional mandate to maximize revenues from its school trust lands.

Mr. Speaker, it is unfortunate that we are forced to take up the valuable time of the House to consider for a second time this week two measures that have been previously approved by a solid majority in this House. The measures have been fully debated.

Accordingly, Mr. Speaker, I urge my colleagues to support this rule and pass the underlying bills without further delay.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes. I thank the gentleman from Washington for yielding me the time.

Mr. Speaker, this morning during the debate on the Check 21 open rule, I warned this body that open rules are a rarity, an endangered species, if you will. Well, here we are about to consider not an open rule but a closed rule on two noncontroversial bills. But what do you expect? This is the norm. This is business as usual in this House.

I also want this Chamber and the American people to remember this moment, because it is historic. This also is a rarity here. We finally have seen a tax cut that the Republicans do not like. In the dead of night, faced with the decision of either providing tax relief for 12 million working families or giving a tax cut to Donald Trump, the Republicans chose Donald Trump and left the children out in the cold.

And who exactly is left behind by this glaring omission? Nearly one in five children of our active duty military. These families are only making around $27,000 a year. They did not

have the good fortune to be born with the last name of ''Gates'' or ''Buffett'' or ''Cheney.'' But they are trying to make a living, and they are doing so by serving their country. These are children of people who are fighting in Afghanistan and Iraq, but the Republicans, in their greed and zeal for tax cuts for their rich friends, decided these families do not need any tax relief.

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Now, of course, Republicans claim that they provide tax relief only for people who pay income tax, but we all know people pay more than just income tax. There is a payroll tax. There is property tax. There is a sales tax. But the Republicans in their warped thought process consider payroll tax relief and child tax credit a new form of welfare. We heard this argument earlier this morning, and it is outrageous; and quite frankly, it is insulting to these hardworking Americans.

As we all know, this could not be farther from the truth. It is the Republicans who encourage welfare in the Tax Code by giving tax breaks to corporations that flee this country for tax havens in other countries. Their disingenuous argument does not fly with the American people.

Mr. Speaker, the legislative process in this body is broken. There is no excuse for the majority's actions. We are here today to reconsider two bills that should have been passed under suspension of the rules. The bills are not controversial, but the majority's actions are.

As we all know, on Tuesday three bills were defeated under suspension of the rules. House Democrats using one of the few procedural tools at our disposal, voted against these bills, not on their merits but to express our frustration that the House leadership refuses to allow for consideration of a bill that would give our working families the tax relief that they deserve.

So today is also payback day. I think it is shameful and spiteful; and it is, unfortunately, very typical around here. They will not say it on the other side of the aisle, so I am going to say it right here now.

What is the payback? Among other things, showing disrespect for one of the finest individuals ever to grace the halls of Congress. The one bill that was defeated on Tuesday that is not on today's schedule is the bill to name a Federal building in Indianapolis for former Senator Birch Bayh. We should be naming multiple courthouses in this country for Birch Bayh.

Their tactics will not work. We are not going to be intimidated. We are going to keep talking about the issues that matter to working Americans, and issues like tax fairness are high among them. If the Republicans were serious about tax relief and if they were serious about their support for working families, they would schedule a vote to reinstate this provision. That is what we are fighting for. That is what we are asking for. But they will not, because they are not serious about this. They are merely providing lip service, telling Americans what they want to hear while padding the pockets of their wealthy friends.

Mr. Speaker, at the end of this debate on the rule I will ask my colleagues to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to provide for the consideration of the Rangel-Davis-DeLauro bill to help the people the Republicans would rather leave behind.

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

Mr. MCGOVERN. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the two bills that are being considered here today were great suspension bills that were on the Journal a couple of days ago. However, Democrats, in an effort to voice our concern about leaving behind millions of Americans who are low-income families, voted against those suspension bills.

In fact, Mr. Speaker, to borrow a recent popular phrase, I am shocked and awed by the consummate arrogance, fiscal irresponsibility, and candid lack of compassion of the Republican lawmakers of this body.

I have been on the floor many times in the past several months expressing my outrage at the unfairness and untimeliness of the various GOP tax plans, and once again I find myself at the podium in a state of disbelief about the efforts of the self-proclaimed ''compassionate conservative party'' to exclude some of the neediest families in our Nation from tax relief in the tax bill that was signed into law last week.

In an administration that has claimed to want to leave no child behind, we are now realizing that, indeed, 12 million of them were left behind, and 521,000 in my State.

In a time where special attention is being given to our brave men and women of our Armed Forces who served so well in Iraq, I think it is inappropriate to see how these last-minute shenanigans have actually left many of them out. The majority of our military members are in the pay grades of E5 and below. These are the sergeants, petty officers, lance corporals, specialists, and airmen, whose round-the-clock efforts made the military victory in Iraq swift and decisive. But an E5 with 6 years in service makes just $24,000. His family is left behind.

Mr. Speaker, to borrow a recent popular phrase, I am shocked and awed by the consummate arrogance, fiscal irresponsibility, and candid lack of compassion of the Republican lawmakers of this body. I have been on this floor many times in the past several months expressing my outrage at the unfairness and untimeliness of the various GOP tax plans, and I again find myself at the podium in a state of disbelief about the self-proclaimed ''compassionate conservative' party's efforts to exclude some of the neediest families in our Nation from tax relief in the tax bill that was signed into law last week.

In an administration that has claimed to want to ''Leave no Child Behind,'' we are to realizing that there will indeed be children left behind—12 million of them in fact; 527,000 in my State of Ohio.

In a time where special attention is being given to our brave men and women of the Armed Forces who served so well in Iraq, I think it is appropriate to note how the last minute shenanigans of Republican lawmakers to strip out a provision of their tax bill that would have ensured that families making between $10,500 to $26,000 would get the full child tax credit other taxpayers get, will affect our military personnel.

The majority of our military members are in the pay grades of E–5 and below. These are the sergeants, the petty officers, the lance corporals, specialists, and airmen whose round the clock efforts made the military victory in Iraq swift and decisive. But an E–5 with 6 years in the service makes just $24,000 in base pay per year. An E–2 just new to the military makes just $15,840 in base pay. And these are just some of the millions of family members who will suffer, and their children will suffer, their spouses will suffer, because of the back door wrangling by Republicans to give even more money to the wealthiest of American taxpayers.

Mr. RANGEL has introduced a fair and responsible alternative to address this injustice, but I am afraid it will be to little avail. Rather than focus on the important issues facing our Nation, the Republican leadership seems intent to focus on solutions in search of problems—such as this week's constitutional amendment to flag desecration. I haven't been made aware that flag desecration is a problem in this country—but every week when I return to my congressional district, I am made keenly aware that the economic health of our country is a problem. Unfortunately, ti seems to be a problem some Members of this body choose to ignore.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, I rise to oppose a rule that does not allow the House to consider providing working families with the child care credit. The current situation imposes the injury of denying these working families $400 that they need and then adds the insult of telling these families that they are not taxpayers, so they do not deserve any tax relief. Of course, looking at their paycheck stubs, they see the taxes they are paying.

Allowing corporations to avoid American taxes just by renting a hotel in the Bahamas, $8 billion; allowing millionaires to pay virtually nothing on their dividend income, $80 billion;

eliminating the estate tax even on the largest estates, $138 billion; telling working families that they do not deserve relief and that they are not taxpayers, that is priceless.

There are some things campaign contributions just will not buy. For everything else, there is RepubliCard, accepted at the finest country clubs in the Bahamas. Members will want to get the Deficit Express card, now that the Republican Congress has increased the credit limit to $12 trillion. The Deficit Express card? Do not leave the House without it.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member on the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, I rise to oppose the motion for the previous question so that we might have the opportunity to amend a rule and to bring to the House legislation that would bring some equity to the recently passed tax bill.

I do not think many Members of the House knew that those that were making the decision would deliberately exclude the benefit of the child tax credit for people making less than $26,000. I refuse to believe that people can be so callous that they would deliberately try to make adjustments to a tax bill that was geared to, as the leadership would say, those who pay the taxes, and exclude the privilege and the opportunity for people to get credit that are in low income merely because they do not pay ''the taxes.''

We have 6.5 million working families that do pay taxes, albeit those taxes may be perceived by the majority not to be important. But they do pay taxes, and they have lost the benefits of receiving tax credits for their children.

But Mr. Speaker, even worse than that, yesterday we passed the resolution paying honor to those brave men and women that were placed in harm's way as a result of the so-called ''victory'' in Iraq. As I said yesterday, parades are important, saluting the flag is important, having a bumper sticker is important; but how we treat these veterans is even far more important.

I know that Republicans do not know, and Democrats are learning, that as a result of so-called tax benefits given to these people that were in combat, that over 200,000 that served in Iraq will be denied the tax credit for their children. Why? Because the language of the tax law is that they have to have taxable income. Out of the benevolence of our hearts we have said that if they served in combat, they do not have to pay taxes.

I hope Members will consider to speedily bring up my bill so that we can remedy this error that has been made. Nobody thought that by removing tax liability we would be actually taking away the benefit of the child tax credits.

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

Mr. Speaker, I include for the RECORD an article that appeared in USA Today on this day that says, ''Military Kids Get Slighted on Tax Credit.''

The article referred to is as follows:

[From USA Today, June 5, 2003]

STUDY: MILITARY KIDS SLIGHTED ON TAX CREDIT

PARENTS EARN TOO LITTLE TO QUALIFY FOR THE PROVISION

(By William M. Welch)

WASHINGTON.—Nearly one in five children of active-duty U.S. military families won't benefit from the increased tax credit signed last week by President Bush because their parents earn too little to qualify, a study being released today concludes.

The finding by the Children's Defense Fund, a liberal advocacy group, comes as Bush and Republican congressional leaders are under increasing fire for agreeing to omit working poor families from the increased child credit included in the $350 billion, 10-year tax cut plan and aid for states.

Those military families would have received a check of up to $400 per child under a provision that the Senate added to the bill. But that ''refundable'' credit to families who pay little or no federal income tax, but do pay payroll taxers, was deleted in final negotiations between Bush and Republican leader of Congress.

Families who have children and earn more than about $27,000 a year are due to receive checks next month of up to $400 per child, as an advance on an increase in the credit from $600 to $1,000.

The group said 250,000 of the 1.4 million children in active-duty military families will not qualify for the benefit because of the omission.

An additional 750,000 children denied the benefit have parents who are military veterans, the fund concluded. It based its findings on latest U.S. Census data.

Democrats, liberal groups and some moderate Republicans in Congress are trying to build pressure on Bush and GOP leaders to pass legislation quickly extending the credit, to those families that were left out.

Democrats immediately invoked U.S. troops still in Iraq as a political justification for another bill expanding the credit.

''Thousands of military personnel, people who put their lives on the line for our country, won't receive the child credit unless we correct the child credit unless we correct the bill,'' Sen. Max Baucus, D–Mont., said.

The $3.5 billion cost would be paid for by cracking down on business tax avoidance schemes under the Democrats' proposal. They said fast action was needed to assure 12 million low-income families are able to receive a check when the government begins mailing them to more affluent families starting July 1.

Senate Majority Leader Bill Frist, R–Tenn., and Minority Leader Tom Daschle, D–S.D., were negotiating a possible agreement that would permit the Senate to vote, perhaps this week, on competing proposals aimed at providing just such a remedy to the working poor.

Republican leaders of the House of Representatives are resisting the move. They say Bush didn't propose giving the added credit to the working poor as part of his original economic stimulus plan, and that sending tax refunds to people who pay no federal income tax may be bad policy.

''This is something that has been blown out of proportion,'' said Rep. Rob Portman, R-Ohio, who is on the tax-writing Ways and Means Committee. ''It was not part of the original bill, nor was it part of the bill in the House. . . . We never debated it. . . . It is a new idea, and it is one we ought to think about.''

In another effort to build pressure, a coalition of liberal groups today begins airing TV ads in Washington blasting Bush for leaving the working poor out of the child credit benefit increase.

The Center for Community Change is buying a relatively modest amount of airtime, but it is encouraging hundreds of like-minded groups to air the same ad in other cites.

The ad shows two children: one too poor to qualify for the increased credit and another, whose parents make more money, who receives it. ''President Bush chose the most fortunate to get the most,'' an announcer says.''

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule because working families should be our priority today, families like Cori's. Cori came to a local Head Start in my district at a low point in her life. She was a single parent without any support system and very little money and very little self-esteem. She had just completed a recovery program and was seeking to put her life back together.

Cori went on to volunteer for Head Start, completed an AA degree in early childhood development, and now Cori is a Head Start employee for the past 3 years and wants to get her bachelor's degree. Mr. Speaker, Cori and her two daughters will be denied the child tax credit, while those making more than $1 million a year receive overall tax cuts totalling $93,500.

Our priority today should be, must be, the Rangel-Davis-DeLauro bill, which will expand the child tax credit and marriage penalty relief for lower-income working families. Passing it can be the first step to reversing the wrong done to these hard workers.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, we have heard a lot of heated debate about this issue all morning, but I think there is a basic undisputed fact that frankly should rise above the fray: there was no effort to limit this tax break until the end game of the conference report process, when the administration and those who were shaping the tax cut needed to find $3 billion.

When they needed to do that, they did not search the high end of the bracket; they did not search the offshore loopholes. They went into the pockets of people who need tax relief more than anyone else. That was a choice of priorities. It was a statement that the people who do the hardest work in this country are, frankly, the ones who would be asked to sacrifice first.

I wonder what the people of this country will think, what our constituents will think, when they hear that

under the rules of this House they do not even deserve a vote. I wonder what the people who work every single day will think when they hear that a child tax break for them will be welfare. I wonder what these individuals who bear the brunt of payroll taxes will think when they hear that they do not need a tax credit because they really are not taxpayers. I wonder what the parents in my district, who begin paying taxes in the State of Alabama at $4,000, will think when they hear that they do not need tax relief.

This plan, as we knew from the beginning, strikes the wrong priorities. It leaves out people who are most in need of help, Mr. Speaker. I think that it is incumbent on us as a matter of conscience that we correct this imbalance.

This is the work that we ought to do for the people, that of correcting imbalances where they exist and that of correcting inequities where they exist, and not looking into the pockets of our weakest people to balance our budget.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

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

Mr. EMANUEL. Mr. Speaker, tomorrow morning the new unemployment numbers come out, and we are probably close to nearly 3 million people that will have lost their jobs in the last 2 years. We have added $3 trillion to the Nation's debt. That has been the end result of this economic plan.

Now, what we are looking for here is 12 million children of working parents to get a tax cut and be treated like the rest of America's children. These are children of working people. Some, as the Children's Defense Fund report shows, are the children of our Armed Forces. They are also children of the law enforcement community, firefighters, first-year teachers, people who work in security in our office buildings across this country, people who work day in and day out putting their hours in and trying to teach their children right from wrong.

What has gone on here is what is wrong with this House today. We came here not just to be votes but to give voice to our values. I know there are good people with good values on the other side of the aisle. There is nothing just in the notion of denying 12 million children, 6½ million families who work full-time, denying those children who are also America's children a tax cut. We can depreciate the machinery of our corporations, depreciate the value of their machinery; but we cannot appreciate America's children.

I was part of an administration that created and extended the $500-per-child tax credit and gave health insurance to 10 million uninsured children whose parents worked full time.

□ 1415

We balanced the budget. We also provided tax cuts in capital gains, but we balanced the budget. It was in balance with our values. These are not the values we espoused on Memorial Day when we welcomed home our veterans and remembered them for what they had done for this country. This vote should also be remembered.

We can do right. We can correct the wrong, hold our heads up high, not wear this in shame for what it does.

These are 12 million of America's children. Let us do right. Let us remember them as we do every day, trying to do right by our values.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my colleague from Massachusetts for yielding me time.

Mr. Speaker, I just want to point out for my friends on the other side of the aisle that I was prepared, as were my colleagues earlier this week, to vote in favor of this bill and suspension that would protect lands around the Grand Tetons, Wyoming. In fact, my in-laws are homesteaded around the Grand Tetons in Wyoming and I know they were very much in favor of seeing this land preserved for ages to come, including my children and their grandchildren.

We voted to strike it down to make a point, that there are 12 million children who would not be served by the recent tax cut that you imposed upon this country. In fact, in USA Today today, there is an article that says one out of five of those 12 million children who will not be getting a benefit, the families that will get a benefit of the child tax credit, are serving in our military today. Their parents are serving in the military, the same military that brought us the victory and did so much to preserve what this country stands for in the conflict in Iraq.

I have news for my colleagues on the other side of the aisle. Working people, believe it or not, working people have children. Working people have children. Working people make and made this country what it is today. Do not forget the working people of this country.

Do not forget the working people of this country. They deserve and need a child tax credit just as much as the wealthiest people in this country. They are the men and women who, day in and day out, provide for this country, for the backbone of this country.

It is interesting that there was a move on earlier this week as well and a bill that was supposed to come before us today that would have eliminated comp time as well. This week has been an attack upon the working families of our Nation, and the Republican party should be ashamed of themselves.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to discuss the very real concerns of the Zuni tribe and its children.

This bill would provide critical access to the Little Colorado River Basin to allow the Zuni Indian Tribe acquisition of surface water rights and development of groundwater. The acquisition of water rights and associated lands are vital to the Zuni Indian Tribe's future economic development; and, along those same lines, the child tax credit is critical in helping low-income families, including Zunis, achieve some level of economic security.

This bill secures tribal rights to assured water supplies for present and future generations, while at the same time providing for the sound management of an increasingly scarce resource. Because of the importance and sacredness all forms and sources of water, all prayers and songs of the three major components of the Zuni religion contain language asking for rain and snow to ensure that all crops have enough water to finish their life paths to provide sustenance for their Zuni children. Likewise, enduring access to the child tax credit will help Zuni families provide economic sustenance to their children.

By now, the whole Nation knows what happened 2 weeks ago. They know that a tax credit which would have helped nearly 12 million children from 6.5 million low-income families, including Zuni families, was secretly eliminated by the administration and the gentleman from Texas' (Mr. DELAY) Republican majority.

These families, these Zuni families earn between $10,500 and $26,625 per year, families who really need this tax cut and, yes, they do pay taxes and they are important.

The gentleman from Texas (Mr. DELAY) said we have more important matters. These Zuni children are important. In Arizona, 138,000 families with children, 21 percent of the families in the State, are not helped by the child tax credit increase because of the Republicans' last-minute actions. 403,000 Arizona children would be eligible if the child tax credit were made fully refundable, with an additional $259,000 million in credit going to families in the State.

This House ought to be about the working families in this country, those who are Zunis and those who are not. We promised them a child tax credit, and this majority removed it to provide the opportunity for $93,000 in tax cuts to the richest 184,000 millionaires in the country.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I have a question for my Republican colleagues in this House. Why would you, in a fit of anger because you were not able to get the size of the tax cut you wanted, hold poor little children hostage in order to extract a larger tax cut for those who were already wealthy?

It is a fair question.

In the middle of the night, over one-half million Ohio children were excluded from this benefit. Those are

children who have moms and dads who are working but their incomes are so low that they may not be required to pay income taxes. But let me tell you, they pay property taxes. They pay Social Security/payroll taxes. They pay all kinds of other taxes. Oh, it is very clever of you to say they do not pay income tax.

I am absolutely disgusted with what has happened in this House. CNN reported that the conservative leader of your party, the gentleman from Texas (Mr. DELAY), brushed aside criticism that the tax bill did not expand the child tax credit and make it available to millions of poor families. But, he said, House Republicans might support doing so if it prodded senators to vote for a broader tax package. In other words, you may be willing to help the poor kids if it means you can get more money for your rich friends. It is as simple as that, as simple as that.

These are just not the rantings of a Democrat. Let me tell you what Senator JOHN MCCAIN said about it. Senator MCCAIN said, My God, what kind of message are we sending when we leave out low-income families, exactly those who are in that category of the enlisted men and women who are fighting for us in Iraq today? It is beyond belief.

And it is beyond belief, but you have got time to redeem yourself. You have got time to change this policy and take care of the kids, 500,000 in Ohio, who need your help.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should refrain from quoting members of the other body.

The gentleman from Massachusetts (Mr. MCGOVERN) has 9 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, how much time remains on the other side?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 27 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, how many speakers does the gentleman from Washington (Mr. HASTINGS) have to discuss this issue?

Mr. HASTINGS of Washington. The issue, of course, we are discussing is the rule for the two suspension bills that we, unfortunately, had majority vote earlier this week but, unfortunately, did not have the two-thirds. But we may have, counting myself, two speakers between now and the time we close.

Mr. MCGOVERN. Mr. Speaker, does the gentleman want to use some of his time now?

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

Mr. MCGOVERN. Mr. Speaker, we have used up several speakers. I think for balance, if one of the gentleman's speakers is here, they could go.

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

The SPEAKER pro tempore. Who yields time?

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

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

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

I wanted to say to my colleagues in the House, I certainly intend to stay on the subject matter of this rule equally as much as all the Democrats who have been speaking at least.

I want to talk to my colleagues on the other side of the aisle about this child tax refundable credit which they are so indignant about. Because I want to remind them, you all had nothing to do with putting it on the books, nothing. We were glad that you like it because it was a Republican idea, but every single one of you, every single one of your speakers has voted against it.

Mr. Speaker, I want to help you a little bit out here and just kind of remind you so far we have heard from the gentleman from New York (Mr. CROWLEY), the gentlewoman from Connecticut (Ms. DELAURO), the gentlewoman from Ohio (Mrs. JONES), the gentleman from California (Mr. SHERMAN), the gentleman from New York (Mr. RANGEL), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Massachusetts (Mr. MCGOVERN), all good folks. However, they have all voted against this refundable tax credit, May 16, 2001, when the Republicans put it on the books. I do not know what you were thinking.

This thing that you were pretending to champion, you voted against. It was a Republican idea. Where were you when the battle was being fought? I am going to review a little bit of history, and let me say to this, you all are looking around stunned which I understand.

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

Mr. KINGSTON. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, if it was such a good idea, number one, why did you remove it? Number two, I do not recall us ever having voted on this in the House. It was inserted in the Senate. Let us be accurate.

Mr. KINGSTON. Reclaiming my time, let me jog the gentleman's memory. Here is what the situation was, and the gentleman is a distinguished member of the Committee on Rules and has lots of bills that pass through his desk, so I will not hold you responsible for knowing everything.

Prior to 2001, the child tax credit was $500 per child. It was passed under a Republican bill and, as the gentleman from Illinois (Mr. EMANUEL) pointed out, it was signed by President Clinton. So you can claim a little bipartisanship there, even though that was passed by Republican votes when it was in the House, but prior to 2001 the child tax credit was $500. The credit was not refundable for most families. However, for a family with three kids or more, the credit was refundable; and it was not offset by the earned income tax credit. That was prior to 2001.

Now enter President Bush and the 2001 tax cut. Under that, the proposal was to increase the child tax credit from $500 to $1,000. The credit was $600 for the year 2003, and it was scheduled to reach $1,000 per child in 2010. That law made the child tax credit partially refundable for all families with children, not just those who had three kids or more.

Now, we had the vote on that May 16, 2001, and I have got the Roll Call from that, and at that time every one of you all voted against it. As a matter of fact, 197 Democrats voted against this.

So, Mr. Speaker, when the Democrats come out here looking for some rhetoric, and the big rhetoric of the Democratic party this year really that has been led by the gentlewoman from California (Ms. PELOSI) is, we could have torn that statue down a lot cheaper.

I know a lot of folks are against the war. And then it was, well, the plan is not working when we were going up the Euphrates. And then as soon as they tore down the statue, I know a lot of folks on the left, and I want to say not all the members of the Democrat party but a lot of folks on the left were disturbed that a 23-year-old Marine corporal who was in theater had the audacity of hanging an American flag on a Saddam Hussein statue. Of course, he was denounced in the liberal, left-wing community for doing that.

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

Mr. KINGSTON. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, that is a little unfair. I do not think anyone objected to flags being flown and so forth. You make a good point on some of the other things, but that is a little unfair on the flag.

Mr. KINGSTON. Let me say to my friend from Tennessee, that is why I said not all the Democrats but a lot of folks on the left denounced the fact that that flag was hung.

Mr. FORD. That is unfair.

Mr. KINGSTON. I would also point out that you were not one of them.

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

Mr. KINGSTON. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. That is outrageous.

Mr. KINGSTON. Reclaiming my time, I will yield further to you in just one second.

I am very pleased that you all are listening. Let me do this, because I am being generous here, but my ranking member of the Committee on Rules says that maybe we should do this a little bit more on your time.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Let me say for the record what I am outraged at what is in the paper today, that nearly one in five children of U.S. military families will not benefit from the increased tax credit signed by President Bush.

Mr. KINGSTON. I am glad that not only does the gentleman listen to fine speeches like mine, but he also reads the paper, which is very good.

□ 1430

I suspect it is probably The New York Times or The Washington Post.

Let me just say this, does that article point out that my colleagues voted against phasing in the tax cut, the refundability, in 2001? That is all I want to say.

What I would love to hear from our Democrat colleagues, Mr. Speaker, who are saying I voted against this tax cut and a tax cut which was a jobs bill, took 3 million working families off the tax roll, 3 million, and I understand they wanted them on. We thought it would be helpful for the working families of America to get off the tax roll. The reality is they voted against it. They wanted to keep them on. I understand that. I just wish they would acknowledge in the year 2001 that they voted against the child tax refundability clause, and I have the vote in my hand; and I can submit it for the RECORD, Mr. Speaker, and do that.

If my colleagues want to be helpful, what they ought to do on some of these tax bills that are aimed at creating jobs is say, hey, we want to amend the bill and we will do this. We will do this in a spirit of a democratic, small D, democratic House and process. We are going to vote for the bill if we put in some of their ideas, because this is the way it really should work, the best of their party and the best of our party combined together to put out just the best thoughts and do what is right for working families.

Let me point out that a family of four making $11,000 a year pays no income tax, pays about $842 in payroll taxes and receives $4,140 under the earned income tax credit. We think that is good. We think it also would be helpful, though, if my colleagues could join us in making these child tax credits permanent because their idea that they are concerned about now might have some merits. Why do they not join us in saying we are going to make these child tax credits permanent? We are not going to do a bait and switch, when in the year 2011 they are gone.

While we are at it, because we all know that a family of mom and dad have great potential for stability, why do we not end the marriage tax penalty together? Again, I throw out an olive branch to my colleagues, could they join us in making the marriage tax penalty permanent? That would be very helpful for the working poor. There are so many things that we could do together.

Another idea is the 10 percent tax bracket, the 10 percent rate. Could my colleagues join us in making that permanent? These are all things that could help the working poor.

We are not going to say we have the franchise on helping the working poor just because we voted to take 3 million off the payrolls and my colleagues voted against it. We are saying maybe they can join us on the next job creation package and come up with something that is in the best interest of all of us.

I would love to yield to the gentleman from Tennessee, but we are getting to the point we have got a lot of Members who want to go ahead and have a vote, and I am a little concerned about that.

Mr. FORD. Mr. Speaker, will the gentleman yield for a quick question?

Mr. KINGSTON. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, what is the problem then if my colleagues believe in removing all these taxes, which I think there is a lot of merit to, I am a big tax cutter like the gentleman is? I support those ideas. How is that consistent with the taking 3 million, or I should say up to 12 million, children or removing them from the target of a tax cut which my colleagues did, they voted for it?

Mr. KINGSTON. Mr. Speaker, reclaiming my time, let me say this. Our objective is to get people working, and that was the real goal of this to get folks working.

Let me say this to my friend from Tennessee: if the gentleman wants to join us in making the child tax credit permanent; the marriage tax penalty, eliminate it permanently; the 10 percent tax credit, make that permanent, he and I need to get together because I think we can move the ball down the road, and that is all we want to do.

I am just saying that the planned, orchestrated campaign of the Democrat Party to denounce something that they all voted against in the year 2002, I just wish the speakers would say I voted against this in 2001, but it is a great idea and now I am mad that the Republicans are not doing it this way; I want it done even though I did not share any of the burden by being responsible and voting for it.

I want to end with this. There are a lot of differences between the Democrat and the Republican parties. They seem to be the group of frivolous lawsuits and starving trial lawyers. We are the party of tort reform, ending frivolous medical liabilities, making health care affordable and accessible. They seem to like unemployment checks and government handouts. We like paychecks, jobs and opportunities.

They like welfare and low expectations. We like welfare reform, jobs.

Mr. FORD. . . .

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Tennessee is definitely out of order, has not been recognized, and the Chair would appreciate it if the gentleman would not speak when the other gentleman has the time.

Mr. FORD. . . .

The SPEAKER pro tempore. The gentleman from Tennessee is not recognized. The Chair would ask the gentleman to take his seat. The Chair would ask the gentleman to take a seat. The gentleman from Georgia may continue.

Mr. FORD. . . .

Mr. KINGSTON. Mr. Speaker, here is the situation with welfare reform, Mr. Speaker. We passed welfare reform at a time when there were 14 million people on welfare. At that time, we were called all kinds of names, and they were saying it was heartless and we were mean-spirited and everything else and that these folks were unable to help themselves. What is interesting is in 1996 when we passed welfare reform, we had 14 million people on welfare. Today, that number is down to 5 million people, too high; but we need to continue working on that. The 9 million people are now tax paying, working, enjoying the opportunity, sharing in the American Dream. They are glad that we passed welfare reform.

There is a component in this that the Democrats are proposing which is simply welfare, and I think there may be some merit in that. I have no trouble at all in a healthy discussion on tinkering with welfare reform. This is good for everybody, but what our tax package was about was creating jobs, and we are going to continue to be the party of welfare reform, jobs and opportunity.

COMMITTEE ON WAYS AND MEANS

CHILD CREDIT REFUNDABILITY FACT SHEET

What was the child credit prior to 2001?

Prior to 2001, the child credit was $500 per eligible child. The credit was not refundable for most families. However, for families with 3 or more eligible children, the credit was refundable to the extent the family had payroll tax liability that was not offset by the Earned Income Credit (EIC).

How was the child credit expanded in 2001?

The Economic Growth and Tax Relief Reconciliation Act of 2001 significantly expanded the child credit in two important ways.

(1) The law gradually increased the credit from $500 to $1,000. The credit was $600 for 2003 and was scheduled to reach $1,000 in 2010.

(2) The law made the child credit partially refundable for all families with children—not just those with 3 or more children. The credit is now refundable by an amount equal to 10 percent of the family's earned income in excess of $10,000. The $10,000 threshold is indexed annually for inflation (it is $10,500 for 2003), and the 10 percent refundability rate will increase to 15 percent in 2005.

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Ackerman	Harman	Neal
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baca	Hilliard	Olver
Baird	Hinchey	Ortiz
Baldacci	Hinojosa	Owens
Baldwin	Hoeffel	Pallone
Barcia	Holden	Pascrell
Barrett	Holt	Pastor
Becerra	Honda	Payne
Bentsen	Hooley	Pelosi
Berkley	Hoyer	Peterson (MN)
Berman	Inslee	Phelps
Berry	Israel	Pomeroy
Blagojevich	Jackson (IL)	Price (NC)

Blumenauer	Jackson-Lee (TX)	Rahall
Bonior	Jefferson	Rangel
Borski	Johnson, E. B.	Reyes
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriquez
Boyd	Kaptur	Roemer
Brady (PA)	Kennedy (RI)	Ross
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Capps	Kind (WI)	Rush
Capuano	Kleczka	Sabo
Cardin	Kucinich	Sanchez
Carson (IN)	LaFalce	Sanders
Carson (OK)	Lampson	Sandlin
Clay	Langevin	Sawyer
Clayton	Lantos	Schiff
Clyburn	Larsen (WA)	Scott
Conyers	Larson (CT)	Serrano
Costello	Lee	Sherman
Coyne	Levin	Skelton
Crowley	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (WA)
Davis (CA)	Lofgren	Snyder
Davis (FL)	Lowey	Solis
Davis (IL)	Luther	Spratt
DeFazio	Maloney (NY)	Stark
DeGette	Markey	Stenholm
Delahunt	Mascara	Strickland
DeLauro	Matheson	Stupak
Deutsch	Matsui	Tanner
Dicks	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Taylor (MS)
Doggett	McCollum	Thompson (CA)
Dooley	McDermott	Thompson (MS)
Doyle	McGovern	Thurman
Edwards	McKinney	Tierney
Engel	McNulty	Towns
Eshoo	Meehan	Turner
Etheridge	Meek (FL)	Udall (CO)
Evans	Meeks (NY)	Udall (NM)
Farr	Menendez	Velazquez
Fattah	Millender-McDonald	Visclosky
Filner	Miller, George	Waters
Ford	Mink	Watt (NC)
Frank	Moakley	Waxman
Frost	Mollohan	Weiner
Gephardt	Moore	Wexler
Gonzalez	Moran (VA)	Woosley
Green (TX)	Murtha	Wu
Gutierrez	Nadler	Wynn
Hall (OH)	Napolitano	

Mr. MCGOVERN. Mr. Speaker, I would say to the gentleman from Georgia his tax package is about welfare for the rich. I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, what incredible nonsense we have heard here on the floor of the House this afternoon, this attempt to raise the flag and besmirch Members of this House over their stance on the American flag practically on the eve of Flag Day.

Let me tell the gentleman (Mr. KINGSTON), there are two kinds of people today that have the American flag wrapped around them. Some of them are young men and women who come back in coffins with the flag draped around it, who gave their all in the ultimate sacrifice for this country; and all of us honor them, whatever our views about the President's policy. But the other kind of people we do not honor, and it is those who choose to wrap their own bad policies that they cannot defend by stretching the flag around themselves.

What are the merits of the argument about the child tax credit? Who came up with it in the first place? I think the names are Al Gore and Tom Downey, who both served in this body who long ago presented a child tax credit proposal. How did it become law? It eventually became law with the signature of a Democratic President in 1997 when we passed the Balanced Budget Act with the support of a large number of Members on both sides of this aisle, balancing the budget, not busting it as this Republican tax bill would do.

The child tax credit has had strong Democratic support within our caucus and within the Committee on Ways and Means on which I serve, and the only reason any Democrat has voted against that child tax credit on this floor was when it was used, much as the flag has been misused this afternoon, as the reason for voting for a bill that gave most all of the help to the people at the top and none of the people at the bottom.

I am glad that my colleague from Texas (Mr. DELAY) has joined us this afternoon. He has announced to the American people that there are more important things to do than to ensure that the child tax credit is available to people that earn a mere $20,000, $25,000 a year. Who are those people? They are the people that empty the bed pans at the nursing homes. They are the cafeteria workers in our public schools. They are the people that we check out with at the gas station when we go in to pay for our gas. They are people that are sweeping the floors today at the hospitals around America.

Why do those young women and men not have an opportunity to get the same type of child tax credit available to those at the top? They are working. Some of them are working two and three jobs to have a chance to advance out of poverty and share in the American Dream. They respect the flag just as much as the gentleman from Georgia does, but they would also like to share in a little of the American Dream.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, my, my, my, what a heated debate we are having today. I came to the well to talk about what this debate is all about. A lot has been left out by those Members on the other side of the aisle because they are afraid for the truth to surface, so I wanted to bring the real facts about what is going on here.

The child tax credit provision in this new tax law is refundable, and it is refundable to the extent 10 percent of earned income in excess of $10,500, people that make $10,500 get a refundable tax rebate. In 2005, the 10 percent rate goes up to 15 percent.

What this fight is over is there was a provision in the Senate that basically said they wanted to accelerate that 2 years, and we may want to do that in the proper way under regular order; but what the Democrats are angry about is that we did not accelerate that spending increase; and thanks to the tax relief passed by Republican Congresses over the last 8 years, 13 million American families have had their entire income tax liability eliminated, eliminated.

The gentleman from Texas brings up who are these people. I would like to show my colleagues one. Here is a married couple earning $30,000 with three children. Before the 2001 law, that they voted against, this married couple would be paying a marginal rate of 15 percent, which means their income tax liability is over $1,000 and their payroll tax liability is $2,160. Before the 2001 law, they would get a $1,500 credit, and they would get an earned income tax credit of $782, which means that their income tax liability was zero. They still had a payroll tax liability; but because of EITC, the payment from the government was zero.

So after 2001, this same family would have an income tax liability of $688, $2,160 from their payroll tax liability; but they get $1,800 in a child tax credit, and they get a $992 earned income tax credit, which means that their income tax liability is still zero, but their payroll tax liability goes down to $48.

After this law that the President passed that they voted against, that the President signed a week ago, this same family is going to have an income tax liability of $525, payroll tax liability of $2,160, but they get a child tax credit of $2,475, and they get an earned income tax credit of $992, which actually helps them pay not only for their payroll taxes; it reimburses them for their payroll taxes. They pay no income taxes. They actually get a check for $782.

□ 1445

A check from the American taxpayers. No tax liability, but they get to put $782 in their pocket.

Now, let us take a single mother that makes $20,000 and has two children. They are going through the same thing. What has happened to her is she gets a check of over $1,000. Over $1,000. She pays no payroll taxes, she pays no income taxes, and she gets a check for $1,000. They voted against that. They voted against that.

Now they want to come and tell the American people they are all tax relievers. Now all of a sudden they are tax relievers, and they want to give more tax relief to the taxpaying public and to people that do not have a tax liability.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. DELAY. They fail to——

Ms. DELAURO. Mr. Speaker, will the gentleman yield for a question?

Mr. DELAY. Mr. Speaker, may I have order?

Ms. DELAURO. I just want to ask the gentleman if he will yield for a quick question.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas has the time.

Ms. DELAURO. I understand.

The SPEAKER pro tempore. The gentleman is not yielding to the gentlewoman. The gentleman may proceed.

Ms. DELAURO. . . .

The SPEAKER pro tempore. The gentleman is not yielding. The gentleman may proceed.

Mr. DELAY. Mr. Speaker, what has happened here is they also do not want to mention that in the bill signed by the President last week we raised by 10 percent and added more people to the rolls that do not pay income taxes. So this notion that we are not taking care of the poor working families of this country are completely false; and, most importantly, they voted against it. We passed it without their votes, moved forward, gave tax relief to poor working families in this country; and we will continue to do so.

When the Senate does something, we always take it into consideration and we will move forward. I would just remind the Members of this House that we have now almost a trillion dollars left in the budget to do more tax relief for the American people, and we are coming back. We are going to have at least two if not three more tax relief packages for the American people. Because we feel very strongly that we need jobs in this country, we need economic growth in this country, and American families need to keep more of their hard-earned money

Mr. RANGEL. Mr. Speaker, will the gentleman yield? Will the gentleman yield on the tax question?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I would hope that the distinguished majority leader would extend the courtesy to his Members and not leave the floor. It is so important when Members have something to say to correct their position that they stay on the floor, not for Democrats but for Republicans as well.

This is a very edifying thing that he said in the well of the House. He is trying to rebut the allegations that we have made that in the last tax bill that the working people in the lower incomes were deliberately left out of the bill. Now, my colleague can go back to last year, the year before last, 10 years from now, but the accusation was made and still stands. The accusation is that the Republican leadership cared more about accelerating tax relief for the wealthiest people than they did for working people.

So let us not come here and mislead and make these statements and walk off the floor. There is a tendency for all of us to be out of order when we see the arrogance, the indifference, and the lack of respect that certain Members, especially those in the leadership, have for those that have to work here each and every day.

Mr. MCGOVERN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) has 5½ minutes remaining and the gentleman from Washington (Mr. HASTINGS) has 13 minutes remaining.

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

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

As I pointed out earlier, this is a rule on two suspensions that were unfortunately defeated earlier this week that deal with serious matters in the southwestern part of the United States, at least one of them does.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI) to speak on one of these matters.

Mr. RENZI. Mr. Speaker, I just want to point out to my colleagues that what we are here to debate is the rule as it affects the Zuni tribe of New Mexico and Arizona as it affects the sacred lands and those lands right now that have no water.

We were able to provide them with enough land in 1984 to establish Zuni Heaven in Arizona, a reservation, and yet without Senator KYL's intervention we would not have been able to achieve the kind of water that we see the communities in rural Arizona supplying now.

This summer, while we debate separate issues, the Zuni people are hoping to engage in their 4-year migration and trek to their holy lands, to their holy site. So the delay that we imposed 2 days ago, the delay we impose today affects their ability to plan and celebrate this agreement. And there is all kinds of agreement, I think even from both sides, if my colleagues will allow us to get to it. We need to be able to restore the tribe's ability to perform not only the religious duties but the farming and subsistence that they need in order to care for their children.

So when we talk about children today, the Zuni people themselves are waiting to plant their crops and feed their children. They are waiting to take their children to their sacred lands, their wetlands, to teach their children their sacred rights. There will be no more delay if we can get this to a vote. Each day, each hour, each minute we allow to pass, the Zuni people feel there are inequities and that the agreement cannot be reached.

For the record, I want the Zuni people to know that what they see here today does not reflect upon them as a people. There are hours and times, Special Orders available in this House for this issue to be debated. Instead, my colleagues have taken their issue and turned this into a side show.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me this time. And since I could not get the gentleman from Texas to answer a simple question for me, maybe I can pose a question to his colleagues and see if we can get an answer.

It appears in fact that the Senate has come to some agreement; that the Senate has said on a bipartisan basis that we need to address the fact that 12 million children were left out of the equation; that they were supposed to be able to have the benefit of a $400 tax credit, these 6.5 million families. The Senate has come to an agreement with about a $10 billion package.

I want to get an answer from the Republican side of the aisle as to whether or not they will bring up the Senate package for us to be able to deliberate and help those 12 million children and those 6.5 million households. The Senate has done it; we ought to be able to do it here and to address that issue.

If we can, we would like to get an answer to that question.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to see if anyone on the other side wants to respond. We are waiting.

Mr. Speaker, I guess we are not going to get an answer to that question.

Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I want you to know I mean no disrespect to you personally or to the institution, but the notion that somehow welfare has any role in this debate is asinine. My colleagues know and we know, as do those watching know, certainly our colleagues in the Senate know, that everyone we are discussing today with regard to this child tax credit are working people.

The welfare reform package that passed this Congress passed before I got here, so it is easy for me to say I would have voted for it, since I was not here. But I can assure my colleagues that my votes since that time are consistent with that.

Now, I appreciate the gentleman from Texas (Mr. DELAY) coming down here, but what he did, I think, was to lay out pretty clearly for those on our side and the other side just the difference in priorities. Our priorities differ in great ways from the Republicans. Many of us like tax cuts; my Republican colleagues like tax cuts. We think tax cuts should benefit more people, the Republicans think they should benefit a lesser group of people. No disrespect to you. Do not mean to ridicule my colleagues personally, but there are complete differences in priorities and realities.

The reality is what we are discussing today. People earning $25,000 a year or less make up a good portion of America. Frankly, those of us on this floor, that is a fraction of what we earn year in and year out. And how dare we, as we pass a tax cut bill, how dare we say that we have done enough for people that make $11,000, $12,000, $13,000, $14,000 and $15,000 a year. How dare we say that to their children, when the facts betray everything that you believe and I believe.

Frankly, if these children whom we are denying this tax credit to could vote, they would vote all of us out of office. As many times as we have lied to them about building new schools and putting more teachers in the classrooms, they would fire the President, might have even fired the former President.

So let us be honest. We deny 12 million children a tax credit. No funny math, no Enron accounting, no Arthur Andersen accounting can refute that. We should do better and we can.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. A question was posed and unanswered. We can wait for an answer, if my colleagues have one.

Is there no answer to the question?

Apparently, there is no answer, I tell the gentlewoman from Connecticut, to the question she posed. Let me tell her and my colleagues why.

Mr. Speaker, yesterday syndicated columnist Arianna Huffington, no Democrat and no liberal, and very wealthy, said this in the Los Angeles Times, and I quote: ''A magnetic compass always points north; a moral compass should always point out that heaping billions on the rich while ensuring that one out of six American children do not get a penny is dead wrong.''

Dead wrong. Arianna Huffington. Not the gentleman from Maryland (Mr. HOYER), not the Democrats, not those fuzzy-headed liberals my Republican colleagues like to talk about, but Arianna Huffington. She continued: ''But that's exactly what congressional Republicans did in pushing through tax cut legislation last month, and that's what President Bush signed off on.'' Arianna Huffington.

Mr. Speaker, America now knows that the GOP's moral compass lies shattered on the conference room floor where the final deals on the Republican tax bill were cut 2 weeks ago.

Why did the majority leader leave the floor? The majority leader left the floor because he used an example just above the $28,000, where he would have been wrong. My colleagues, the moral compass is absent.

There was a report that showed that the policies in 2001 and 2003 are leading to a $44.4 trillion deficit. Who did that? Two people in the Bush administration asked to do that report and OMB. And guess what? They stonewalled the report. Why? Because they did not want the magnitude of the debt tax that we are imposing on every American family known while at the same time, when they had no lobbyist in that hall, those 12 million children, who did not have somebody highly paid to sit in that hallway and say do not cut us, found themselves cut out of the bill that in the still and dark of the night, with no Democrats present, was brought out to this floor, pages and pages of bill, with minutes to review it.

Arianna Huffington is correct. Shame, shame, shame.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining 30 seconds. I urge my colleagues to vote ''no'' on the previous question so that we can help millions of children and working families. We have heard the other side defend the indefensible.

□ 1500

Mr. Speaker, if they do not want to help millions of working families, they should at least have the guts to go on record as voting no instead of hiding behind procedures. So let this House work its will. Let us have a little democracy in this Chamber. Vote on the previous question so we can bring up the Rangel bill and literally help millions of children in this country.

WORKING FAMILIES TAX CREDIT ACT OF 2003—SUMMARY OF H.R. 2286, JUNE 4, 2003

Republicans have left moderate-income families behind in their zeal to cut taxes on millionaires, contrary to their ''leave no child behind'' rhetoric.

H.R. 2286 helps moderate-income working families and is revenue neutral.

PROVISIONS

Provides Child Credit to More Working Families: Lowers to $7,500 (from $10,500) the amount of the wages a family must have before refundability of the child credit begins. This is identical to a provision that was included in the house Democratic alternative on the economic stimulus legislation. The credit would be allowed for approximately 19 million additional children by reason of this change.

Increases Benefit for Working Families: Increases partial refundability from 10 percent of wages to 15 percent of wages. Again, this is identical to a provision that was included in the Democratic alternative. This would result in an average credit increase of over $300 per child.

Helps Families of Soldiers in Combat: Allows refundability for families of soldiers in combat zones even though combat wages are not taxed.

Speeds up Marriage Penalty Relief for Lower Income Working Couples: Makes effective immediately the marriage penalty relief in the Earned Income Tax Credit that was provided in the 2001 tax cut. This is the only marriage penalty relief not accelerated in the recently enacted tax bill.

Does Not Increase the Deficit: Closes corporate loopholes: prohibits tax shelters, and taxes corporations that move headquarters offshore (expatriates).

Mr. Speaker, I ask unanimous consent that the text of the amendment and description of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

Mr. Speaker, as I mentioned earlier, this is a rule on two suspension bills that were, unfortunately, not passed earlier this week. They are very important bills to those areas that are affected.

Mr. Speaker, I include for the RECORD the chart that the distinguished majority leader discussed earlier today.

EXAMPLES: REFUNDABILITY OF CHILD CREDIT FOR 2003

	Pre-2001 law	2001 law	2003 law
Example 1: Married couple earning $30,000 with 3 children			
Tax liability before credits:			
Earnings	30,000	30,000	30,000
Standard deduction	(7,950)	(7,950)	(9,500)
Personal exemptions	(15,250)	(15,250)	(15,250)
Taxable income	6,800	6,800	5,250
Marginal tax rate	15%	10%	10%
Income tax liability	1,020	680	525
Payroll tax liability	2,160	2,160	2,160
Child credit	1,500	1,800	2,475
Earned income credit	782	992	992
Tax liability after EIC and child credit:			
Income tax liability	0	0	0
Payroll tax liability	898	48	0
Payroll from government	0	0	782
Example 2: Single mother earning $20,000 with 2 children			
Tax liability before credits:			
Earnings	20,000	20,000	20,000
Standard deduction	(7,000)	(7,000)	(7,000)
Personal exemptions	(9,150)	(9,150)	(9,150)
Taxable income	3,850	3,850	3,850
Marginal tax rate	15%	10%	10%
Income tax liability	578	385	385
Payroll tax liability	1,440	1,440	1,440
Child credit	578	1,200	1,335
Earned income credit	2,888	2,888	2,888
Tax liability after EIC and child credit:			
Income tax liability	0	0	0
Payroll tax liability	0	0	0
Payment from government	1,748	2,263	2,398

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES.—RULE ON S. 222 & S. 273

At the end of the resolution add the following new section:

''SEC. 3. 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. 2286) the Working Families tax Credit Act of 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 40 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.''

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution, which will be followed by a 5-minute vote on the question of passage of H.R. 1474 which was postponed earlier today.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 20, as follows:

[Roll No. 244]

YEAS—220

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

NAYS—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
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)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Ballenger
Brady (TX)
Burton (IN)
Carson (OK)
Delahunt
Dicks
Eshoo
Gephardt
Hastings (FL)
Larson (CT)
Lewis (KY)
Lofgren
McInnis
Ortiz
Reyes
Ryan (WI)
Smith (MI)
Smith (WA)
Toomey
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that there are 2 minutes remaining to vote.

□ 1521

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEKS of New York changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

RECORDED VOTE

Mr. MCGOVERN. 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 229, noes 175, not voting 30, as follows:

[Roll No. 245]

AYES—229

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
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
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
Gutierrez
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
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)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
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)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holt
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)
Lee
Levin
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—30

Ballenger
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Cubin
DeFazio
Delahunt
Dicks
Eshoo
Frank (MA)
Gephardt
Hastings (FL)
Herger
Jenkins
Larson (CT)
Lewis (GA)
Lewis (KY)
Lofgren
McDermott
McInnis
Meeks (NY)
Ortiz
Reyes
Rogers (MI)
Ryan (WI)
Smith (MI)
Smith (WA)
Toomey
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining to vote.

□ 1527

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHECK CLEARING FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 1474, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill 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 405, nays 0, not voting 29, as follows:

[Roll No. 246]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Conyers
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)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
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 (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
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
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)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
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)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Ballenger
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Coble
DeFazio
Delahunt
Dicks
Eshoo
Gephardt
Hastings (FL)
Jenkins
Larson (CT)
Lewis (KY)
Lofgren
McDermott
McInnis
Miller, George
Ortiz
Peterson (PA)
Pickering
Reyes
Ryan (WI)
Smith (MI)
Smith (WA)
Spratt
Toomey
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised two minutes remain to vote.

□ 1533

So the 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. PICKERING. Mr. Speaker, on rollcall No. 246, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT REGARDING CHANGE OF MEETING PLACE FOR MEMBERS-ONLY BRIEFING ON IRAQ

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

Mr. HUNTER. Mr. Speaker, the briefing by Secretary Rumsfeld that was to take place on the floor at 4 p.m. will take place at 4 p.m. in Rayburn 2118.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 222 and S. 273.

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

There was no objection.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

Mr. RENZI. Mr. Speaker, pursuant to House Resolution 258, I call up the Senate bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 222 is as follows:

S. 222

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 ''Zuni Indian Tribe Water Rights Settlement Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination, religious freedom, political and cultural integrity, and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation.

(2) Quantification of rights to water and development of facilities needed to use tribal water supplies effectively is essential to the development of viable Indian reservation communities, particularly in arid western States.

(3) On August 28, 1984, and by actions subsequent thereto, the United States established a reservation for the Zuni Indian Tribe in Apache County, Arizona upstream from the confluence of the Little Colorado and Zuni Rivers for long-standing religious and sustenance activities.

(4) The water rights of all water users in the Little Colorado River basin in Arizona have been in litigation since 1979, in the Superior Court of the State of Arizona in and for the County of Apache in Civil No. 6417, In re The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source.

(5) Recognizing that the final resolution of the Zuni Indian Tribe's water claims through litigation will take many years and entail great expense to all parties, continue to limit the Tribe's access to water with economic, social, and cultural consequences to the Tribe, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Tribe and neighboring non-Indians have sought to settle their disputes to water and reduce the burdens of litigation.

(6) After more than 4 years of negotiations, which included participation by representatives of the United States, the Zuni Indian Tribe, the State of Arizona, and neighboring non-Indian communities in the Little Colorado River basin, the parties have entered into a Settlement Agreement to resolve all of the Zuni Indian Tribe's water rights claims and to assist the Tribe in acquiring surface water rights, to provide for the Tribe's use of groundwater, and to provide for the wetland restoration of the Tribe's lands in Arizona.

(7) To facilitate the wetland restoration project contemplated under the Settlement Agreement, the Zuni Indian Tribe acquired certain lands along the Little Colorado River near or adjacent to its Reservation that are important for the success of the project and will likely acquire a small amount of similarly situated additional lands. The parties have agreed not to object to the United States taking title to certain of these lands into trust status; other lands shall remain in tribal fee status. The parties have worked extensively to resolve various governmental concerns regarding use of and control over those lands, and to provide a successful model for these types of situations, the State, local, and tribal governments intend to enter into an Intergovernmental Agreement that addresses the parties' governmental concerns.

(8) Pursuant to the Settlement Agreement, the neighboring non-Indian entities will assist in the Tribe's acquisition of surface water rights and development of groundwater, store surface water supplies for the Zuni Indian Tribe, and make substantial additional contributions to carry out the Settlement Agreement's provisions.

(9) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and contribute funds for the rehabilitation of religious riparian areas and other purposes to enable the Tribe to use its water entitlement in developing its Reservation.

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

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the Tribe and neighboring non-Indians;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers;

(3) to authorize and direct the United States to take legal title and hold such title to certain lands in trust for the benefit of the Zuni Indian Tribe; and

(4) to authorize the actions, agreements, and appropriations as provided for in the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) EASTERN LCR BASIN.—The term ''Eastern LCR basin'' means the portion of the Little Colorado River basin in Arizona upstream of the confluence of Silver Creek and the Little Colorado River, as identified on Exhibit 2.10 of the Settlement Agreement.

(2) FUND.—The term ''Fund'' means the Zuni Indian Tribe Water Rights Development Fund established by section 6(a).

(3) INTERGOVERNMENTAL AGREEMENT.—The term ''Intergovernmental Agreement'' means the intergovernmental agreement between the Zuni Indian Tribe, Apache County, Arizona and the State of Arizona described in article 6 of the Settlement Agreement.

(4) PUMPING PROTECTION AGREEMENT.—The term ''Pumping Protection Agreement'' means an agreement, described in article 5 of the Settlement Agreement, between the Zuni Tribe, the United States on behalf of the Tribe, and a local landowner under which the landowner agrees to limit pumping of groundwater on his lands in exchange for a waiver of certain claims by the Zuni Tribe and the United States on behalf of the Tribe.

(5) RESERVATION; ZUNI HEAVEN RESERVATION.—The term ''Reservation'' or ''Zuni Heaven Reservation'', also referred to as ''Kolhu:wala:wa'', means the following property in Apache County, Arizona: Sections 26, 27, 28, 33, 34, and 35, Township 15 North, Range 26 East, Gila and Salt River Base and Meridian; and Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 23, 26, and 27, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means that agreement dated June 7, 2002, together with all exhibits thereto. The parties to the Settlement Agreement include the Zuni Indian Tribe and its members, the United States on behalf of the Tribe and its members, the State of Arizona, the Arizona Game and Fish Commission, the Arizona State Land Department, the Arizona State Parks Board, the St. Johns Irrigation and Ditch Co., the Lyman Water Co., the Round Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, the Tucson Electric Power Company, the City of St. Johns, the Town of Eagar, and the Town of Springerville.

(8) SRP.—The term ''SRP'' means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona.

(9) TEP.—The term ''TEP'' means Tucson Electric Power Company.

(10) TRIBE, ZUNI TRIBE, OR ZUNI INDIAN TRIBE.—The terms ''Tribe'', ''Zuni Tribe'', or ''Zuni Indian Tribe'' means the body politic and federally recognized Indian nation, and its members.

(11) ZUNI LANDS.—The term ''Zuni Lands'' means all the following lands, in the State of Arizona, that, on the effective date described in section 9(a), are—

(A) within the Zuni Heaven Reservation;

(B) held in trust by the United States for the benefit of the Tribe or its members; or

(C) held in fee within the Little Colorado River basin by or for the Tribe.

SEC. 4. AUTHORIZATION, RATIFICATIONS, AND CONFIRMATIONS.

(a) SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Settlement Agreement is hereby approved, ratified, confirmed, and declared to be valid. The Secretary is authorized and directed to execute the Settlement Agreement and any amendments approved by the parties necessary to make the Settlement Agreement consistent with this Act. The Secretary is further authorized to perform any actions required by the Settlement Agreement and any amendments to the Settlement Agreement that may be mutually agreed upon by the parties to the Settlement Agreement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Zuni Indian Tribe Water Rights Development Fund established in section 6(a), $19,250,000, to be allocated by the Secretary as follows:

(1) $3,500,000 for fiscal year 2004, to be used for the acquisition of water rights and associated lands, and other activities carried out, by the Zuni Tribe to facilitate the enforceability of the Settlement Agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before the deadline described in section 9(b).

(2) $15,750,000, of which $5,250,000 shall be made available for each of fiscal years 2004, 2005, and 2006, to take actions necessary to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas as provided for in the Settlement Agreement and under this Act.

(c) OTHER AGREEMENTS.—Except as provided in section 9, the following 3 separate agreements, together with all amendments thereto, are approved, ratified, confirmed, and declared to be valid:

(1) The agreement between SRP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(2) The agreement between TEP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(3) The agreement between the Arizona State Land Department, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

SEC. 5. TRUST LANDS.

(a) NEW TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, and after the requirements of section 9(a) have been met, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 13: SW 1/4, S 1/2 NE 1/4 SE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4;

(B) Section 23: N 1/2, N 1/2 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SW 1/4 SE 1/4;

(C) Section 24: NW 1/4, SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; and

(D) Section 25: N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4.

(2) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 19: W 1/2 E 1/2 NW 1/4, W 1/2 NW 1/4, W 1/2 NE 1/4 SW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4;

(B) Section 29: SW 1/4 SW 1/4 NW 1/4, NW 1/4 NW 1/4 SW 1/4, S 1/2 N 1/2 SW 1/4, S 1/2 SW 1/4, S 1/2 NW 1/4 SE 1/4, SW 1/4 SE 1/4;

(C) Section 30: W 1/2 , SE 1/4; and

(D) Section 31: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, E 1/2 SW 1/4, N 1/2 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4, E 1/2 SW 1/4 SW 1/4, SW 1/4 SW 1/4 SW 1/4.

(b) FUTURE TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 26E., Gila and Salt River Base and Meridian: Section 25: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, NW 1/4, N 1/2 NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4.

(2) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 14: SE 1/4 SW 1/4, SE 1/4;

(B) Section 16: S 1/2 SW 1/4 SE 1/4;

(C) Section 19: S 1/2 SE 1/4 SE 1/4;

(D) Section 20: S 1/2 SW 1/4 SW 1/4, E 1/2 SE 1/4 SE 1/4;

(E) Section 21: N 1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 SW 1/4 NE 1/4, N 1/2 NE 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, W 1/2 SW 1/4 SW 1/4;

(F) Section 22: SW 1/4 NE 1/4 NE 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 NW 1/4, SE 1/4 NW1/4, N 1/2 SW 1/4 NW 1/4, SE 1/4 SW 1/4 NW 1/4, N 1/2 N 1/2 SE 1/4, N 1/2 NE 1/4 SW 1/4;

(G) Section 24: N 1/2 NE 1/4, S 1/2 SE 1/4;

(H) Section 29: N 1/2 N 1/2;

(I) Section 30: N 1/2 N 1/2, N 1/2 S 1/2 NW 1/4, N 1/2 SW 1/4 NE 1/4; and

(J) Section 36: SE 1/4 SE 1/4 NE 1/4, NE 1/4 NE 1/4 SE 1/4.

(3) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 18: S 1/2 NE 1/4, NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4, S 1/2 NW 1/4 SW 1/4, S 1/2 SW 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

(B) Section 30: S 1/2 NE 1/4, W 1/2 NW 1/4 NE 1/4; and

(C) Section 32: N 1/2 NW 1/4 NE 1/4, SW 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.

(c) NEW RESERVATION LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands in Arizona into trust for the benefit of the Zuni Tribe and make such lands part of the Zuni Indian Tribe Reservation in Arizona: Section 34, T. 14 N., R. 26 E., Gila and Salt River Base and Meridian.

(d) LIMITATION ON SECRETARIAL DISCRETION.—The Secretary shall have no discretion regarding the acquisitions described in subsections (a), (b), and (c).

(e) LANDS REMAINING IN FEE STATUS.—The Zuni Tribe may seek to have the legal title to additional lands in Arizona, other than the lands described in subsection (a), (b), or (c), taken into trust by the United States for the benefit of the Zuni Indian Tribe pursuant only to an Act of Congress enacted after the date of enactment of this Act specifically authorizing the transfer for the benefit of the Zuni Tribe.

(f) FINAL AGENCY ACTION.—Any written certification by the Secretary under subparagraph 6.2.B of the Settlement Agreement constitutes final agency action under the Administrative Procedure Act and is reviewable as provided for under chapter 7 of title 5, United States Code.

(g) NO FEDERAL WATER RIGHTS.—Lands taken into trust pursuant to subsection (a), (b), or (c) shall not have Federal reserved rights to surface water or groundwater.

(h) STATE WATER RIGHTS.—The water rights and uses for the lands taken into trust pursuant to subsection (a) or (c) must be determined under subparagraph 4.1.A and article 5 of the Settlement Agreement. With respect to the lands taken into trust pursuant to subsection (b), the Zuni Tribe retains any rights or claims to water associated with these lands under State law, subject to the terms of the Settlement Agreement.

(i) FORFEITURE AND ABANDONMENT.—Water rights that are appurtenant to lands taken into trust pursuant to subsection (a), (b), or (c) shall not be subject to forfeiture and abandonment.

(j) AD VALOREM TAXES.—With respect to lands that are taken into trust pursuant to subsection (a) or (b), the Zuni Tribe shall make payments in lieu of all current and future State, county, and local ad valorem property taxes that would otherwise be applicable to those lands if they were not in trust.

(k) AUTHORITY OF TRIBE.—For purposes of complying with this section and article 6 of the Settlement Agreement, the Tribe is authorized to enter into—

(1) the Intergovernmental Agreement between the Zuni Tribe, Apache County, Arizona, and the State of Arizona; and

(2) any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement.

(l) FEDERAL ACKNOWLEDGEMENT OF INTERGOVERNMENTAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall acknowledge the terms of any intergovernmental agreement entered into by the Tribe under this section.

(2) NO ABROGATION.—The Secretary shall not seek to abrogate, in any administrative or judicial action, the terms of any intergovernmental agreement that are consistent with subparagraph 6.2.A of the Settlement Agreement and this Act.

(3) REMOVAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a judicial action is commenced during a dispute over any intergovernmental agreement entered into under this section, and the United States is allowed to intervene in such action, the United States shall not remove such action to the Federal courts.

(B) EXCEPTION.—The United States may seek removal if—

(i) the action concerns the Secretary's decision regarding the issuance of rights-of-way under section 8(c);

(ii) the action concerns the authority of a Federal agency to administer programs or the issuance of a permit under—

(I) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(IV) any other Federal law specifically addressed in intergovernmental agreements; or

(iii) the intergovernmental agreement is inconsistent with a Federal law for the protection of civil rights, public health, or welfare.

(m) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to affect the application of the Act of May 25, 1918 (25 U.S.C. 211) within the State of Arizona.

(n) DISCLAIMER.—Nothing in this section repeals, modifies, amends, changes, or otherwise affects the Secretary's obligations to the Zuni Tribe pursuant to the Act entitled ''An Act to convey certain lands to the Zuni Indian Tribe for religious purposes'' approved August 28, 1984 (Public Law 98–408; 98 Stat. 1533) (and as amended by the Zuni Land Conservation Act of 1990 (Public Law 101–486; 104 Stat. 1174)).

SEC. 6. DEVELOPMENT FUND.

(a) ESTABLISHMENT OF THE FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''Zuni Indian Tribe Water Rights Development Fund'', to be managed and invested by the Secretary, consisting of—

(A) the amounts authorized to be appropriated in section 4(b); and

(B) the appropriation to be contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement.

(2) ADDITIONAL DEPOSITS.—The Secretary shall deposit in the Fund any other monies paid to the Secretary on behalf of the Zuni Tribe pursuant to the Settlement Agreement.

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, make investments from the Fund, and make monies available from the Fund for distribution to the Zuni Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (referred to in this section as the ''Trust Fund Reform Act''), this Act, and the Settlement Agreement.

(c) INVESTMENT OF THE FUND.—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) subsection (b).

(d) AVAILABILITY OF AMOUNTS FROM THE FUND.—The funds authorized to be appropriated pursuant to section 3104(b)(2) and funds contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement shall be available for expenditure or withdrawal only after the requirements of section 9(a) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Zuni Tribe may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Zuni Tribe spend any funds in accordance with the purposes described in section 4(b).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any monies withdrawn from the Fund under the plan are used in accordance with this Act.

(3) LIABILITY.—If the Zuni Tribe exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Zuni Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the funds made available under this Act that the Zuni Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Zuni Tribe remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Zuni Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) FUNDS FOR ACQUISITION OF WATER RIGHTS.—

(1) WATER RIGHTS ACQUISITIONS.—Notwithstanding subsection (e), the funds authorized to be appropriated pursuant to section 4(b)(1)—

(A) shall be available upon appropriation for use in accordance with section 4(b)(1); and

(B) shall be distributed by the Secretary to the Zuni Tribe on receipt by the Secretary from the Zuni Tribe of a written notice and a tribal council resolution that describe the purposes for which the funds will be used.

(2) RIGHT TO SET OFF.—In the event the requirements of section 9(a) have not been met and the Settlement Agreement has become null and void under section 9(b), the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to section 4(b)(1), together with any interest accrued, against any claims asserted by the Zuni Tribe against the United States relating to water rights at the Zuni Heaven Reservation.

(3) WATER RIGHTS.—Any water rights acquired with funds described in paragraph (1) shall be credited against any water rights secured by the Zuni Tribe, or the United States on behalf of the Zuni Tribe, for the Zuni Heaven Reservation in the Little Colorado River General Stream Adjudication or in any future settlement of claims for those water rights.

(g) NO PER CAPITA DISTRIBUTIONS.—No part of the Fund shall be distributed on a per capita basis to members of the Zuni Tribe.

SEC. 7. CLAIMS EXTINGUISHMENT; WAIVERS AND RELEASES.

(a) FULL SATISFACTION OF MEMBERS' CLAIMS.—

(1) IN GENERAL.—The benefits realized by the Tribe and its members under this Act, including retention of any claims and rights, shall constitute full and complete satisfaction of all members' claims for—

(A) water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a) and any time thereafter; and

(B) injuries to water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent, claims for damages for deprivation of water rights, and claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a).

(2) NO RECOGNITION OR ESTABLISHMENT OF INDIVIDUAL WATER RIGHT.—Nothing in this Act recognizes or establishes any right of a member of the Tribe to water on the Reservation.

(b) TRIBE AND UNITED STATES AUTHORIZATION AND WATER QUANTITY WAIVERS.—The Tribe, on behalf of itself and its members and the Secretary on behalf of the United States in its capacity as trustee for the Zuni Tribe and its members, are authorized, as part of the performance of their obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraph 11.4 of the Settlement Agreement, for claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation, under Federal, State, or other law for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a) and any time thereafter, except for claims within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and including claims for damages for deprivation of water rights and any claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a); and

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and including any claims for damages for deprivation of water rights and any claims for changes to underground water table levels) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors.

(c) TRIBAL WAIVERS AGAINST THE UNITED STATES.—The Tribe is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraphs 11.4 and 11.6 of the Settlement Agreement, for claims against the United States (acting in its capacity as trustee for the Zuni Tribe or its members, or otherwise acting on behalf of the Zuni Tribe or its members), including any agencies, officials, or employees thereof, for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands, from time immemorial through the effective date described in section 9(a) and any time thereafter;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) for Zuni Lands from time immemorial through the effective date described in section 9(a);

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors;

(4) past and present claims for failure to protect, acquire, or develop water rights of, or failure to protect water quality for, the Zuni Tribe within the Little Colorado River basin in Arizona from time immemorial through the effective date described in section 9(a); and

(5) claims for breach of the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(d) TRIBAL WAIVER OF WATER QUALITY CLAIMS AND INTERFERENCE WITH TRUST CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) INTERFERENCE WITH TRUST RESPONSIBILITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for claims of interference with the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(B) INJURY OR THREAT OF INJURY TO WATER QUALITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

(i) any and all past and present claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury to water quality accruing from time immemorial through the effective date described in section 9(a), for lands within the Little Colorado River basin in the State of Arizona; and

(ii) any and all future claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury or threat of injury to water quality, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin caused by—

(I) the lawful diversion or use of surface water;

(II) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(III) the Parties' performance of any obligations under the Settlement Agreement;

(IV) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(V) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(VI) any combination of the causes described in subclauses (I) through (V).

(2) CLAIMS OF THE UNITED STATES.—The Tribe, on behalf of itself and its members, is authorized to waive its right to request that the United States bring—

(A) any claims for injuries to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or any other applicable statute, for lands within the Little Colorado River Basin in the State of Arizona, accruing from time immemorial through the effective date described in section 9(a); and

(B) any future claims for injuries or threat of injury to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(3) LIMITATIONS.—Notwithstanding the authorization for the Tribe's waiver of future water quality claims in paragraph (1)(B)(ii) and the waiver in paragraph (2)(B), the Tribe, on behalf of itself and its members, retains any statutory claims for injury or threat of injury to water quality under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), as described in subparagraph 11.4(D)(3) and (4) of the Settlement Agreement, that accrue at least 30 years after the effective date described in section 9(a).

(e) WAIVER OF UNITED STATES WATER QUALITY CLAIMS RELATED TO SETTLEMENT LAND AND WATER.—

(1) PAST AND PRESENT CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all past and present common law claims accruing from time immemorial through the effective date described in section 9(a) arising from or relating to water quality in which the injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Little Colorado River basin in the State of Arizona; and

(B) all past and present natural resource damage claims accruing through the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations.

(2) FUTURE CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all future common law claims arising from or relating to water quality in which the injury or threat of injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Eastern LCR basin in Arizona accruing after the effective date described in section 9(a) caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v); and

(B) all future natural resource damage claims accruing after the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Eastern LCR basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of their obligations under this Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(f) EFFECT.—Subject to subsections (b) and (e), nothing in this Act or the Settlement Agreement affects any right of the United States, or the State of Arizona, to take any actions, including enforcement actions, under any laws (including regulations) relating to human health, safety and the environment.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—If any party to the Settlement Agreement or a Pumping Protection Agreement files a lawsuit only relating directly to the interpretation or enforcement of this Act, the Settlement Agreement, an agreement described in paragraph (1), (2), or (3) of section 4(c), or a Pumping Protection Agreement, naming the United States or the Tribe as a party, or if any other landowner or water user in the Little Colorado River basin in Arizona files a lawsuit only relating directly to the interpretation or enforcement of Article 11, the rights of de minimis users in subparagraph 4.2.D or the rights of underground water users under Article 5 of the Settlement Agreement, naming the United States or the Tribe as a party—

(1) the United States, the Tribe, or both may be added as a party to any such litigation, and any claim by the United States or the Tribe to sovereign immunity from such suit is hereby waived, other than with respect to claims for monetary awards except as specifically provided for in the Settlement Agreement; and

(2) the Tribe may waive its sovereign immunity from suit in the Superior Court of Apache County, Arizona for the limited purposes of enforcing the terms of the Intergovernmental Agreement, and any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement, other than with respect to claims for monetary awards except as specifically provided in the Intergovernmental Agreement.

(b) TRIBAL USE OF WATER.—

(1) IN GENERAL.—With respect to water rights made available under the Settlement Agreement and used on the Zuni Heaven Reservation—

(A) such water rights shall be held in trust by the United States in perpetuity, and shall not be subject to forfeiture or abandonment;

(B) State law shall not apply to water uses on the Reservation;

(C) the State of Arizona may not regulate or tax such water rights or uses (except that the court with jurisdiction over the decree entered pursuant to the Settlement Agreement or the Norviel Decree Court may assess administrative fees for delivery of this water);

(D) subject to paragraph 7.7 of the Settlement Agreement, the Zuni Tribe shall use water made available to the Zuni Tribe under the Settlement Agreement on the Zuni Heaven Reservation for any use it deems advisable;

(E) water use by the Zuni Tribe or the United States on behalf of the Zuni Tribe for wildlife or instream flow use, or for irrigation to establish or maintain wetland on the Reservation, shall be considered to be consistent with the purposes of the Reservation; and

(F)(i) not later than 3 years after the deadline described in section 9(b), the Zuni Tribe shall adopt a water code to be approved by the Secretary for regulation of water use on the lands identified in subsections (a) and (b) of section 5 that is reasonably equivalent to State water law (including statutes relating to dam safety and groundwater management); and

(ii) until such date as the Zuni Tribe adopts a water code described in clause (i), the Secretary, in consultation with the State of Arizona, shall administer water use and water regulation on lands described in that clause in a manner that is reasonably equivalent to State law (including statutes relating to dam safety and groundwater management).

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Zuni Tribe or the United States shall not sell, lease, transfer, or transport water made available for use on the Zuni Heaven Reservation to any other place.

(B) EXCEPTION.—Water made available to the Zuni Tribe or the United States for use on the Zuni Heaven Reservation may be severed and transferred from the Reservation to other Zuni Lands if the severance and transfer is accomplished in accordance with State law (and once transferred to any lands held

in fee, such water shall be subject to State law).

(c) RIGHTS-OF-WAY.—

(1) NEW AND FUTURE TRUST LAND.—The land taken into trust under subsections (a) and (b) of section 5 shall be subject to existing easements and rights-of-way.

(2) ADDITIONAL RIGHTS-OF-WAY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in consultation with the Tribe, shall grant additional rights-of-way or expansions of existing rights-of-way for roads, utilities, and other accommodations to adjoining landowners if—

(i) the proposed right-of-way is necessary to the needs of the applicant;

(ii) the proposed right-of-way will not cause significant and substantial harm to the Tribe's wetland restoration project or religious practices; and

(iii) the proposed right-of-way acquisition will comply with the procedures in part 169 of title 25, Code of Federal Regulations, not inconsistent with this subsection and other generally applicable Federal laws unrelated to the acquisition of interests across trust lands.

(B) ALTERNATIVES.—If the criteria described in clauses (i) through (iii) of subparagraph (A) are not met, the Secretary may propose an alternative right-of-way, or other accommodation that complies with the criteria.

(d) CERTAIN CLAIMS PROHIBITED.—The United States shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Settlement Agreement against any Indian-owned land within the Tribe's Reservation, and no assessment shall be made in regard to such costs against such lands.

(e) VESTED RIGHTS.—Except as described in paragraph 5.3 of the Settlement Agreement (recognizing the Zuni Tribe's use of 1,500 acre-feet per annum of groundwater) this Act and the Settlement Agreement do not create any vested right to groundwater under Federal or State law, or any priority to the use of groundwater that would be superior to any other right or use of groundwater under Federal or State law, whether through this Act, the Settlement Agreement, or by incorporation of any abstract, agreement, or stipulation prepared under the Settlement Agreement. Notwithstanding the preceding sentence, the rights of parties to the agreements referred to in paragraph (1), (2), or (3) of section 4(c) and paragraph 5.8 of the Settlement Agreement, as among themselves, shall be as stated in those agreements.

(f) OTHER CLAIMS.—Nothing in the Settlement Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian tribe, band, or community, other than the Zuni Indian Tribe.

(g) NO MAJOR FEDERAL ACTION.—

(1) IN GENERAL.—Execution of the Settlement Agreement by the Secretary as provided for in section 4(a) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) SETTLEMENT AGREEMENT.—In implementing the Settlement Agreement, the Secretary shall comply with all aspects of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable environmental laws (including regulations).

SEC. 9. EFFECTIVE DATE FOR WAIVER AND RELEASE AUTHORIZATIONS.

(a) IN GENERAL.—The waiver and release authorizations contained in subsections (b) and (c) of section 7 shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of all the following findings:

(1) This Act has been enacted in a form approved by the parties in paragraph 3.1.A of the Settlement Agreement.

(2) The funds authorized by section 4(b) have been appropriated and deposited into the Fund.

(3) The State of Arizona has appropriated and deposited into the Fund the amount required by paragraph 7.6 of the Settlement Agreement.

(4) The Zuni Indian Tribe has either purchased or acquired the right to purchase at least 2,350 acre-feet per annum of surface water rights, or waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(5) Pursuant to subparagraph 3.1.D of the Settlement Agreement, the severance and transfer of surface water rights that the Tribe owns or has the right to purchase have been conditionally approved, or the Tribe has waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(6) Pursuant to subparagraph 3.1.E of the Settlement Agreement, the Tribe and Lyman Water Company have executed an agreement relating to the process of the severance and transfer of surface water rights acquired by the Zuni Tribe or the United States, the pass-through, use, or storage of the Tribe's surface water rights in Lyman Lake, and the operation of Lyman Dam.

(7) Pursuant to subparagraph 3.1.F of the Settlement Agreement, all the parties to the Settlement Agreement have agreed and stipulated to certain Arizona Game and Fish abstracts of water uses.

(8) Pursuant to subparagraph 3.1.G of the Settlement Agreement, all parties to the Settlement Agreement have agreed to the location of an observation well and that well has been installed.

(9) Pursuant to subparagraph 3.1.H of the Settlement Agreement, the Zuni Tribe, Apache County, Arizona and the State of Arizona have executed an Intergovernmental Agreement that satisfies all of the conditions in paragraph 6.2 of the Settlement Agreement.

(10) The Zuni Tribe has acquired title to the section of land adjacent to the Zuni Heaven Reservation described as Section 34, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(11) The Settlement Agreement has been modified if and to the extent it is in conflict with this Act and such modification has been agreed to by all the parties to the Settlement Agreement.

(12) A court of competent jurisdiction has approved the Settlement Agreement by a final judgment and decree.

(b) DEADLINE FOR EFFECTIVE DATE.—If the publication in the Federal Register required under subsection (a) has not occurred by December 31, 2006, sections 4 and 5, and any agreements entered into pursuant to sections 4 and 5 (including the Settlement Agreement and the Intergovernmental Agreement) shall not thereafter be effective and shall be null and void. Any funds and the interest accrued thereon appropriated pursuant to section 4(b)(2) shall revert to the Treasury, and any funds and the interest accrued thereon appropriated pursuant to paragraph 7.6 of the Settlement Agreement shall revert to the State of Arizona.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

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

Mr. Speaker, in order for my colleagues to get home and be a little more efficient, we have had discussions on this bill. I think that both sides are now ready to vote on it in agreement. I urge adoption.

S. 222, authored by Senator JON KYL and identical to legislation introduced by me and Congressman J.D. HAYWORTH of Arizona, would resolve water rights claims and litigation in the Little Colorado River basin. I would like to commend the commitment and persistence of Senator KYL on this important settlement. I would also like to recognize the patience and perseverance of the Zuni Tribe.

The Zuni Indian Tribe Water Rights Settlement Act of 2003 would codify the settlement of the Zuni Indian Tribe's water rights for its religious lands in northeastern Arizona. Congress first recognized the importance of these lands in 1984 when it created the Zuni Heaven Reservation. While land issues were addressed in 1984, water rights remained in question until Sen. KYL's intervention.

Uncertainty existed in several of the rural towns upstream from the newly-created Zuni Heaven. These small communities upstream from this Reservation have now been fully-appropriated. A resolution was reached that avoided costly litigation. Parties included the Zuni Tribe, the United States on behalf of the Zuni Tribe, the State of Arizona, including the Arizona Game and Fish Commission, the Arizona State Land Department, and the Arizona State Parks Board, as well as the major water users in this area; negotiations were conducted for many years to produce an acceptable agreement for all parties.

This legislation would provide the Zuni Tribe with the resources and protections necessary to acquire water rights from willing sellers. In addition, this legislation will restore and protect the wetland environment that previously existed on Zuni Heaven.

In return, the Zuni Tribe will grandfather existing water uses and waive claims against many future water uses in the Little Colorado River Basin. This legislation exemplifies that the Zuni Tribe can achieve its needs for the Zuni Heaven Reservation and avoid a disruption to local water users and industry. The United States will also avoid costly litigation and satisfy its trust responsibilities to the Zuni Tribe.

This legislation provides much needed assurances to all settlement participants and is the result of four years of good faith negotiations.

I would like to identify and commend the work of the parties to the Zuni Settlement. The parties consist of rural communities in the First District of Arizona, including the City of St. Johns, the Town of Eagar and the Town of Springerville. In addition, the State of Arizona, specifically, the Arizona Game and Fish Department, the State Land Department and the Arizona State Parks Board, Salt River Project, Tucson Electric Power Company, St. Johns Irrigation and Ditch Company, the Lyman Water Company and the Round Valley Water Users' Association.

It is now up to this body to take the final step in making this settlement a reality. I ask

my colleagues to pass this important legislation.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of S. 222, the Zuni Indian Tribe Water Rights Settlement Act of 2003. This is a unique water rights settlement, carefully designed to protect the Zuni's most sacred site while at the same time preserving access to water supplies for upstream users.

The Zunis are counting on this legislation, as my colleague from Arizona knows, to finally settle critical water questions. I urge my colleagues to support Senate S. 222. I would congratulate the gentleman from Arizona (Mr. RENZI) on his leadership.

This is a unique water rights settlement, carefully designed to protect the Zuni's most sacred site while at the same time preserving access to water supplies for upstream water users.

Recently, a delegation of Zuni tribal leaders and members visited my office here in Washington. They told me Zuni Heaven, a riparian area along the Little Colorado River, is central to the Zuni religious and cultural traditions and is the place where Zuni deities and ancestors have resided from time immemorial.

This sacred riparian area is the home of the Kachina, one of the highest religious orders in Zuni culture, and was in historical times, a very lust riparian area with willow, cottonwood, cattails, turtles, and waterfowl.

Ever since the 1877 Presidential order reduced the Zuni cultural homelands and established the current Zuni Reservation in New Mexico, the Zuni people have maintained the practice of making a pilgrimage to Zuni Heaven.

Every 4 years, Zunis from western New Mexico trek over 50 miles to Zuni Heaven, located in northeast Arizona, to perform religious ceremonies during the summer solstice. This pilgrimage is very important because it helps sustain and rejuvenate Zuni cultural and religious traditions.

The Zuni Water Rights Settlements will help the Zuni people restore their sacred Zuni Heaven to the way it was as described in ancient historical accounts. Furthermore, it will help them develop wetlands for water plants, birds and other animals so important and necessary in carrying on the Zuni Kachina religion.

I extend my compliments to the Zuni people, the State of Arizona, and the non-Indian organizations who participated in the negotiations that resulted in this historic water settlement.

It is unfortunate that we were not able to pass this bill when it first came before the House earlier this week. The Zuni are counting on this legislation to finally settle critical questions about their water rights. We are now able to pass this bill and send it to the President for his signature, and I urge my colleagues to support S. 222.

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

Mr. RENZI. Mr. Speaker, I thank the gentleman from New Mexico, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 258, the Senate bill is considered read for amendment and the previous question is ordered.

The question is on third reading of the Senate bill.

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

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

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

Mr. UDALL of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mrs. CUBIN. Mr. Speaker, pursuant to House Resolution 258, I call up the Senate bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 273 is as follows:

S. 273

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 ''Grand Teton National Park Land Exchange Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''Federal lands'' means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term ''Governor'' means the Governor of the State of Wyoming.

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''State lands'' means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled ''Private, State & County Inholdings Grand Teton National Park'', dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly know as the ''National Park Service Organic Act''), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, having already debated this bill, I urge its adoption.

I rise in support of S. 273, and ask that this body support its passage.

The Grand Teton National Park Land Exchange Act was introduced by Senator THOMAS, co-sponsored by Senator ENZI, and is supported by all five elected Wyoming state officials, the National Park Service and the local communities.

The measure passed the Senate on April 3, 2003, under unanimous consent.

This bill presents a very unique opportunity with regards to federal land management in our National Parks that will greatly benefit the American public as well as Wymoning school children.

The Jackson Valley has a history as colorful and amazing as the Grand Tetons that rise nearly 14,000 feet above the glacial lakes at their base.

The first visitors to the Grand Tetons and the Jackson Valley were the Shoshone, Crow, Blackfoot, and Gros Ventre Indian tribes who treated the area as a summer hunting ground and sacred area.

Later, in the 1800's, many fur trappers visited this consecrated ground, and were stunned by its raw beauty and diverse ecosystem. In 1807 even John Colter, who had separated from the Lewis and Clark expedition, explored the area and returned with far fetched tales of geysers, hot springs, and mountains that touched the sky.

It was years before his supposed hallucinations were indeed found to be true. From 1824–1840 the Grand Tetons were the central rendezvous site for mountain men all across the west, swapping tall tales and pelts. The Green River Rendezvous continues to this very day.

After the area was settled at the turn of the century, the town of Jackson elected a Town Mayor and City Council entirely comprised of women . . . showing just how intelligent the people of Wyoming were, and are, to this very day. This was the first All-Female town government in our Nation's history. This, of course, occurred in my home state of Wyoming, the Equality State.

Grand Teton National Park was later established by Congress on February 29, 1929, to protect the natural resources of the Teton range and the Jackson area's unique beauty.

On March 15, 1943, President Franklin Delano Roosevelt established the Jackson Hole National Monument adjacent to the Park.

Grand Teton National Park was expanded to its present size by Congress on September 14, 1950, to include a portion of the land from the Jackson Hole National Monument.

The Park currently encompasses approximately 310,000 acres of wilderness and some of the most amazing scenery to be found in any corner of the world.

However, when Wyoming received its statehood in 1890, sections of land were set aside for school revenue purposes. All income from these lands—rents, grazing fees, sales or other sources—is placed in a special trust fund for the benefit of students in the state.

The establishment of these school sections pre-dates the creation of most national parks or monuments within our state boundaries, creating several state in-holdings within federal land masses, such as in Grand Teton National Park.

Currently over 1406 acres of state surface and mineral acres are held by the state of Wyoming in isolated plots within Grand Teton National Park.

This legislation would allow the State of Wyoming to trade or sell these precious state lands locked up inside the Park to the federal government in exchange for other federal lands, minerals or appropriated dollars, or a combination of all three, to address Wyoming's public school funding needs.

Further, the American public can consolidate under National Park Service management the lands within Grand Teton National Park's borders and protect them from future development pressures placed upon the state for the benefit of our schoolchildren.

It is a win-win scenario for everyone involved.

Within 90 days after this bill is signed into law, the land would be valued through agreement by the Wyoming Governor and the Secretary of the Interior. If there is no agreement, an appraisal process will be set up to determine the value of the lands or minerals in question to ensure fairness to all parties.

There will also be an appeals process to further ensure fairness to both the Federal Government and the state of Wyoming.

Within 180 days after the state land value is determined, the Interior Secretary, in consultation with the Governor, shall determine an exchange of federal assets of equal value for the state lands.

This body has an incredible opportunity to allow the consolidation of lands within Grand Teton National Park borders, and to allow the state of Wyoming to capture fair value for their property to benefit all Wyoming school children.

I respectfully request that the members of this body support the Grand Teton National Park Land Exchange Act.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. I support the Senate bill.

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

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 258, the Senate bill is considered read for amendment and the previous question is ordered.

The question is on third reading of the Senate bill.

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

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

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

Mr. UDALL of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of the passage of the Senate bill, S. 222, on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill on which the yeas and nays are ordered.

The SPEAKER pro tempore. This will be a 15-minute vote, followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 3, not voting 42, as follows:

[Roll No. 247]

YEAS—389

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
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
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy

Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Coble
Duncan
Paul

NOT VOTING—42

Ackerman
Ballenger
Blunt
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Conyers
Costello
Deal (GA)
DeFazio
Delahunt
Dicks
English
Eshoo
Everett
Feeney
Gephardt
Goode
Hastings (FL)
Hooley (OR)
Hulshof
Jenkins
Kolbe
Larson (CT)
Lewis (KY)
Lofgren
Lowey
McDermott
McInnis
Miller, George
Ortiz
Pascrell
Quinn
Reyes
Ryan (WI)
Serrano
Smith (MI)
Smith (WA)
Thompson (CA)
Toomey
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining to vote.

□ 1557

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

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to an unavoidable conflict in my schedule, I was unable to be present during rollcall votes 236–247. Had I voted, I would have voted ''yea'' in rollcall votes 236–239, ''no'' on rollcall votes 240–241, and ''yea'' on rollcall votes 242–247.

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of passage of the Senate bill, S. 273, on which further proceedings were postponed.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 4, not voting 55, as follows:

[Roll No. 248]

YEAS—375

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
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)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Coble
Musgrave
Miller (FL)
Paul

NOT VOTING—55

Ackerman
Ballenger
Berman
Brady (TX)
Brown (OH)
Brown (SC)
Burton (IN)
Carson (OK)
Clyburn
Conyers
Costello
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
Dicks
Edwards
Ehlers
Eshoo
Everett
Feeney
Fletcher
Gephardt
Goode
Hastings (FL)
Hooley (OR)
Hulshof
Hunter
Jenkins
Larson (CT)
Lewis (KY)
Lofgren
Lowey
McDermott
McInnis
Meehan
Miller, George
Ortiz
Pascrell
Putnam
Quinn
Reyes
Ryan (WI)
Serrano
Smith (MI)
Smith (WA)
Sweeney
Tancredo
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Walsh
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1603

So 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. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 248, had I been present, I would have voted ''yea.''

Mr. WALSH. Mr. Speaker, on rollcall No. 248 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. The Committee on Transportation and Infrastructure ordered the bill reported on May 21, 2003, and is expected to file its report with the House tomorrow, June 6, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Tuesday, June 10th.

Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure which will be available tomorrow for their review on the websites of both the Committee on Transportation and Infrastructure and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of June 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 1115, the Class Action Fairness Act of 2003. The Committee on the Judiciary ordered the bill reported May 21, 2003, and is expected to file its report in the House on June 9, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Wednesday, June 11.

Members should draft their amendments to the text of the bill, as reported by the Committee on the Judiciary which will be available early next week for their review on the websites of both the Committee on the Judiciary and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend, and I am glad to see him on the floor, the gentleman from Texas (Mr. DELAY), the leader, for the purpose of inquiring about the schedule for next week.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of those bills will be sent to the Members' offices by the end of the week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday we expect to consider additional bills under suspension of the rules. We also plan to consider several bills under a rule: H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, to reauthorize programs for the Federal Aviation Administration; H.R. 1115, the Class Action Fairness Act; and H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

In addition to these bills, we may also consider H.R. 1528, the Taxpayer Protection and IRS Accountability Act.

And, finally, I would like to note for all Members that we are making a change in the schedule that was sent to offices at the beginning of the year. We do not plan to have votes next Friday, June 13.

Mr. HOYER. I thank the leader for his informing us of the schedule that is contemplated for next week.

Mr. Leader, I do not see Child Tax Credit legislation listed on next week's schedule. I did not hear you talk about that.

We have a bill, as I think you probably know, the Rangel/DeLauro/Davis bill, that will make sure working families and our service members left out of the recently enacted tax bill get the child tax credit they should have. We have sought unanimous consent to bring this bill up, but we have been denied and not successful. There is apparently agreement in the Senate, as we understand it, to take this matter up perhaps today.

When do you expect that we might be able to consider child tax credit legislation on the floor, Mr. Leader?

Mr. DELAY. The gentleman knows that we think we have already done child tax credit in a very meaningful way. Whatever the Senate does, certainly we will take it under consideration, but our schedule and our agenda that has been announced from the first of the year is that we will have several tax relief bills. Of those bills, maybe this provision that the gentleman is talking about could be included. I do not know, but the Committee on Ways and Means would certainly take it under advisement.

We have scheduled certainly an international tax bill for this summer. We have already announced that we would like to see the total repeal of death tax made permanent. There will probably be another tax relief bill, so there is plenty of opportunity for the gentleman to talk about that provision that the Senate may have left out of the bill signed by the President a week ago.

Mr. HOYER. I thank the gentleman. He and I may disagree as to the fact that the Senate left it out. It was left out. We agree on that. The Senate, of course, had it in its bill. We did not.

Am I correct then that there are no plans next week to have on the floor of the House as far as you know a child tax credit bill?

Mr. DELAY. I cannot say no plans. As the gentleman knows, in this business you never say never.

I am under the impression that the other body has some sort of package that they have put together. If they pass that package today or tomorrow, the Committee on Ways and Means can certainly take it under advisement and make recommendations to the leadership, and that may happen next week. I just cannot tell the gentleman.

Mr. HOYER. I thank the gentleman for his observation. I take it then that if the Senate does not pass something over here, that we would have no thought that that would be on the schedule for next week?

Mr. DELAY. If the minority on the Committee on Ways and Means wants to participate in the process, certainly in those tax provisions that are being worked on as we speak by the Committee on Ways and Means, they could certainly participate in that process, try to get their provision in, gather the votes to pass it, and bring it out here, and hopefully they would support a tax relief bill.

Mr. HOYER. Reclaiming my time, without taking this further, than perhaps we need to go in a colloquy of this type on the schedule, Mr. Leader. In a serious vein, the minority on the Committee on Ways and Means would love to participate in the process. I would tell the leader, with all due respect and very sincerely, the minority in the Committee on Ways and Means does not believe it is included in the process; and that is of concern to us.

If perhaps you could talk with the chairman, with your persuasive powers, perhaps, in fact, we could participate in the process and perhaps we would be able to offer such an amendment; and, clearly, if that would happen, we would offer such an amendment, I assure the leader. So if he could help us with the chairman of the

committee, that would be greatly appreciated.

Medicare prescription drugs, Mr. Leader, what can you tell us about when we can expect to see Medicare prescription drug legislation considered in the committees of jurisdiction and then on the floor?

Mr. DELAY. As previously announced, we had tried to get Medicare modernization onto the floor before the Memorial Day break. Obviously, there was a tremendous amount of work that needed to be done, and we had to postpone that goal. We have set a new goal, and we hope that we can have Medicare modernization to the floor before the July 4 break. The Committee on Ways and Means and the Committee on Energy and Commerce are working hard to develop a proposal that would modernize and preserve the Medicare program and provide needy citizens with life-saving drugs. But while the complexity of this issue means that our staffs and committees need to be working and they are working very hard, we still hope to have a bill for the House to consider before the end of the month.

Mr. HOYER. I thank the gentleman for that information.

Lastly, I would ask the gentleman, I have served on the Committee on Appropriations for many years. We have not marked up yet, as the gentleman knows, any bills in subcommittee nor, obviously, in full committee at this point in time. In fact, we have not been given 302(b) allocation, as the leader knows. Would the leader be able to tell us what schedule he now foresees for appropriations bills and when we might do the 302(b) allocations?

Mr. DELAY. The gentleman is absolutely correct. We are way behind in our appropriations process. I am very concerned about that. We had hoped that this year that the House and the Senate could work out an agreement of allocation so that we could work together more smoothly than we have in the past as two bodies. We are still hopeful that we can get that kind of an agreement. But I anticipate the markups in the subcommittee to begin, and I am very hopeful they can start beginning next week. But it is still probably a little too early to tell.

Mr. HOYER. I thank the gentleman for his comments.

Reclaiming my time, obviously, last year the discussion was the failure to pass a budget undermined the appropriations process. Of course, we have passed a budget, I would say somewhat facetiously. That probably undermines the appropriations process as well, but, nevertheless, we are behind, as the gentleman indicates. We are concerned that we get so far behind that we are unable to pass appropriations bills by the end of the fiscal year, and I am pleased to hear that perhaps we are moving ahead to start giving the allocation for the subcommittees and having mark-ups perhaps as soon as next week. I thank the gentleman for the information.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 6, 2003 TO FILE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 6, 2003 to file a report to accompany the bill H.R. 2115, to reauthorize funds for the Federal Aviation Administration, and for other purposes.

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

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 9, 2003

Mr. MICA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE, 10, 2003

Mr. MICA. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 9, 2003, it adjourn to meet at 10:30 a.m. on Tuesday, June 10, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MICA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1615

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 669

Mr. DAVIS of Alabama. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 669.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

MAJORITY DID NOT DO ITS JOB

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would argue that after today's work it is imperative that we put on the floor of the House a relief to many of the children of America, millions in fact.

We did not do our job. This House, the majority, did not do its job. The Senate, the majority, did not do its job by eliminating a tax credit benefit from 6.5 million families, 12 million children. We need to restore the $400 tax credit that will be given to those families.

Right now we have a study that says military kids are slighted on tax credits. That means the young men and women, the young families in the United States military, their income does not allow them to get a tax credit for the children that they have. Blessed are the poor, they do not get tax cuts.

They do pay taxes. They pay sales tax, payroll taxes. They pay property taxes. It is imperative to pass H.R. 2286, and Mr. Speaker, as an original cosponsor I would ask that the Rangel-DeLauro bill be put on the floor of the House next week to match the Senate bill so we can restore the $400 to these families 6.5 million, 12 million children, what a shame.

We do not need to wait for months for tax bills to come. We need to fix our error now and help the working families of America.

VETERANS HEALTHCARE ACCESS STANDARDS ACT OF 2003

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, today I am introducing the Veterans Health Care Access Standards Act of 2003. This bill would establish standards of access to care for veterans who utilize the VA health care system. If enacted the bill would codify the Department's current standard of access to care and would actually require the VA to use alternative community health care resources if the VA is unable to meet their own standard.

In my home State of Florida, there is a backlog of more than 24,000 veterans seeking VA medical care. In my District alone, there are 2,727 veterans waiting for an appointment and another 2,000 who have an appointment but the schedule time is more than 6 months away.

The Department's established access standard for outpatient care is to provide veterans seeking primary care with appointments within 30 days of making the request for such an appointment. However, it is clear to any Member of Congress that has toured

VA outpatient clinics recently in their District that these goals have not been met.

My bill will actually codify the veterans self-imposed standard. I think that it is important because if a VA medical center is unable to see a patient then that patient should be able to seek care elsewhere in the community.

I urge my fellow Members to join me with this bill.

SENIOR CITIZENS NEED OUR HELP

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

Mr. FILNER. Mr. Speaker, I rise today to urge support for two bills to provide financial relief to our Nation's senior citizens. Both men and women will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill, H.R. 1922, the Fair Taxes for Seniors Act, allows the fact that the current capital gains tax exemption on the sale of a home is not working for seniors who live in areas with higher housing prices. The bill provides a one-time increase in the capital gains exemption for sales of homes for citizens who are 50 years and older.

My second bill, the Social Security Survivors Fairness Act, provides Social Security widows benefits for women under the age of 60. Mr. Speaker, I have stories about various seniors in my District talking about the need for this exemption for the capital gains of the sale of their home and also for the lowering of the age for which they can become eligible for Social Security.

I will include my full statement at this point.

Mr. Speaker, I rise today to urge support for two bills to provide financial relief to our Nation's senior citizens. Both men and women will receive assistance with this legislation, but because older women are often with less financial resources, they will particularly benefit.

My first bill is H.R. 1922, the Fair Taxes for Seniors Act. The current capital gains tax exemption on the sale of a home is not working for seniors who live in areas with higher housing prices. My bill provides a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 or older.

Eleanor, a 78-year-old citizen, lives in Glen Ellyn, Illinois and bought her home 45 years ago with her husband, who has passed away. The combined Federal and State taxes on her home after the current capital gains exemption are $68,000. She needs this money from the sale of her house in order to move into a nursing home. Eleanor wants to stay in the Chicago area because her friends are there, but the price of nursing care there is high. Should a 78-year-old woman have to move from the city she has lived all her life because, as a widow, she is considered single and has to pay higher taxes?

Marilyn is a single, professional woman who lives in Mission Hills, California—near my congressional district. She chose to become involved in her community and has stayed in the same house throughout her lifetime. Marilyn is now 60 years old and wants to sell her home and move to a smaller condo in the same area. Her combined Federal and State taxes are $169,940 after the current exemption. Should singles who remain in one house for many years be taxed for their stability—and essentially for being single?

Sally, a divorced, single mother in Seattle, Washington is 57 years old. She chose to stay in one home for 37 years so her children could stay in the same school system and she could live near her work and her church. One of her adult children has developed severe health problems and has to pay medical bills not covered by insurance. Sally is selling her home to pay some of the doctor's bills. Her combined Federal and State taxes are $64,000. This tax money is money that Sally should be able to use to pay off medical bills as well as to get ready for her own retirement.

My bill would provide a one-time increase of $500,000 for a single person and $1 million for a couple in the amount excludable from the sale of a principal residence for taxpayers who have reached the age of 50. Let us help our citizens over age 50 who have lived in one home for many years. Let them keep the proceeds from the sale of their homes for retirement and health care costs. An added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

My second bill is H.R. 1923, the Social Security Survivors Fairness Act, to provide Social Security widows' benefits for women under the age of 60. Maria is a 58-year-old widow who lives in San Ysidro, California in my congressional district. Throughout her lifetime, she worked in the home, raising her children and supporting her husband. Now her husband, who received Social Security benefits, has passed away. There currently is a provision for Maria to receive Social Security widows' benefits, but to qualify she must be 60 years old.

Social Security is telling Maria that she must find a way to support herself for 2 years. It will be difficult for her to find a job at her age, when she has never worked outside of her home. Women in their late 50s who are dependent on their husband's Social Security are left with no means of support if their spouse dies. My bill would amend the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widows' or widowers' insurance benefits.

I encourage my colleagues to support H.R. 1922 and H.R. 1923 to provide financial assistance to our country's most vulnerable citizens.

GREATEST BOOTLEG IN HISTORY

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

Mr. RYAN of Ohio. Mr. Speaker, we witnessed one of the greatest bootlegs in the history of the tax code. We were told that every single person would be able to get something back in this tax code, but there are people making less than $27,000 a year who will not be getting a $400 check, but worse than that, these are families that have worked.

This is not welfare. This is not a give away. These are people who put in 40 hours a week and have children and deserve the $400 back.

In Youngstown, Ohio, where we have a reserve base, there will be one in five military workers who will not be able to qualify for this, putting their lives on the line, active duty members of the military that will not qualify.

All we have to do is raise the top tax bracket. It has been lowered from 38 percent to 35 percent. From 35 percent, raise it to 35.3 percent, and we would have enough money generated to take care of working parents, mostly single parent homes, many military homes that will not be able to utilize this tax credit.

The greatest bootleg in the history of the Congress.

HONORING THE PAGE CLASS OF 2003

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

Mr. SHIMKUS. Mr. Speaker, if I could ask the page class of 2003 to come down and take seats here in the first and second row, maybe spread it out to both sides.

Here we are, about to end a year, and this is a tradition. Unfortunately, a lot of us have to go back to our district and will not be here for graduation. I know the class is having the gentleman from Virginia (Mr. TOM DAVIS) speak. He will represent us well as a former page himself, but this gives us a chance as a collective body to say thank you for all your work and support and friendship and things that you have done over the years.

Obviously, we remember just a short time ago welcoming you and I do not know if you remember some of the comments, but I know what I have said to other classes is that you get an opportunity to observe and work with elected Members of Congress and you will see history in the making. We did not know what that would be, but it has happened every year. Something occurs that you all are a part of, and you all know what those were.

I also asked and you all made a pledge as a class to do well in your duties, do well in your school work, do well in the dorm activities, and for the most part, I think you can say you accomplished your mission well, and I am very thankful as the Chairman of the page board that I did not have to see very many of you very often. So thank you for not only doing your work but upholding the great tradition of the page program because that helps us continue to move the page program forward.

I am going to be able to intersperse comments as I have a lot of colleagues that want to make sure they say a special farewell to you, and so I am going to pause right now. I am going to ask the gentleman from Arizona (Mr. KOLBE), my colleague, to come up and

say his farewell as a Member of Congress.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Illinois for yielding to me, and I want to say to all of you it is great to be here with you on this day. This is something of a bittersweet day, I know, for you as you leave an experience that is going to be an experience of a lifetime. I can tell you that from having been through it myself many years ago as a page, but it is also you are going to be returning home to your friends and your families, and that is always good, and you are not going to have to be rousted out of bed in the morning for early duty over here and you are not going to have late nights on the floor of the House for a while. So you can sit back at home and watch it on television for a little bit and enjoy it that way instead of having to participate in it every day.

Over the years, you will come to understand just how important an experience this is for you, or at least I hope you will, and I think all of you will do that.

First, I just want to say the job that you do for us is very important. I liken it to being the grease that helps to make the House of Representatives run every day from having squeaky wheels. It is the oil that makes the machine work correctly. You really do in a very quiet and silent way, kind of behind the scenes, you perform very important functions for us, and we are very grateful for that. Sometimes perhaps we do not say it often enough or we do not say it in the right way. So I just want to say thank you for the outstanding job that you do.

It would not be possible to do the job of pages with other people handling those tasks. There is a very special reason that we have kept this program constituted the way it is, with young people coming from all walks of life, all parts of the United States, all kinds of communities, all backgrounds, all ethnic groups, that come here to get a sense of what the House of Representatives, what the Congress, what the United States Government is all about because in a very real sense, you go back to your communities, to your schools, to your families, to your fellow students as ambassadors, as ambassadors from the House of Representatives, as ambassadors from the United States Congress to tell them something about the institution that you have had an opportunity for a year not just to study but to live, to actually be a part of.

So for this last year, you have really come to understand in ways perhaps that you do not even recognize right now because it is just absorbed to you but over the years you will understand things that you know now about the House of Representatives that other people do not understand and do not know about.

The most important thing that I hope you will take away from this is that the people who serve here are good. The people who work in this place are good. The staff that work behind this desk, the staff that work in all of the buildings, that work in all of the offices, the staff that help you to go through this year, the Members who serve in the House of Representatives and the Members who serve in the United States Senate, sure there are bad eggs. There are always bad eggs someplace, but they are by and large good people.

The most important thing is not that. It is the institution itself. The institution is much larger than the people who serve in this body. This morning we swore in a new Member. I think I heard the figure, the 9,883rd person in the history of the United States to serve in the House of Representatives. It is a great privilege for me to serve in the House, and I can guarantee that as I look out to faces here there are one or two, maybe more, of you who will someday be back here as Members of the House of Representatives.

It is not the people that serve here. It is the institution itself that makes this country different from other countries. It is the concept of the rule of law. It is the concept of the history. It is the concept of the institution that makes our government work.

In my capacity as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs I have a responsibility and an opportunity to travel to a lot of countries around the world, and sometimes I see countries that have great wealth, great natural resources, have everything going for them except they do not have the institutions. They do not have the rule of law. That is what makes the United States different.

We should never just assume it is always there. It is something that has to be protected. It is something that has to be worked for every day. That is why I think this that you now have a responsibility as a former page to go back to your communities, to become active citizens in your communities, to help to participate in your community, to participate in the political process.

□ 1630

You will do it in different ways. Most of you will never run for any office; but you will get involved, perhaps in a school community, in the school board. You will do one of these different things; and someday, yes, one of you will be in Congress. Maybe one of you will be President of the United States. I can look out here and see many that I think might fill that role.

The important thing is that you stay involved in your community. The important thing is that you make a contribution to this great country so that your children and your grandchildren can someday sit on this floor and have the same experience. It does not just happen. It happens because Americans care enough to make it happen. You have cared enough to come here and to be a part of this, and we thank you for the job that you have done. We thank you for the commitment that you have made year long to this responsibility, to this work. And we thank you now as you go back to your communities.

I wish you all the very best, and I hope I see the faces of many of you around here in the future. Thank you. Godspeed.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for his comments. I want to make sure I hand in the list of the departing pages, the class of 2003, over here. As you know, you will want to make sure you grab your official transcript of the day's proceedings and activities and you will be able to see your name in the CONGRESSIONAL RECORD, and that is why we do that.

Perhaps one of you will become Speaker of the House, maybe you will be the President; but the really good job is to be the chairman of the Page Board, so that is what you ought to shoot for. Anybody can be President, not very many people can be chairman of the Page Board or a member of the Page Board; and that is what you should be shooting for.

I am pleased today to recognize a true friend of the page program. You are in the 20th anniversary class, the reconstituted page program. This year, my colleague who is on the Page Board, the gentleman from Michigan (Mr. KILDEE), is celebrating 20 years of service to this program. I have only been doing it 5 years, and look at all the gray hair I have; but he has been doing it 20 years.

Mr. KILDEE has touched the lives of literally thousands of pages just like you throughout his 20 years. In his early days on the board, he oversaw the creation of the page school and the residence hall. Most recently, he was instrumental in the planning and construction phases of the brand new residence hall. And as I like to say, you all are living in tall cotton compared to the location the other pages resided in. They had to really weather some severe hardships. But the gentleman from Michigan was very instrumental in that planning, and I think you are all pleased with the residence hall. I know I am. And I know you are all grateful to him for that.

Under the leadership of the gentleman from Michigan, the program has grown and flourished to be an outstanding opportunity for bright young people. Today, the program encompasses aspects of academic work and a social life that has made it truly a comprehensive experience. We thank him for his tireless dedication to the Page Board and we congratulate him for 20 years of service.

I am going to ask Mr. KILDEE to come up, but what he does not know, and I will go over here now, is that we have a little surprise for him. We are going to present to him this plaque: ''The United States House of Representatives Page Program, Presented to the Honorable DALE KILDEE, In Honor of 20 Years of Service to the Page Program, 1983 to 2003.''

Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman very much. Mr. Speaker, this has been a great year. It has been a great 20 years. Indeed, Mr. Speaker, I have served now 20 years on the Page Board, having been appointed by Speaker Tip O'Neill. I would like to express my personal gratitude to all the pages who have served so diligently in this House during the 108th Congress. It is the 14th Congress that I have served in, and I love every day of it.

We Members of Congress, we all recognize the important role that you pages have in making this House really work, work efficiently, and work with some inspiration from you because we all get inspired by those who are younger than us, have those ideals and remind us of those ideals. I have had some meals with some of you, enjoyed that very much, and had a chance to talk to you on the floor. This has been a very, very good group.

This group of young people, you come from all across our Nation, and you represent what is so good in our country. You give us so much hope for our future. Indeed, I think all of us can say, those of us especially who are so close to the page program, that we are better people for having had contact with you because you give us such inspiration and so much hope.

To become a page you have proven yourself first of all to be academically qualified. It is not easy to become a page. You have ventured away from the security of your homes and families to spend time in, for most all of you, a very, very unfamiliar city. And through this experience as a page you have witnessed a new culture, made new friends; and some of you will, I will guarantee, I have been here 27 years in the Congress, 20 years on the Page Board, some of you, 27 and more years from now, will still be friends and you will be staying in contact. Because I know some of those pages I first met when I became a member of the Page Board still remain in contact.

We all know that this body has experienced so many things and you have witnessed history like no other group. There is a great group in this country called Close Up, which is a very good group; but no one, no one has seen the Congress as close up as you. No one. You have seen this body address the awesome question of war itself. You have become really part of history.

Your job is not an easy one. First of all, you have to possess the maturity to balance the very competing demands for your time and your energy. I always say there are three different arenas down here: you have the floor and the buildings around the Capitol, where you have assignments; you have the school and the demands in the school; and you have the dorm. There are three different arenas. And let me tell you, you have done a very, very good job in every one of those arenas, and I am personally very, very proud of you.

And you have to work long hours, really long hours, and interact with people at every level. We have some people who are humble in this body and some maybe not as humble, but you interact with all of them and you do it well. You face a challenge in the school itself. It is a very tough school. Former Congressman William Whitehurst, Republican, who went on the Page Board with me, he and I worked together to get that school accredited. And, Bill, if you are listening, thanks a lot. He lives in Virginia, and he was just a great Member; and we were determined to get the school accredited. And it is a tough school.

You are away, and you have to go back for your senior year to another school. That alone presents a challenge to you. But you will meet that challenge because you are special people. I am sure that you will consider the time spent here in Washington, D.C. to be one of the most valuable experiences of your life and that will lead you on to very successful and productive lives.

My two sons were pages in this body, and they went on to serve their country as captains in the Army. One is leaving, my youngest one, leaving for Pakistan very shortly. He has been in Afghanistan, Uzbekistan. But there are so many ways of serving one's country; and you have grown in your love for this country, you have grown in respect for this country, and you have seen the Congress at its best and sometimes at its worst. We are human beings, but this is the best system in the world.

We are going to miss all of you very, very much; and may God bestow his richest blessings upon you. Thank you very much.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague from Michigan for all the work he has done, and I also want to recognize and thank some other folks for their long-time service and who are very special to the program, and you know many of them. Donn Anderson, former Clerk of the House and former page himself, serves on the Page Board as a member emeritus. Of course, he has a 20-year record. Donn, thank you. Barbara Bowen, who has ushered countless students through the confusing worlds of algebra and pre-calculus as the House page math teacher. And Ron Weitzel has instructed bright-eyed pages in the rich and complex history of America as the House page school history teacher. Thank you, Donn, Barbara, and Ron for your dedication and commitment to the page program.

Mr. Speaker, I yield to my friend and colleague, the gentleman from the great State of California (Mr. LEWIS), to say a few words. Mr. Chairman.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Ladies and gentlemen, this is a totally unexpected circumstance, for it has not been my privilege to serve on the Page Board. My name is JERRY LEWIS, from California. I have the privilege of chairing the subcommittee that deals with national defense. Our Secretary of Defense and General Meyers are briefing the Members, as you may know, over in the Rayburn Building; and we have had those discussions many a time. But I came here to the floor for other reasons and found this going on and thought it might be an opportunity to express my appreciation and say a few words to this class as you are leaving, for a time at any rate, the Nation's capital.

I wanted to share a couple of thoughts with you. When I was young, not really thinking about public affairs, I grew up in a household where my mother was a Democrat and my father was a Republican. So I grew up pretty confused, and over those early years spent a lot of time trying to figure out what are the Democrats all about and what are the Republicans all about, and is there really a lot of difference between these huge gray donkeys and elephants.

I came to Washington for the first time in 1955 as a student at UCLA, along with 11 other students, on our way to India in a program that existed before the Peace Corps, called Project India. Our job was to travel to Southeast Asia, go from community to community in India and try to communicate with our friends, Indian college students. On the way, we stopped in the Nation's capital. I had not been far out of San Bernardino before that. We spent a couple of days talking to USIA and the State Department people, and then we took a half day off to look at the monuments of this wonderful place. That is the story I kind of want to begin to share with you.

On that trip together we walked up the steps of the Lincoln Memorial for the first time, saw that wonderful statue seated in that temple. It is a magnificent first experience, chills up your spine. We had an appointment shortly thereafter on the edge of the Potomac, and in those days you could take a chain of boats and ride in a chain of boats along the Potomac and look at the Capitol and monuments from a different perspective.

We found ourselves waiting for a half hour, 45 minutes, and finally an hour went by only to learn that the reason for our wait was because two of our students were being told they would have to ride in a boat to be attached to the back because they happened to be black. The summer of 1955, 12 young idealistic kids from UCLA going to India to talk about freedom and hope and opportunity, and that scene at the Lincoln Memorial, and then that experience on the Potomac is something you just cannot wipe out of your memory.

But the point was not at all that our country had not made significant progress between the days of Lincoln and that summer of 1955. Clearly we had made much progress in our country. Clearly, also, we have made a lot

of progress since then and today. But the real point is, as I visit Lincoln, the real point is that this is our government, your government. If we are not happy with pieces of it, clearly we have a responsibility to try to impact it, to push it, to shove it down a pathway that makes a lot more sense from our perspective.

□ 1645

Mr. Speaker, I went to India that summer thinking that maybe I might actually go into politics some time. I thought then I would probably run for office as a Democrat. I came back from India convinced, as I went through the summer trying to figure out the differences between the two great parties, that for me, Jerry Lewis, I probably absolutely would run for public office one day, but if I did so, I had made the decision that the place where I could have the biggest impact was on the Republican side of the aisle instead.

I draw the painting regarding the Potomac for one reason, and the quest for the difference between one or the other, I would love to hear from some of you in the months and years ahead, hear from you about what you decide to do in terms of your pathway in life, and what you decided to do if you involved yourself in partisan politics. Because it is people like you who make the two great parties great. But, more importantly, you can continue to make sure that our country is by far the best and the most important force for freedom in the world.

Thank you for what you have done, and it is a pleasure to have been with you.

Mr. SHIMKUS. Mr. Speaker, I want to thank, obviously, the chairman for sharing some time with us. I have a few last things to mention that are more serious, and then we will have a few lighthearted comments.

I would challenge you to find out what motivates yourself. What you have learned as a page going through this program is what is going to serve you well. You have learned a good work ethnic and how to work hard. That is going to be important throughout the rest of your life. You have learned the importance of a good education. That will tide you over as you continue to pursue that.

You have learned how to respect one another. I think what our world needs more of is people learning how to respect one another, and I think the program does a great job in doing that.

Also, do not give up. Whatever happens, do not give up. At West Point, my alma mater, we say much of the history we teach was made by the individuals we taught; and I think that is true, what can be said of the page program and the page school, because much of the history that we know now today has been made by former pages.

You have in essence now a great tradition to follow, and I want to encourage you to make us proud. And you already have made us proud. You all in this group have completed more than 1,400 hours of community service. We need to tell that story. You know it, but this helps us get the message out. That breaks down to an average of 21 hours per page.

Some examples of the things that you have done are Horton's Kids Tutoring Program. That was covered in one of the local papers. The Multiple Sclerosis Walk, Calvary Women's Shelter, Martha's Table, Ronald McDonald House and work at the Congressional Cemetery.

As a class, you have also proven to have the most terrible luck with weather. From the misty Sunday morning you moved in until the misty night of your prom, you have slogged through countless seminars and residence hall trips in the rain. In fact, the sun just came up today after many, many days of overcast skies. You did not even get a reprieve on the day that you were led through the Shenandoahs in the rain. You braved the elements recently on a trip to Six Flags and when you rode the roller coasters despite the rain.

You have proven that rain cannot dampen your enthusiasm and good humor, and it looks like you may be in luck: No rain forecasted for tomorrow's departure ceremony, but, given your track record, I would not count on it. I am going to echo Mrs. Miranda's advice, bring rain gear.

Also, we have discovered that the future President of the United States, Bryce Chitwood, who was in charge of the page auction which raised a record-breaking amount of money for the page prom, $9,000, it looks like his fund-raising skills are well organized for future goals and aspirations.

Our future Major League baseball player, Ben Hanna, who, it has been said, has great baseball player's hair. I have no idea what that means. All I know is what I am reading here.

One future NASCAR driver, Katie Murray, just has to learn to keep all four wheels on the track.

We have one future tycoon, John Malcovitch, who was born to wear a tuxedo and will be in the same league as Bill Gates, who was also a page. And I have also been told that at least three of our pages are going directly to college, skipping their senior year, and congratulations, I think. They are Sam Rykaczewski, Lauren Conn, and Michael Tanner. This is just one example of all the great successes.

But also as exciting is Democratic pages last week participated in the annual ''How many pages can you fit into a cloakroom phone booth?'' That is not a tradition on the other side, and I hesitate to mention it because it might become one. The answer is 11, and congratulations. I do not know if that is a record or not. I will have to talk to your folks and see where the record might be. I cannot imagine getting 11 in one of those phone booths.

You also have discovered the nook between the page desk and the storage cabinet. You all call it the reading corner. Mrs. Ivester calls it the sleeping corner, and Democratic pages rush to work each day in hopes that they will find the secret candy drawer filled. When the drawer is empty, they can always count on the Democratic cloakroom managers feeding them bags of Georgia peanuts throughout the day. Democratic pages often say they work for peanuts.

I know that Helen and Pat back in the Republican cloakroom want to make sure that we have a special thanks for Matt Buckham for all his work carrying groceries for them.

We have talked through the aspect of this point in time in history and you all being involved in that. I think Members have been able to relay our thanks to you for your commitment to the institution. As chairman of the page board, I can speak for my colleague from Michigan and the gentlewoman from New Mexico (Mrs. WILSON) to say we thank you for upholding the honor and the integrity of the program. It makes it a lot easier for us.

Not only that, but the good work that you have done in volunteering, I think you have set a new standard for future page classes. We are definitely going to miss you, but life goes on. You have great challenges ahead. Always remember this important time in your life will not only be in your memory, but it will be in ours. We look forward to seeing you when you come back to visit.

God bless you all, and may God bless the United States of America.

DEPARTING PAGES, 2002–2003

Yvonne Aguilar, Claire Anderson, Candice Armstrong, Harry Bond, Trisha Belle, Robert Brown, Matthew Buckham, Donald Burke, Samuel Burke, Simona Burke, Thomas Carroll, Chris Cantrell, Stephanie Chesnov, Bryce Chitwood, Daniel Clayson, Kevin Clout, Lauren Conn, Christopher Denton, Ben Fendler, Susan Forrester, Doug Gill, David Gorgani, Laura Greenwood, Emily Hagan, Benjamin Hannan, Margaret Hartley, Jane Heaton, Alicia Hines, Margaret Hobbs, Chris Kataros, James Kotecki, Jeffrey Lakin, Erica Lally, Julie Leonard, Rong Li, Alejandra Lopez, John Malcovich, Tania Martinez, Emily McCarthy, Emily MacMillan-Ladd, Jennifer McDervitt, Laura Meixel, Greta Meyers, Michael Mullee, Kiera Murphy, Kaitlin Murray, Kristine Nagle, Amber Nixon, Lauren Noyes, Garrett Payne, Lisandro Rivera, Alex Rochester, Rene Rosales, Sam Rykazewski, Matthew Schmitz, Allie Smoot, Neva St. Morris, Sarah Stafford, Elizabeth Sterling, Annabell Talamoa, Michael Tanner, Michael Tedori, Emily Toner, Emily White, Rebecca Williams, Leandra Wilson.

APPOINTMENT OF MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. PORTER). Pursuant to 22 U.S.C. 276h and the order of the House on January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in

addition to Mr. KOLBE of Arizona, Chairman, appointed on March 13, 2003:

Mr. BALLENGER of North Carolina, Vice Chairman,

Mr. DREIER of California,

Mr. BARTON of Texas,

Mr. MANZULLO of Illinois,

Ms. HARRIS of Florida,

Mr. STENHOLM of Texas,

Mr. FALEOMAVAEGA of American Samoa,

Mr. PASTOR of Arizona,

Mr. FILNER of California, and

Mr. REYES of Texas.

CELEBRATING NATIONAL TRAILS DAY

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

Mr. BEREUTER. Mr. Speaker, this Saturday, June 7, marks the 11th National Trails Day. This important event, held the first Saturday of every June, is coordinated nationally by the American Hiking Society and locally by trail clubs, parks, agencies and businesses.

National Trails Day provides an outstanding opportunity to enjoy trails and thank the countless volunteers who build, maintain and protect them.

As cochairman of the House Trails Caucus, this Member encourages his colleagues to show their support for trails on June 7 and throughout the year.

The theme for National Trails Day 2003 is "Healthy Trails, Healthy People." It will emphasize the many health benefits associated with trail use.

The existing network of trails throughout the U.S. would not be possible without the assistance provided by grassroots trails groups and individuals who are determined to make a positive difference in their communities. The tireless efforts on behalf of trails by countless volunteers across the nation help to ensure that future generations will be able to discover the wonders of our country's rich diversity and history.

In closing, Mr. Speaker, trails play an important role in communities throughout the country and this Member urges his colleagues to join in the celebration of National Trails Day on Saturday, June 7th.

This effort fits well with President Bush's "Healthier U.S. Initiative" to encourage physical activity. In addition to promoting healthier and more active lifestyles, trails provide outstanding, family-oriented recreational opportunities to all Americans. They also offer important economic development benefits to nearby communities.

IN RECOGNITION OF ELAINE PATTERSON

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

Mr. SHAW. Mr. Speaker, today I rise to acknowledge the contributions to the academic excellence of St. Anthony's Catholic School in Fort Lauderdale, Florida, through the efforts of its principal, Elaine Patterson, who is retiring. St. Anthony's School is the oldest Catholic school in Broward County, Florida, and Elaine has guided thousands of students throughout her 22-year tenure.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care.

Mr. Speaker, through the years, Elaine has earned the respect of fellow principals in the Archdiocese of Miami, as well as many of the teachers who have worked with her.

As a grandfather whose grandchildren have benefited from Elaine's professionalism, I can say that her retirement will be a loss to the school and the families she has guided during her career.

Mr. Speaker, congratulations to Elaine Patterson on a distinguished career educating South Florida's youth; and on behalf of the entire Shaw family, I wish to thank Elaine for her great service.

Mr. Speaker, I rise today to acknowledge the contributions made to the academic excellence of St. Anthony's Catholic School in Fort Lauderdale, Florida through the efforts of its principal, Elaine Patterson, who is retiring. St. Anthony's School is the oldest Catholic school in Broward County, Florida, and Elaine has guided thousands of students throughout her 22-year tenure.

Elaine received a Bachelor of Science Degree at Southern Connecticut State University and a Master's Degree in Guidance at Florida Atlantic University. Her experience includes elementary classroom teaching, guidance counseling, and serving as a vice-principal before becoming a principal.

Elaine has served as St. Anthony's principal from 1986 to 2003. In that time, she introduced the school's pre-kindergarten program, forwarded technology by way of computers, and promoted innovative programs which helped in the total development of the children in her care. She worked very closely with St. Anthony's Pastor, Father Timothy Hannon, in achieving these goals and was very active in fund raising activities which made attaining them possible.

In addition to her administrative activities, Elaine has served with distinction on numerous committees for the Archdiocese of Miami and has headed two very successful Self Study Committees. She served as a member of the St. Anthony's Advisory Board, the Parish Council, St. Anthony's Foundation for Education, the Home and School Association and the Victoria Park Civic Association of Homeowners.

Mr. Speaker, through the years Elaine has earned the respect of fellow principals in the Archdiocese of Miami, as well as, the many teachers who have worked with her. Elaine's leadership and example have made her a mentor to many. She believes in an open-door policy for everyone and will be remembered as a kind and compassionate administrator. As a grandfather whose grandchildren have benefited from Elaine's professionalism, I can say that her retirement will be a loss to the school and the families she has guided during her career.

Mr. Speaker, congratulations to Elaine Patterson on a distinguished career educating South Florida's youth, and on behalf of the Shaw family, I thank Elaine for her service. God bless Elaine Patterson and the entire St. Anthony's family.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO GENERAL ERIC K. SHINSEKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I have before me an outline of information regarding General Eric Shinseki, Chief of the United States Army, who is on the verge of his retirement. The material before me involves much more than the 5 minutes that is available to us at this moment, but the gentleman from Pennsylvania (Mr. MURTHA) and I want to make sure that all of this is in the RECORD.

Mr. Speaker, I rise today to pay tribute to a genuine American hero, our retiring Chief of Staff of the United States Army, Eric K. Shinseki. After leading the Army during successful campaigns against terrorism in Afghanistan and Iraq and putting the Army on an irreversible track towards transformation, General Shinseki is stepping down as Chief of Staff of the Army next week.

Mr. Speaker, there is many a thing that I would say, but most of us in the House have come to know and be spellbound by the story of General Shinseki's life. Indeed, Hollywood could not have written a better story that would reflect an Horatio Alger kind of hero during our very age.

Mr. Speaker, when I first met General Shinseki, I was a newly elected chairman of the Subcommittee on National Security of the Committee on Appropriations. Shortly after assuming that responsibility, I was asked to go to the swearing-in of the new Army Chief, meeting a general whom I had really not known at all for the first time, the beginning of a very deep and growing friendship.

Eric Shinseki, upon being sworn in, was introduced; and in that introduction I learned for the first time when he was born, Rick Shinseki was born a foreign alien, for he was of Japanese dissent, born in Hawaii, and World War II was raging. So a foreign alien. Think of that and think of the reflection and what that says about our country that some years later that same individual rises to be the Chief of the United

States Army. It is a fantastic reflection of this country's strength and what it means in terms of service and opportunity for those who will but serve.

Another piece of that introduction and the Chief's speech says an awful lot about this guy Rick Shinseki. I will never forget his words. Turning to the audience, he said, I want all of you who are here present to know I would not be here today if it were not for the Shinseki women, and he pointed out some two dozen of those women who were in the audience, his grandmother, his mother, wife, daughters, et cetera. With that, he went on to outline his vision for the future of the Army relatively near term, and for the first time I heard in a meaningful way an outline by a military leader that involved the term transformation. He was about transforming the American Army and making sure we found ourselves on a pathway that would allow the Army to lead this free country as the only remaining superpower for the decades ahead.

As he discussed the fact that the Army needed to be lighter and quicker and stronger, I heard a fellow just behind me who also had stars on his shoulders, I heard him gasp, what does this guy think the Marine Corps is for, although the terms he used in expressing that sentiment were a little stronger than I have used here. But, nonetheless, a clear illustration that there continues to be competition between our branches, which is good, but there also continues to be a great need for transformation throughout the Department of Defense. And the first guy out on the point regarding that transformation is this great Chief who is now retiring, Eric Shinseki.

The gentleman from Pennsylvania (Mr. MURTHA) and I have had a chance to work very closely with the Chief. We have had a chance to play a role in developing ideas of his such as the future combat system, to talk out loud about what that future battlefield might look like and to talk about the fact that we are responsible for by far the largest budget in the Congress, those moneys that flow on behalf of our national defense and allowing America to be the voice for freedom. Indeed, in those conversations time and time again, the General and I come back to this thought:

□ 1700

That is the thought that the reason we spend these moneys is not because we are about to wage war but because America is the force for peace and we appropriate these dollars and work with the Army and the rest of our forces on behalf of peace in the world. So as General Eric K. Shinseki goes on to a new part of his life, we thank him for his great and wonderful service, and we all are in his debt.

Mr. Speaker, I rise today to pay tribute to a genuine American hero—our retiring Chief of Staff of the United States Army, General Eric K. Shinseki. After leading the Army during successful campaigns against terrorism in Afghanistan and Iraq and putting the Army on an irreversible track towards transformation, General Shinseki is stepping down as chief of staff next week.

Many of us in the Congress have come to know, and be spellbound by, the story of General Shinseki's life. Indeed, Hollywood couldn't have written a better Horatio Alger story. General Shinseki, as we've all come to know, was born during World War II to Japanese-American parents at a time when the fears of war created a regrettable episode in our history—the internment of American citizens and loyal immigrants. Between then and now, much has changed in the world and in this country. General Shinseki has been a positive force for some of that change, even as his incredible professional accomplishments are a symbol of that change.

Indeed, I remember so well the first time I heard the Shinseki story. It was during the introduction at his swearing-in ceremony as the Army's Chief of Staff. That story moved me, but I was also struck by General Shinseki's own remarks that followed. He spoke eloquently and forcefully on a broad range of topics—it was during these remarks that I first heard the term ''transformation.'' General Shinseki shared with us his powerful vision for change and I was intrigued at how clear his transformational ideas were, and how resolute and determined he seemed in bringing this about. I also remember what he said about his family—just how important they were to him. He singled out, as he called them, the dozen or so ''Shinseki women,'' in the audience—his grandmother, mother, sisters, wife, and daughters—saying he wouldn't be where he was today without them. His sincere humility and gratitude on this his big day, was inspiring. It was a moving set of remarks on a propitious and portentous day, an event that remains fresh in my memory even now.

With the guiding hand of loving parents, Ric Shinseki matured into an extraordinary young American with rock-solid values and with a calling to serve—''Duty, Honor, Country.'' This West Point graduate is a decorated combat veteran and an accomplished peacemaker. He is a fierce warrior-leader with a Master's degree in Literature—a true Renaissance man. His story is an inspiration for us all. He has lived the ''American Dream'' rising to become the 34th Army Chief of Staff.

As a young junior officer, Ric Shinseki served valiantly and selflessly in Vietnam, where he was wounded twice—once so severely his troops were convinced he would not survive. His valor and courage under fire won him three Bronze Star Medals for valor and two Purple Hearts.

A ''soldier's soldier'' who has commanded at every level, General Shinseki is also a reflective and intellectually gifted leader. In addition to West Point, General Shinseki has attended the National War College and Duke University. Those of us in the Congress involved extensively with defense issues have come to know him as an insightful thinker and inspirational speaker and writer. He is someone we all trust and respect.

Nearing the pinnacle of his Army career, General Shinseki spent 15 months as the commander of the NATO Stabilization Force in Bosnia in 1997. He led this force with remarkable skill, helping that land begin to heal the wounds of years of war. His abilities as a warrior-diplomat subsequently helped the Army prepare for and execute its peacekeeping responsibilities in Kosovo.

General Eric Shinseki became Army Chief of Staff in June 1999—just six months after I took the job as chairman of the House Defense Appropriations Subcommittee. Over the past four years, we have spent a lot of the time together, professionally and socially, and I have always come away from those meetings inspired and thoughtful about the general's visionary ideas.

In many ways his early performance in Vietnam revealed the true measure and character of this man. This is a tough man who sticks to what he believes is right, even when it is unpopular, controversial, and sometimes even when it is against his own interests. True courage. And we have seen more of this during his tour as Army Chief of Staff.

After only a few months into his tenure as Army Chief, General Shinseki unveiled his comprehensive plan for transformation, the vision for which, as I mentioned earlier, he introduced at his swearing-in ceremony. This town is indebted to him for bringing our collective attention to this important mandate. Transformation is now a very popular phrase in defense circles, with many proclaimed authors, but in this Body in these chambers, we know where this all started and gained traction—with the humble and understated Ric Shinseki.

Think about how difficult it was for this career Armor officer, a Tanker himself, to lead the Army in a direction away from 70-ton tanks towards a lighter, more strategically responsive force. Indeed, General Shinseki faced considerable skepticism within the naturally conservative institution that is the U.S. Army. An Army, after all, that had been tremendously successful over the past decade during major combat operations in Panama, the Persian Gulf, and in several other lesser contingencies and peacekeeping operations around the globe. Yet, General Shinseki knew that more than incremental changes were needed to get the Army ready for future requirements—it wasn't enough to look backwards as validation of work well done.

After 9–11, and after devastating attacks only yards away from his office, General Shinseki quickly moved the Army onto a ''wartime footing.'' Like all Americans, I watched with pride and wonderment as our armed forces quickly accomplished their objectives time and again in Afghanistan and most recently now in Iraq. This is the legacy that General Shinseki leaves behind—a fabulously well trained and disciplined force that is helping win the Global War on Terror, while at the same time it is transforming itself to meet the threats of the 21st Century.

Throughout our time together, I have greatly valued this man's opinion and judgment that is always carefully arrived at and based upon over three and a half decades of experience and committed service to the nation. We haven't always agreed, in fact, we've had some major differences over the years, but there is not one in this town I respect more than our outgoing Army Chief of Staff. We will miss him sorely. And we will miss his lovely wife Patty, too. She has steadfastly and selflessly stood by her husband and the Army for over 38 years and today on behalf of my colleagues of the United States Congress, we say ''thank you'' for a job well done, and may

God bless you with health and happiness in all future endeavors. Although we now end our time together as Chairman and Chief, we will always remain friends.

Mr. Speaker, I greatly appreciate this very special opportunity to honor my friend, General Eric Shinseki—a model citizen and soldier.

MEDICARE REFORM

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) is recognized for 5 minutes.

Mr. ACEVEDO-VILÁ. Mr. Speaker, the Commonwealth of Puerto Rico like the majority of States is confronting a number of challenges as it strives to provide quality health care to its 4 million citizens. Our local government is committed to strengthening the health care system. In fact, the Commonwealth finances approximately 85 percent of the costs of Medicaid in Puerto Rico, a burden no other jurisdiction has and one that is becoming unbearable. For us to move forward, it is essential that the Federal Government be an active and strong partner in this endeavor. As Congress considers creating a prescription drug benefit as well as enacting fundamental Medicare reform, I urge my colleagues to ensure that any Medicare legislation approved by Congress addresses the needs of the U.S. citizens living in Puerto Rico.

Since its inception, Medicare has provided health care for seniors living in Puerto Rico. Mr. Speaker, we must not exclude now our 525,000 seniors from any new basic health care coverage. Therefore, it is essential that beneficiaries living in the island have access to the same level of prescription drug coverage under the same terms and conditions as is offered to all others throughout the country. In addition, any Medicare prescription drug program must provide appropriate subsidies for low-income beneficiaries in Puerto Rico as in other all jurisdictions.

Puerto Rico's workers and employers pay their full share of Social Security and Medicare payroll taxes to the Federal Government. Beneficiaries who live in the island are as much a part of Medicare as those living in Florida, California, or Nebraska. Limitations on the benefits of subsidies that have no foundation in health care policy but based on geographic location would undermine the social insurance nature of this vital programs and would fail the fundamental goal of providing uniform Medicare benefits to all.

The second issue that I expect Congress to address in the Medicare reform bill is the payment to hospitals in Puerto Rico. While all U.S. hospitals receive 100 percent Federal reimbursement, hospitals in Puerto Rico only receive 50 percent through a special formula. No other jurisdiction receives this type of treatment under the Medicare system. As a result of this disparity, our hospitals operate under extreme financial constraints and some have even decided to withdraw from the program.

Again, U.S. citizens in Puerto Rico pay the same Federal payroll taxes as any other jurisdiction. They deserve equity. Therefore, Medicare reimbursement to Puerto Rico hospitals should be equitable with all other U.S. jurisdictions' hospitals.

Finally, I urge Congress to enact legislation to correct the great disparity that currently assists in Medicare payments to physicians in Puerto Rico. This is the same disparity that rural physicians across the country experience today. In fact, our physicians currently have the lowest geographic cost-of-practice index value in the entire United States despite the fact that the city of San Juan has the eighth highest cost of living in the United States. As a result, not only are our rural areas suffering; physicians in metropolitan areas such as San Juan are carrying a great burden when they treat Medicare patients.

Mr. Speaker, doctors in Puerto Rico provide the same time and skill to patients, and they must be paid appropriately for their great, noble work.

I would like to finish by thanking my colleagues in the House and Senate who have continuously supported us on resolving these critical issues to ensure that Medicare beneficiaries in Puerto Rico are afforded quality health care. They all realize that fairness is essential to quality health care, and that is as true in Puerto Rico as it is elsewhere in the United States.

THE HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again to speak to the House today about the cost of prescription drugs here in the United States, particularly relative to the rest of the world. Mark Twain once was talking about facts, and he said you can ignore the facts, you can deny the facts, you can even distort the facts, but in the end there they are.

I would like to talk today about the facts because there are people in this town who are attempting to both deny and distort the facts, but I think the facts more and more are indisputable. For example, we have been doing much of our own research. We purchased a number of the top-selling drugs in Munich, Germany, about a month ago. For example, we bought this package of Glucophage. Glucophage is a marvelous drug, particularly for those suffering from diabetes. We bought this drug in Munich, Germany, at a pharmacy for $5. This same package of Glucophage sells here in the United States for $29.95. We bought another drug, a very commonly prescribed drug that is a blood thinner. In fact, my father takes this drug. It's called Coumadin. Coumadin here in the United States, this package of Coumadin sells for roughly $84. We bought this drug in Germany for $21. But I think the one that bothers me the most, and I have talked about this before and I still do not have a good answer and frankly some of the people in the FDA ought to help us get the answer, this is a drug called Tamoxifen, perhaps the real miracle drug as it relates to treating women's breast cancer. Tamoxifen. We bought this drug in Munich, Germany, for $59.05 American. It sells here in the United States, the same box, same milligrams, it sells for $360; $60 in Germany, $360 here.

The question we have to ask is why? Why the big disparities? And some people say it is price controls, but that is not exactly true in Germany. The Germans do not have what some people say they do in terms of price controls. What they do allow is for their pharmacists to be able to shop around to get the best price. Unfortunately, Americans are held hostage. If one goes to Tokyo, Japan, and buys a steak, that steak will cost over $100. One can buy that same steak here in Washington even at inflated Washington, D.C. prices, for probably $25. Back in my home district one can buy the best steak in town in many of the towns I represent for $10 or $15. But the difference is the Japanese are held captive. They do not allow American beef into their markets; so those captive Japanese are forced to pay those higher prices.

What we are saying in the legislation which I hope to introduce next week is let our people go. Allow the markets to work, open up markets. And that is why I have sponsored the Pharmaceutical Market Access bill. Facts are stubborn things, as John Adams said. I would invite Members and those who may be watching to get a copy of this book: The title is ''The Big Fix, How the Pharmaceutical Industry Rips American Consumers Off.'' It is by Katharine Greider. I do not know that much about Katharine Greider, but she has got some very interesting things to say about what has been happening in the pharmaceutical industry.

Finally, let me say the big argument is safety, safety, safety, we cannot guarantee that if people buy their drugs from Munich, Germany, or Geneva, Switzerland, that those drugs will be safe. But I would invite the Members to look at some of the counterfeit-proof technology that is available today. There are companies that make this technology so that we can guarantee that this is in fact Coumadin and not something else. We can do this safely. Americans deserve world-class drugs at world market prices. Americans are willing to subsidize sub-Saharan Africa. We are unwilling to continue to subsidize the starving Swiss. I hope Members will get the facts. I hope Members will look at this bill. I hope

Members will cosponsor it with me. And I hope finally we will do something to stop these huge disparities between what Americans pay and what consumers around the rest of the industrialized world pay for the same drugs.

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 California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF 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 Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Alabama addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BELL) is recognized for 5 minutes.

(Mr. BELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPANSION OF THE CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I join my colleagues today to support the expansion of the child tax credit, a goal that was unfortunately not met as part of the $350 billion tax cut that we passed just last month. While some have argued that there was simply no room in that bill for a more comprehensive child tax credit, I still believe that our commitment to meeting the basic needs of our children should never be compromised. One out of every six children under the age of 17 lives with parents who will never see the benefit of the child tax credit that passed as part of last month's tax package.

And, Mr. Speaker, who are the parents of these children? They are hardworking Americans. They pay Federal taxes, and they do the very best they can to provide for their families. Yet we have chosen to ignore them to accommodate tax breaks for those who are far less likely to reinvest them back into our stalled economy or to rely upon that money to carry them into their next paycheck.

To address this glaring inequity, I cosponsored legislation to extend the tax credit to the families of 19 million children left out of the last tax bill. This bill, which was sponsored by the gentleman from New York (Mr. RANGEL), would also expand these tax privileges to many of the families, many of the families of the courageous military personnel serving in Iraq and other combat zones. These patriotic men and women have sacrificed precious time with their own families to protect ours, and I believe that this is the very least that we can do to show them our respect and our appreciation.

We have spoken virtuously of their selfless actions overseas; yet when we have an opportunity to match those actions with anything more than words, we are AWOL. We are AWOL.

Clearly, we recognize how critical it is to provide families with the resources they need to ensure the well-being of their children. Yet we have failed to follow through on our good intentions by leaving out those who need this help the very most.

Interestingly enough, today marks National Hunger Awareness Day, and in this country there are nearly 16 million children who ate free or reduced-priced lunches through the School Lunch Program last year. Many of these children, however, cannot rely on such consistent or well-balanced meals during the summertime when school has adjourned.

I would encourage us all to keep this in mind with summer just weeks away and schools already beginning to close their doors because, Mr. Speaker, there could not be a more appropriate time to expand the child tax credit to the families of these children.

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As a parent and a grandparent, I personally feel, and I believe that all of my colleagues feel, that all children are important; that no matter how much their parents make, that they are important. That is why I ask my colleagues to join me in supporting legislation that treats them this way.

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN of Ohio 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 Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of official business.

Ms. LOFGREN (at the request of Ms. PELOSI) for June 4 after 7:00 p.m. and the balance of the week on account of family school graduation.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of official business.

Mr. HERGER (at the request of Mr. DELAY) for June 2 and 3 on account of attending his daughter's high school graduation.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

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. ACEVEDO-VILÁ) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. ACEVEDO-VILÁ, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, June 10, 11, and 12.

Mr. BURTON of Indiana, for 5 minutes, June 12.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 192. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

ADJOURNMENT

Mrs. DAVIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, June 9, 2003, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

RANDY NEUGEBAUER, Texas 19.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information: Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi,

Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2531. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Additions to Quarantined Area (Docket No. 02–117–7] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2532. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Docket No. 03–018–1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2533. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Movement and Importation of Fruits and Vegetables [Docket No. 00–059–2] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2534. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Hot Water Dip Treatment for Mangoes [Docket No. 02–026–5] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2535. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Additional Declaration for Imported Articles of Pelargonium spp. and Solanum spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03–019–1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2536. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2537. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of the decision to convert to contractor performance; to the Committee on Armed Services.

2538. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2002''; to the Committee on Financial Services.

2539. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2540. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–94, ''Inspector General Qualifications Amendment Act of 2003'' received June 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2541. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a report in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2542. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

2543. A letter from the Assistant Secretary for FWP, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Three Plant Species from the Island of Lanai, Hawaii (RIN: 1018–AH10) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2544. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Admospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2003 Specifications for the Atlantic Bluefish Fishery [Docket No. 021223329–3112–02; I.D. 121302A] (RIN: 0648–AQ26) received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2545. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 37 to the Northeast Multispecies Fishery Management Plan [Docket No. 030210027–3097–02; I.D. 012103E] (RIN: 0648–AQ35) received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2546. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries of the Gulf of Alaska [Docket No. 020718172–2303–02; I.D. 043003A] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2547. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''21st Century Department of Justice Appropriations Authorization Act''; to the Committee on the Judiciary.

2548. A letter from the President, Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 2002, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

2549. A letter from the Program Analyst, FAA, Department of Agriculture, transmitting the Department's final rule—Modification of Class E Airspace; Hampton, IA [Docket No. FAA–2003–14597; Airspace Docket No. 03–ACE–20] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2550. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Des Plains River, Joliet, Illinois [CGD09–03–214] (RIN: 1625–AA11) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD05–03–048] (RIN: 1625–AA08) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2552. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-32] received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2553. A letter from the Chair, Federal Election Commission, transmitting 7 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration, Government Reform, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H.R. 2344. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. OSE, Mr. PENCE, and Mr. TERRY):

H.R. 2345. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary,

and in addition to the Committee on Small Business, 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. FRANKS of Arizona:

H.R. 2346. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. BOEHNER, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. CANTOR, Mr. FEENEY, Mr. AKIN, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. TIBERI, Mr. GUTKNECHT, Mr. VITTER, Mr. HOEKSTRA, Mr. DEMINT, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. PAUL, Mr. PITTS, Mr. RENZI, Mr. HAYWORTH, and Mrs. MYRICK):

H.R. 2347. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2348. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the rigorous standard of quality applicable to paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. SIMMONS, Mr. GUTIERREZ, Mr. FILNER, Ms. BERKLEY, and Mrs. DAVIS of California):

H.R. 2349. A bill to authorize certain major medical facility projects for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HERGER:

H.R. 2350. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes; 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. THOMAS (for himself, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. ENGLISH, Mr. SESSIONS, Mr. OSE, Mr. FOSSELLA, Mr. PAUL, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. DELAY, Mr. TOOMEY, Mr. BARTON of Texas, Mr. WALSH, Mr. BALLENGER, Mr. CAMP, Mr. COLLINS, Mr. RYAN of Wisconsin, Mr. KELLER, Mr. HERGER, Mr. DOOLITTLE, Mr. DEMINT, and Mr. NORWOOD):

H.R. 2351. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings accounts and to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. FILNER, Mr. RODRIGUEZ, Mr. EVANS, Mr. CUNNINGHAM, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mrs. DAVIS of California, Mr. ISSA, and Mr. SMITH of New Jersey):

H.R. 2352. A bill to amend title 38, United States Code, to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself, Ms. SLAUGHTER, Ms. LEE, Ms. WOOLSEY, Mr. FARR, and Ms. KILPATRICK):

H.R. 2353. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, 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. CASE (for himself, Mr. ABERCROMBIE, and Mr. GIBBONS):

H.R. 2354. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 2355. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; to the Committee on Resources.

By Mr. ALLEN (for himself, Mrs. EMERSON, Mr. BERRY, Mr. BEREUTER, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. GUTKNECHT, Mr. SNYDER, Mrs. BONO, Mr. COOPER, and Mr. WAMP):

H.R. 2356. A bill to require the National Institutes of Health to conduct research, and the Agency for Healthcare Research and Quality to conduct studies, on the comparative effectiveness and cost-effectiveness of prescription drugs that account for high levels of expenditures or use by individuals in federally funded health programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. SMITH of New Jersey, and Mr. MILLER of Florida):

H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT (for himself, Mr. ORTIZ, Mr. SENSENBRENNER, Mr. CUNNINGHAM, Mr. SANDLIN, Mr. BARTLETT of Maryland, Mrs. CAPPS, Mr. WELDON of Florida, Mr. PAUL, Mr. FOLEY, Mr. HINOJOSA, Mr. LUCAS of Oklahoma, Mr. BARTON of Texas, Mr. DOOLITTLE, and Mr. BURGESS):

H.R. 2358. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. OSBORNE, and Mr. LATHAM):

H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WU, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. DEFAZIO):

H.R. 2360. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Ways and Means, 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. CARDIN (for himself, Ms. DUNN, Mr. FOLEY, Mr. MCNULTY, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. FROST, Mr. SANDLIN, Mr. GILLMOR, Mrs. CAPITO, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. HOLDEN, Mr. PAUL, Mr. KANJORSKI, Ms. LOFGREN, Mr. MORAN of Virginia, and Mr. GOODE):

H.R. 2361. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2004, and to provide a special part B enrollment period for such retirees; 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. CASE (for himself, Mr. ABERCROMBIE, and Mr. YOUNG of Alaska):

H.R. 2362. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. CUMMINGS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. MCNULTY, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Ms. KAPTUR, Mr. PALLONE, Mr. SERRANO, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. FROST, Ms. LOFGREN, Mr. CONYERS, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 2363. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, House Administration, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2364. A bill to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. LEVIN, and Mr. HOUGHTON):

H.R. 2365. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 2366. A bill to suspend certain amendments made by the No Child Left Behind Act of 2001 if the Federal Government fails to fully fund such amendments; to the Committee on Education and the Workforce.

By Mr. GIBBONS:

H.R. 2367. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Mr. REYES, Mr. EDWARDS, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. ORTIZ, Mr. SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. TURNER of Texas, Mr. FROST, Mr. BELL, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. DOGGETT, and Mr. HALL):

H.R. 2368. A bill to amend the Internal Revenue Code of 1986 to tax the campaign committees of candidates for State and local public office in the same manner as campaign committees of candidates for Congress; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. ROTHMAN, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. FARR, Mr. KIRK, Mr. REYES, Mr. LYNCH, Mr. JACKSON of Illinois, Mr. ANDREWS, Ms. MAJETTE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. RAMSTAD, Mr. MEEHAN, Mr. MENENDEZ, Mr. LAMPSON, Mr. FILNER, Mr. LARSEN of Washington, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. FERGUSON, Ms. WATERS, Mr. MICHAUD, Ms. HOOLEY of Oregon, Ms. DEGETTE, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. JOHNSON of Illinois, Mr. BOEHLERT, Mr. GREENWOOD, Mr. SHAYS, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. WU, Mr. RAHALL, Mr. DOYLE, Mr. WEINER, Mr. HOEFFEL, Mr. FRANK of Massachusetts, Mr. KILDEE, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. BALDWIN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. DOGGETT, Mr. BECERRA, Mr. ISRAEL, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. DEFAZIO, Mr. BROWN of Ohio, Mrs. MALONEY, Ms. LEE, Mr. KLECZKA, Mr. STARK, Mr. HONDA, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. PASTOR, Mr. LANGEVIN, Mr. FORD, Mr. PAYNE, Mr. MARKEY, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. BLUMENAUER, Ms. DELAURO, Mr. LEVIN, Mr. CUMMINGS, Mr. WYNN, Mr. VAN HOLLEN, Mr. KIND, Mr. DEUTSCH, Mr. SERRANO, Mr. ENGEL, Mr. UDALL of Colorado, Mr. MCNULTY, Mr. OWENS, Mr. BERMAN, Mr. ACKERMAN, Mr. BOUCHER, Mr. HILL, Mr. SABO, Mr. OLVER, Mr. WEXLER, Mr. RANGEL, Mr. ACEVEDO-VILA, Ms. HARMAN, Ms. SOLIS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. WATT, Mr. GILCHREST, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mrs. CAPPS, Mr. CLAY, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. FATTAH, Mr. DINGELL, Mr. CROWLEY, Ms. NORTON, Mr. RUSH, Mr. TOWNS, Mr. EVANS, Mr. PALLONE, Mr. MCGOVERN, Mr. SCHIFF, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Mr. NADLER, Mr. GREEN of Texas, Mrs. LOWEY, Ms. ESHOO, Mr. ALLEN, Mr. COOPER, Mr. RYAN of Ohio, Mr. CONYERS, Mr. CLYBURN, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. CAPUANO, Mr. CASE, Mr. CARDIN, Mr. SANDERS, Mr. MILLER of North Carolina, Mr. COSTELLO, Mr. LANTOS, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. TIERNEY, Ms. MILLENDER-MCDONALD, and Mr. LARSON of Connecticut):

H.R. 2369. A bill to protect inventoried roadless areas in the National Forest System, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 2370. A bill to improve homeland security by providing for national resilience in preparation for, and in the event of, a terrorist attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. BERMAN, Mr. CONYERS, Mr. MCGOVERN, Mr. FILNER, Ms. ESHOO, Mr. CASE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. BALLANCE, Mr. JEFFERSON, Ms. CARSON of Indiana, Mr. WYNN, Mr. OWENS, Mr. DAVIS of Alabama, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. CLAY, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. LEWIS of Georgia, Mr. FATTAH, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. FARR, and Mrs. JONES of Ohio):

H.R. 2371. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Government Reform, and in addition to the Committee on International Relations, 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. LEWIS of Georgia (for himself, Mr. RANGEL, Ms. CARSON of Indiana, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. KLECZKA, Mr. SCOTT of Georgia, Mr. PAUL, Mr. FROST, Mr. PAYNE, and Mr. KILDEE):

H.R. 2372. A bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. BLUMENAUER, Ms. DELAURO, Mr. LEWIS of Georgia, and Mrs. CHRISTENSEN):

H.R. 2373. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 2374. A bill to amend the Small Business Act to allow more joint ventures, leader-follow arrangements, and teaming arrangements under the section 8(a) minority business development program; to the Committee on Small Business.

By Ms. MILLENDER-MCDONALD:

H.R. 2375. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits applicable to simple retirement accounts; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2376. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. PLATTS, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. SERRANO, Ms. DELAURO, Mr. DAVIS of Illinois, Ms. SOLIS, Mrs. DAVIS of California, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. KILDEE, and Mr. SANDERS):

H.R. 2377. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Education and the Workforce, 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. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, and Mr. FILNER):

H.R. 2378. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 2379. A bill to amend title 38, United States Code, to improve access to health care for rural veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Minnesota:

H.R. 2380. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mr. STRICKLAND):

H.R. 2381. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself, Mr. HOLT, Mr. FROST, Mr. GEORGE MILLER of California, Mr. STARK, Ms. MCCOLLUM, Mr. MARKEY, Ms. JACKSON-LEE of Texas, and Ms. BORDALLO):

H.R. 2382. A bill to amend title 49, United States Code, relating to improving transportation in the national parks; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2383. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of smoking cessation costs; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 2384. A bill to amend title 23, United States Code, to provide an exemption from Interstate System weight limitations for

milk hauling vehicles in the State of Connecticut; to the Committee on International Relations.

By Mr. SIMPSON (for himself and Mr. ABERCROMBIE):

H.R. 2385. A bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living; to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself, Mr. OTTER, Mr. HERGER, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. GOSS, Mr. PETERSON of Pennsylvania, Mr. HUNTER, Mr. CANNON, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. RADANOVICH, Mr. PEARCE, Mr. GIBBONS, and Mr. SOUDER):

H.R. 2386. A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments; to the Committee on Resources.

By Mr. STRICKLAND:

H.R. 2387. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 2388. A bill to authorize leases for terms not to exceed 99 years on lands held in trust for the Yurok Tribe and the Hopland Band of Pomo Indians; to the Committee on Resources.

By Mr. VISCLOSKY:

H.R. 2389. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. WU:

H.R. 2390. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to enter into agreements with private for-profit organizations for the provision of work-study employment; to the Committee on Education and the Workforce.

By Mr. CUMMINGS:

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mr. BEREUTER, Mr. WEXLER, Mr. KIRK, Mrs. KELLY, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, and Mr. SHIMKUS):

H. Con. Res. 209. Concurrent resolution commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. BISHOP of Georgia, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, and Mr. CLAY):

H. Con. Res. 210. Concurrent resolution honoring Army Specialist Shoshana Nyree Johnson, former prisoner of war in Iraq; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ACKERMAN, Mr. PENCE, Mr. BURTON of Indiana, and Mr. TANCREDO):

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress and appreciation for the support and cooperation from Kuwait, Bahrain, and Qatar in Operation Iraqi Freedom; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Ms. LEE, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. WATSON, Mr. HINCHEY, Mr. SERRANO, Mr. GRIJALVA, Mr. FARR, Mr. CONYERS, Mr. JACKSON of Illinois, Ms. CARSON of Indiana, Mr. OWENS, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. SCOTT of Virginia, Mr. NADLER, Mr. STARK, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. RAHALL, Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. HONDA, Ms. SOLIS, Mr. TOWNS, and Mr. PAYNE):

H. Res. 260. A resolution requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction; to the Committee on International Relations.

By Mr. WOLF (for himself, Mr. MCGOVERN, Ms. KAPTUR, Mr. WALSH, Mr. WAXMAN, Mrs. EMERSON, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. CONYERS, Mr. GIBBONS, Mr. MCNULTY, Ms. LEE, Mr. RANGEL, Mr. LANTOS, and Mr. WAMP):

H. Res. 261. A resolution expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

71. The SPEAKER presented a memorial of the Legislature of the State of Alabama, relative to House Resolution No. 412 memorializing the United States Congress to recognize that the F/A-22 Raptor is critical to the Alabama economy and that the members of this body implore the Congress to fully fund and advance the F/A-22 Raptor program, thus providing our military heroes with the vital resources they need while invigorating our economy; to the Committee on Armed Services.

72. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 128 memorializing the United States Congress that all individuals and organizations involved with telecommunications and call centers are respectfully urged to initiate customer right-to-know procedures regarding all inbound and outbound communications; to the Committee on Energy and Commerce.

73. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 17 memorializing the United States Congress that the Governor is requested to take all necessary actions to establish a state province of Ilocos Norte in the Republic of the Philippines; to the Committee on International Relations.

74. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 77 memorializing the United States Congress to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; to the Committee on Veterans' Affairs.

75. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 76 memorializing the United States Congress to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. GREEN of Texas, Mr. WAMP, Mr. NETHERCUTT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. HAYWORTH, Mr. TIAHRT, Mr. PENCE, Ms. CORRINE BROWN of Florida, Mr. LARSEN of Washington, Mr. WICKER, Mr. ROYCE, Mr. BRADY of Texas, Mr. BAKER, Mr. SCHROCK, and Mr. BEREUTER.

H.R. 57: Mr. CARDOZA, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. BISHOP of Georgia, and Mrs. KELLY.

H.R. 63: Mrs. CAPITO.

H.R. 111: Mr. ALEXANDER.

H.R. 125: Ms. WATERS.

H.R. 173: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. LARSON of Connecticut, Mr. GUTIERREZ, and Mr. MILLER of North Carolina.

H.R. 235: Mr. HENSARLING, Mrs. MUSGRAVE, Mr. CRANE, Mr. COLLINS, Mr. MCCRERY, Mr. SHAW, and Mr. RAMSTAD.

H.R. 303: Mr. HOEFFEL, Mr. SCOTT of Virginia, Mr. BACA, Mr. TURNER of Ohio, Mr. CALVERT, and Ms. ESHOO.

H.R. 328: Mr. BAIRD, Mr. ROSS, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Ms. Linda T. SANCHEZ of California, Mr. LAMPSON, and Ms. CARSON of Indiana.

H.R. 348: Ms. WATSON.

H.R. 434: Mr. TERRY, Mr. WEXLER, and Mr. STEARNS.

H.R. 476: Mr. OWENS and Mr. HOLT.

H.R. 489: Mr. SULLIVAN.

H.R. 502: Mrs. MYRICK.

H.R. 548: Mr. ENGEL, Mr. MURPHY, Mrs. NAPOLITANO, Mr. REHBERG, Mr. BARTLETT of Maryland, Mr. HOYER, Mr. WAXMAN, Mr. JANKLOW, Mr. SPRATT, Mr. CALVERT, and Mr. LOBIONDO.

H.R. 583: Mr. WOLF and Mr. LAHOOD.

H.R. 589: Mr. OSBORNE, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. KIRK, Ms. ESHOO, Mr. WICKER, Mr. SHUSTER, Mr. JONES of North Carolina, Ms. GRANGER, Mr. MICHAUD, Mr. PORTER, Mrs. BONO, Mr. BURGESS, Mr. ALLEN, and Mr. SAXTON.

H.R. 594: Mr. JOHN, Mr. BRADLEY of New Hampshire, and Mr. BROWN of South Carolina.

H.R. 669: Mr. NUNES.

H.R. 687: Mrs. MYRICK.

H.R. 713: Mr. HAYWORTH.

H.R. 714: Mr. MILLER of Florida.

H.R. 742: Mr. ROGERS of Alabama, Mr. STENHOLM, Mr. GIBBONS, Mr. MICHAUD, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. CALVERT.

H.R. 767: Mr. BURGESS.

H.R. 816: Mr. MENENDEZ.

H.R. 817: Mr. WELDON of Florida and Mr. WU.

H.R. 834: Mr. MATSUI.

H.R. 839: Mr. CALVERT, Mr. MICHAUD, Mrs. EMERSON, Ms. ESHOO, Mr. SHIMKUS, Mr. MILLER of North Carolina, Ms. MCCOLLUM, Mr. WAMP, Mr. COSTELLO, Mr. PUTNAM, Ms.

LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. THORNBERRY, Mr. FLETCHER, Ms. GINNY BROWN-WAITE of Florida, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mrs. MUSGRAVE, Mrs. JOHNSON of Connecticut, Ms. LOFGREN, Mr. MANZULLO, and Ms. LORETTA SANCHEZ of California.

H.R. 852: Mr. SERRANO, Mr. PAYNE, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Ms. LEE, Mr. LANTOS, Ms. WOOLSEY, Mr. CROWLEY, and Mrs. CAPPS.

H.R. 871: Mrs. EMERSON.

H.R. 882: Mr. BROWN of South Carolina, Mr. HOLT, and Mr. REHBERG.

H.R. 890: Mr. RANGEL and Mr. GREEN of Wisconsin.

H.R. 898: Mr. RENZI, Mr. FARR, Mr. FLETCHER, Mrs. MALONEY, and Mr. ETHERIDGE.

H.R. 906: Mr. COBLE, Mr. GERLACH, Mr. ROGERS of Kentucky, and Mr. BURNS.

H.R. 919: Mr. BOOZMAN.

H.R. 935: Mr. MARKEY and Mr. DELAHUNT.

H.R. 953: Mr. KING of New York.

H.R. 962: Mr. RYAN of Ohio, Mr. WAXMAN, MS. DEGETTE, Mr. HOLT, Mr. MATSUI, Mr. ROTHMAN, and Mr. ACEVEDO-VILA.

H.R. 966: Mr. KILDEE.

H.R. 967: Mr. LARSON of Connecticut and Mr. FILNER.

H.R. 1048: Mr. KILDEE.

H.R. 1118: Mr. WU, Mr. LUCAS of Oklahoma, Mr. COSTELLO, and Mr. LAMPSON.

H.R. 1125: Mr. RYAN of Ohio, Ms. HARRIS, Mr. STUPAK, and Mr. GUTIERREZ.

H.R. 1137: Mr. SOUDER.

H.R. 1160: Mr. SCOTT of Georgia, Mr. BEREUTER, Mr. PRICE of North Carolina, Mr. WILSON of South Carolina, Mr. BOEHLERT, Mr. RAHALL, and Mr. ROSS.

H.R. 1173: Mr. REHBERG.

H.R. 1185: Mr. MCINNIS.

H.R. 1199: Mr. GUTIERREZ.

H.R. 1209: Mr. PASCRELL, Mr. LANTOS, Mr. SCHIFF, Ms. SOLIS, and Ms. DELAURO.

H.R. 1233: Mr. OSE and Mr. HOSTETTLER.

H.R. 1267: Mr. MENENDEZ, Mr. UDALL of Colorado, and Ms. ESHOO.

H.R. 1268: Ms. MCCOLLUM and Mr. GUTIERREZ.

H.R. 1276: Ms. LINDA T. SANCHEZ of California.

H.R. 1285: Mrs. CAPPS, Mr. FROST, and Ms. LORETTA SANCHEZ of California.

H.R. 1301: Mr. LATHAM, Mr. FORD, and Mr. GOODLATTE.

H.R. 1310: Mr. BERRY.

H.R. 1348: Mr. CLAY and Mr. GREEN of Texas.

H.R. 1372: Mr. WILSON of South Carolina, Mr. SANDLIN, and Mr. LATHAM.

H.R. 1400: Ms. WATERS, Ms. BALDWIN, Mr. ROSS, Ms. SLAUGHTER, Mr. OWENS, and Mr. TIERNEY.

H.R. 1422: Mr. PASCRELL.

H.R. 1443: Mr. BOEHLERT and Mr. HASTINGS of Florida.

H.R. 1451: Mr. DAVIS of Florida.

H.R. 1464: Mr. OWENS.

H.R. 1472: Mr. MCKEON.

H.R. 1478: Mr. HAYWORTH.

H.R. 1480: Ms. NORTON.

H.R. 1510: Mr. RYAN of Ohio.

H.R. 1511: Mrs. NAPOLITANO, Mr. WU, Mr. ROTHMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. SHERMAN, Mr. HINOJOSA, Mr. LANTOS, Mr. ENGEL, Mr. TURNER of Texas, Mr. HOEFFEL, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. WYNN, Mr. RAMSTAD, Mr. MCGOVERN, Ms. BORDALLO, Mr. DOOLEY of California, and Mr. FORD.

H.R. 1534: Ms. MILLENDER-MCDONALD.

H.R. 1536: Mr. POMEROY and Mr. BRADY of Texas.

H.R. 1565: Mr. GUTIERREZ, Mr. FILNER, and Mr. GRIJALVA.

H.R. 1572: Mr. BOYD, Mr. PUTNAM, Mr. DEUTSCH, Ms. HARRIS, Mr. FOLEY, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. WELDON of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. STEARNS, Mr. SHAW, Ms. CORRINE BROWN of Florida, and Mr. MICA.

H.R. 1582: Mr. OBERSTAR and Mr. PAUL.

H.R. 1611: Mr. MCDERMOTT.

H.R. 1617: Mr. BALLANCE.

H.R. 1622: Mr. COOPER, Ms. BERKLEY, Mr. BALLANCE, Mr. KILDEE, Mr. HINCHEY, Mr. MATSUI, Mr. ACKERMAN, Mr. JENKINS, Ms. LINDA T. SANCHEZ of California, Mr. ROTHMAN, Mr. PRICE of North Carolina, and Mr. GRIJALVA.

H.R. 1638: Mr. CARSON of Oklahoma, Mr. LEWIS of Kentucky, and Ms. CORRINE BROWN of Florida.

H.R. 1653: Mr. JONES of North Carolina and Mr. SMITH of Washington.

H.R. 1660: Mr. BRADLEY of New Hampshire, Mrs. MUSGRAVE, Mr. GARY G. MILLER of California, and Mrs. NORTHUP.

H.R. 1696: Mr. CARSON of Oklahoma.

H.R. 1723: Mr. BALLANCE.

H.R. 1726: Mr. HOLT and Mr. RYAN of Ohio.

H.R. 1742: Mr. WALDEN of Oregon and Mr. CULBERSON.

H.R. 1754: Mrs. MUSGRAVE.

H.R. 1761: Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mr. MOORE.

H.R. 1767: Mr. ISSA.

H.R. 1776: Mr. RYUN of Kansas, Mr. BARRETT of South Carolina, and Mr. COLE.

H.R. 1779: Mr. BURGESS, Mr. MILLER of Florida, and Mr. DAVIS of Tennessee.

H.R. 1796: Mr. REYES.

H.R. 1812: Mr. WYNN, Mr. MORAN of Virginia, Mr. SHAYS, Mr. UDALL of Colorado, Mr. LARSEN of Washington, Ms. VELAZQUEZ, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. SIMMONS, and Mr. GONZALEZ.

H.R. 1859: Mr. SHIMKUS.

H.R. 1860: Mr. WYNN, Mr. WAXMAN, Mr. MATSUI, Mr. HINCHEY, Mr. OWENS, Mr. WEXLER, Mr. HINOJOSA, and Mr. LANTOS.

H.R. 1865: Mr. SHAYS.

H.R. 1873: Mr. GRIJALVA.

H.R. 1881: Mr. GOODE.

H.R. 1894: Mr. GRIJALVA.

H.R. 1930: Mr. SMITH of New Jersey.

H.R. 1935: Ms. CARSON of Indiana, Mr. CROWLEY, and Mr. KIND.

H.R. 1936: Mr. SCHIFF.

H.R. 1940: Mr. BOUCHER, Mr. SANDERS, and Mr. CASE.

H.R. 1943: Mr. GERLACH, Mr. DUNCAN, and Mr. SOUDER.

H.R. 1951: Mr. SMITH of Washington and Mr. GRIJALVA.

H.R. 1997: Ms. GINNY BROWN-WAITE of Florida, Mr. PLATTS, and Mr. ISSA.

H.R. 2000: Ms. CARSON of Indiana.

H.R. 2009: Mr. FRANK of Massachusetts.

H.R. 2011: Mr. HILL, Mr. EVANS, and Mr. TIERNEY.

H.R. 2028: Mr. HASTINGS of Washington, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Mr. PORTMAN, and Mrs. KELLY.

H.R. 2045: Mr. NORWOOD and Mr. LAHOOD.

H.R. 2052: Mr. WHITFIELD, Mr. MICHAUD, Mr. BEREUTER, Mr. OSBORNE, Ms. WOOLSEY, Mr. CUMMINGS, Mr. CROWLEY, and Ms. BALDWIN.

H.R. 2075: Mr. DEUTSCH, Mr. KELLER, Mr. DAVIS of Florida, and Mr. BOYD.

H.R. 2092: Mr. SOUDER.

H.R. 2125: Mr. RANGEL.

H.R. 2130: Mr. ROTHMAN.

H.R. 2161: Mrs. EMERSON.

H.R. 2164: Ms. MILLENDER-MCDONALD and Mr. SOUDER.

H.R. 2193: Mr. PUTNAM.

H.R. 2203: Mr. KIND and Mr. KILDEE.

H.R. 2205: Mr. RUSH, Mr. KILDEE, Mr. FILNER, Mr. ROSS, Mr. BALLANCE, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. ANDREWS, Mr. MARSHALL, Mr. UPTON, and Mr. KLECZKA.

H.R. 2207: Mr. FROST, Mr. ETHERIDGE, Mr. DAVIS of Illionis, and Mr. GRIJALVA.

H.R. 2241: Mr. RANGEL.

H.R. 2246: Mr. BEREUTER.

H.R. 2255: Mr. PAUL.

H.R. 2262: Mr. JEFFERSON, Mr. WU, Mr. ENGEL, and Mr. RANGEL.

H.R. 2286: Ms. WATSON, Mr. CASE, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. OBEY, Mr. LARSEN of Washington, Mr. KILDEE, Mr. CUMMINGS, Ms. KILPATRICK, and Mr. MCDERMOTT.

H.R. 2318: Mr. CROWLEY, Ms. BORDALLO, and Mr. KIND.

H. J. Res. 38: Mr. FRANK of Massachusetts.

H. J. Res. 52: Ms. JACKSON-LEE of Texas.

H. Con. Res. 37: Mr. PALLONE, Mr. ACEVEDO-VILA, and Mr. STRICKLAND.

H. Con. Res. 98: Ms. ROS-LEHTINEN, Mr. GARRETT of New Jersey, Mr. MOORE, and Mr. HONDA.

H. Con. Res. 126: Mr. PUTNAM.

H. Con. Res. 127: Mr. KINGSTON, Mr. EVANS, and Mr. REHBERG.

H. Res. 59: Mr. HONDA.

H. Res. 137: Mr. LARSEN of Washington, Mr. ROTHMAN, Mrs. LOWEY, Mr. HONDA, and Mr. ENGEL.

H. Res. 167: Ms. MCCOLLUM, Ms. LEE, Mr. PALLONE, and Mr. BALLANCE.

H. Res. 177: Mr. HOUGHTON, Mr. PAYNE, Mr. TANCREDO, Ms. LEE, Mr. LEACH, Mr. ROYCE, Mr. FLAKE, Mr. MEEKS of New York, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 194: Mr. ROYCE.

H. Res. 214: Ms. CARSON of Indiana and Mr. CROWLEY.

H. Res. 235: Mr. WEINER and Mr. VAN HOLLEN.

H. Res. 242: Mr. FALEOMAVAEGA, Mr. PUTNAM, Mr. RAMSTAD, Mr. TAYLOR of North Carolina, Mr. FLAKE, Mr. BERMAN, and Mr. BEREUTER.

H. Res. 259: Mr. SHAYS, Mr. SIMMONS, Mr. PUTNAM, and Mr. BERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 669: Mr. DAVIS of Alabama.

H.R. 1329: Mr. STUPAK.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JUNE 5, 2003 No. 82

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning, we will be led in prayer by our guest Chaplain, Dr. K. Randel Everett, president of the John Leland Center for Theological Studies.

PRAYER

The guest Chaplain offered the following prayer:

Let us bow together in prayer.

Dear Father, we thank You for surrounding these Senators with such a great cloud of witnesses who have served in the seats of honor before them. We thank You for those who stood with courage during difficult days. We thank You for those whose wisdom guided our Nation through times of darkness. We thank You for the times when the Senate stood in unity in pursuit of justice when the world was threatened by the forces of evil.

Dear Lord, we pray that You will give these Senators freedom from the encumbrances of business, of pettiness, and worry. Loosen them from any of the sins of prejudice or bitterness or anger that might entangle them. Give them the discipline to run with endurance the race You have set before them. Fix their eyes on You, the author and perfecter of sight. And fill them with Your spirit so that they will not grow weary or lose heart.

Endow them with Your gifts of faith, hope, and love: Faith that You are the sovereign God, hope that righteousness will prevail, and love for You, for Your creation, and for each individual as a person of worth and value.

In Thy name we pray. Amen.

The PRESIDENT pro tempore. I ask the Democratic assistant leader if he will lead us in the Pledge of Allegiance to the flag.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the assistant Republican leader.

SCHEDULE

Mr. MCCONNELL. Mr. President, for the information of all Senators, this morning Senator DOLE will give her maiden speech in the Senate.

When the Senate resumes consideration of the Energy bill, Senator BOXER will offer the first of her two amendments. The votes in relation to those amendments, as well as the pending Schumer amendment, will be stacked to occur later in the day. There are a number of scheduling conflicts, and we will be looking for the most appropriate time this afternoon for those votes to occur.

In addition to the ethanol amendments, a LIHEAP amendment is pending. Members may want to speak on that issue as well. Therefore, the vote on first- and second-degree LIHEAP amendments may be stacked to occur later today as well.

It is hoped that Senators who have additional amendments will make themselves available to offer those amendments so that further progress can be made on this important legislation.

I also add that it is possible we could reach an agreement for the filing deadline for all first-degree amendments.

Having said that, votes will occur on amendments throughout the day on the Energy bill, with the goal of making substantial progress towards its completion.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

SENATOR DOLE'S MAIDEN SPEECH

Mr. REID. Mr. President, I am aware that the distinguished Senator from North Carolina is going to make her maiden speech today. I haven't had the opportunity to say to her privately what I will say publicly, and that is my fault. But I simply say that we have this big horserace coming up this Saturday—the Belmont Stakes—and we talked about the pedigree of the horses that are going to be running that race. Rarely in the history of the Senate has there been anyone come with a pedigree of the Senator from North Carolina. She not only has a distinguished husband with whom we all served here in the Senate who was so direct and so full of humor and so full of wisdom, and a person we still miss today, but being a Senator in her own right, she has a pedigree that is basically unsurpassed: A person who served as a Cabinet officer on at least two separate occasions, who served in other capacities in the White House, and who was so good in her capacity as head of the International Red Cross, doing work all over the world that is still being done as a result of her leadership.

The Senate is certainly favored with her presence, and I look forward, as does all of the Senate, to hearing her maiden speech today.

Mr. MCCONNELL. Mr. President, let me also say that had Senator DOLE not recruited my wife to come into government, I never would have met her. So in addition to all of her substantial accomplishments, she also has made extraordinarily good hiring decisions over the years and brought outstanding

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

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people to Washington, and particularly outstanding women.

We are here today to listen to her maiden speech. She enters the Senate with an extraordinary record, as the Senator from Nevada has pointed out, that goes far beyond what most of us did when we came here. She has already made an important contribution to this body.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is served.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business not to extend beyond the hour of 10 a.m., with the time under the control of Senator DOLE.

The Chair recognizes the Senator from North Carolina.

NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, I first thank the majority whip, Senator MCCONNELL, and the Democrat whip, Senator REID, for their very kind comments this morning. Then I thank you, Mr. President, and other members of the leadership, for your unwavering support of this freshman class.

I also recognize Senator FRIST for the traditional courtesies of a maiden speech to be extended to the new Senator and express my appreciation for his commitment to the rich history of this great tradition.

Tradition is held that, by waiting a respectful length of time, senior colleagues would appreciate the humility shown by a new Member of the Senate who would use the occasion to address an issue of concern.

I come in that sense today to share my thoughts on a matter that weighs heavily on my mind. Hunger is the silent enemy lurking within too many American homes. It is a tragedy I have seen firsthand and far too many times throughout my life in public service. This is not a new issue.

In 1969, while I was serving as Deputy Assistant to the President for Consumer Affairs, I was privileged to assist in planning the White House Conference on Food, Nutrition, and Health. In opening the conference, President Nixon said:

> Malnutrition is a national concern because we are a nation that cares about its people, how they feel, how they live. We care whether they are well and whether they are happy.

This still rings true today.

On National Hunger Awareness Day, I want to highlight what has become a serious problem for too many families, particularly in North Carolina.

My home State is going through a painful economic transition. Once thriving textile mills have been shuttered. Family farms are going out of business. Tens of thousands of workers have been laid off from their jobs. Entire areas of textile and furniture manufacturing are slowly phasing out as high-tech manufacturing and service companies become the dominant industry of the State. Many of these traditional manufacturing jobs have been in rural areas where there are fewer jobs and residents who are already struggling to make ends meet.

In 1999, North Carolina had the 12th lowest unemployment rate in the United States. By December 2001, the State had fallen to 46—from 12 to 46. That same year, according to the Rural Center, North Carolina companies announced 63,222 layoffs. Our State lost more manufacturing jobs between 1997 and the year 2000 than any State except New York.

Entire communities have been uprooted by this crisis. In the town of Spruce Pine in Mitchell County, 30 percent—30 percent—of the town's residents lost their jobs in the year 2001. Ninety percent of those layoffs were in textile and furniture manufacturing. These are real numbers and real lives from a State that is hurting.

Our families are struggling to find jobs, to pay their bills, and, as we hear more and more often, to even put food on the table. In fact, the unemployment trend that started in 1999 resulted in 11.1 percent of North Carolina families not always having enough food to meet their basic needs. That is according to the U.S. Department of Agriculture. And North Carolina's rate is higher than the national average. This means that among North Carolina's 8.2 million residents, nearly 900,000 are dealing with hunger. Some are hungry, others are on the verge.

My office was blessed recently to meet a young veteran, Michael Williams, and his family. Michael served his country for 8 years in the U.S. Army before leaving to work in private industry and use the computer skills he had gained while serving in the military. He was earning a good living, but after September 11 and the terrorist attacks, he and his wife Gloria felt it was time to move their two children closer to family back home in North Carolina. As he said, ''It was time to bring the grandbabies home.''

But Michael has found a shortage of jobs since his return. He worked with a temp agency but that job ended. It has been so hard to make ends meet that the family goes to a food bank near their Clayton, NC, home twice a month because with rent, utilities, and other bills, there is little left to buy food.

Their story is not unlike so many others. Hard-working families are worrying each day about how to feed their children. As if this were not enough, our food banks are having a hard time finding food to feed these families. In some instances, financial donations have dropped off or corporations have scaled back on food donations. In other cases, there are just too many people and not enough food.

At the Food Bank of the Albemarle in northeast North Carolina, executive director Gus Smith says more people are visiting this food bank even as donations are off by 25 percent. Thus Gus says, ''We just can't help everybody at this point in time.'' To try to cope, they recently moved to a 4-day workweek, meaning the entire staff had to take a 20-percent pay cut just to keep the doors open.

America's Second Harvest, a network of 216 food banks across the country, reports it saw the number of people seeking emergency hunger relief rise by 9 percent in the year 2001 to 23.3 million people. In any given week, it is estimated that 7 million people are served at emergency feeding sites around the country.

These numbers are troubling indeed. No family—in North Carolina or anywhere in America—should have to worry about where they will find food to eat. No parent should have to tell their child there is no money left for groceries. This is simply unacceptable.

I spent most of the congressional Easter recess going to different sites in North Carolina: homeless and hunger shelters, food distribution sites, soup kitchens, farms, even an office where I went through the process of applying for Government assistance through the WIC Program, the Women, Infants, and Children Program.

I was also able to meet, on several occasions, with a group known as the Society of Saint Andrew. This organization, like some others across the country, is doing impressive work in the area of gleaning. That is when excess crops, that would otherwise be thrown out, are taken from farms, packing houses, and warehouses, and distributed to the needy.

Gleaning immediately brings to my mind the Book of Ruth in the Old Testament. She gleaned in the fields so that her family could eat. You see, Mr. President, in Biblical times farmers were encouraged to leave crops in their fields for the poor and the travelers. Even as far back as in Leviticus, Chapter 19, in the Old Testament, we read the words:

> And thou shalt not glean thy vineyard, neither shalt thou gather every grape of thy vineyard; thou shall leave them for the poor and the stranger.

So gleaning was long a custom in Biblical days, a command by God to help those in need. It is a practice we should utilize much more extensively today. It is astounding that the most recent figures available indicate that approximately 96 billion pounds of good, nutritious food, including that at the farm and retail levels, is left over or thrown away in this country.

It is estimated that only 6 percent of crops are actually gleaned in North Carolina. A tomato farmer in North Carolina sends 20,000 pounds of tomatoes to landfills each day during harvest season.

Mr. President, I ask unanimous consent to present an example of produce on the Senate floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. DOLE. Sometimes the produce cannot be sold. Sometimes it is underweight or not a perfect shape, like this sweet potato I show you in my hand. This would be rejected because it is not the exact specification. Other times it is simply surplus food, more than the grocery stores can handle, but it is still perfectly good to eat.

Imagine the expense to that farmer in dumping 20,000 pounds of tomatoes each day during his harvest season. And this cannot be good for the environment. In fact, food is the single largest component of our solid waste stream—more than yard trimmings or even newspapers. Some of it does decompose, but it often takes several years. Other food just sits in landfills, literally mummified. Putting this food to good use, through gleaning, will reduce the amount of waste going to our already overburdened landfills.

I am so appreciative of my friends at the Environmental Defense Fund for working closely with me on this issue. Gleaning also helps the farmer because he does not have to haul off and plow under crops that do not meet exact specifications of grocery chains, and it certainly helps the hungry, by giving them not just any food but food that is both nutritious and fresh.

The Society of Saint Andrew is the only comprehensive program in North Carolina that gleans available produce and then sorts, packages, processes, transports, and delivers excess food to feed the hungry.

In the year 2001, the organization gleaned 9.7 million pounds—almost 10 million pounds—or 29.1 million servings of food. It only costs a penny—1 penny—a serving to glean and deliver this food to those in need. Even more amazing, the Society of Saint Andrew does all this with a tiny staff and an amazing 9,200 volunteers.

These are the types of innovative ideas we should be exploring. I have been told by the Society of Saint Andrew that $100,000 would provide at least 10 million servings of food for hungry North Carolinians.

I set out to raise that money for the Society in the last few weeks, and thanks to the compassion of a number of caring individuals, companies, and organizations, we were able to surpass our goal and raise $180,000—enough for over 18 million servings of food. More than ever, I believe this is a worthy effort that can be used as a model nationwide.

I am passionate about leading an effort to increase gleaning in North Carolina and across America. The gleaning system works because of the cooperative efforts of so many groups, from the Society of Saint Andrew and its volunteers who gather and deliver the food, to the dozens of churches and humanitarian organizations that help distribute this food to the hungry. Indeed, gleaning is, at its best, a public-private partnership.

Private organizations are doing a great job with limited resources. But we must make some changes on the public side to help them leverage their scarce dollars to feed the hungry. I have heard repeatedly that the single biggest concern for gleaners is transportation. The food is there. The issue is how to transport it in larger volume.

I want to change the Tax Code to give transportation companies that volunteer trucks for gleaned food a tax incentive. And there are other needed tax changes. Currently, only large publicly traded corporations can take tax credits for giving food to these gleaning programs. But it is not just large corporations that provide this food; it is the family farmers and the small businesses. Why should a farmer who gives up his perfectly good produce or the small restaurant owner who gives food to the hungry not receive the same tax benefits? The Senate has already passed legislation as part of the CARE Act that would fix this inequity. Now the House of Representatives needs to complete work on this bill.

However, but the answer to the hunger problem does not stop with gleaning. That is just part of the overall effort. There are other ways we can help, too.

This year, we will be renewing the National School Lunch Program and other important child nutrition programs, and there are some areas I am interested in reviewing.

Under School Lunch, children from families with incomes at or below 130 percent of poverty are eligible for free meals. Children from families with incomes between 130 percent and 185 percent of poverty can be charged no more than 40 cents. This may seem to be a nominal amount, but for a struggling family with several children the costs add up. School administrators in North Carolina tell me that they hear from parents in tears because they don't know how to pay for their child's school meals.

The Federal Government now considers incomes up to 185 percent of poverty when deciding if a family is eligible for benefits under the WIC program. Should we not use the same standard for School Lunch? Standardizing the guidelines would even allow us to immediately certify children from WIC families for the School Lunch Program. It is time to clarify this bureaucratic situation and harmonize our Federal income assistance guidelines so we can help those most in need.

The School Lunch Program is the final component of our commitment to child nutrition, and we must do everything to maintain and strengthen its integrity so that it works for those who need it and isn't viewed as a Government giveaway.

There are a lot of interesting ideas being discussed such as adjusting area eligibility guidelines in the Summer Food Program. But these need to be looked at carefully, and we need to ask important questions such as how many people would be affected and what is the cost. I have discussed many of these ideas with groups such as America's Second Harvest, Bread for the World, the Food Research and Action Center, and the American School Food Service Association. I look forward to the opportunity of exploring them further during reauthorization of these important programs in the Agriculture Committee, on which I am honored to serve.

Our work cannot stop within our own borders. The Food and Agriculture Organization of the United Nations says hunger affects millions worldwide. During my 8 years as president of the American Red Cross, I visited Somalia during the heart-wrenching famine. In Mojada, I came across a little boy under a sack. I thought he was dead. His brother pulled back that sack and sat him up and he was severely malnourished. He couldn't eat the rice and beans in the bowl beside him; he was too malnourished. I asked for camel's milk to feed him.

As I put my arm around his back and lifted that cup to his mouth, it was almost as if little bones were piercing through his flesh. I will never forget that. That is when the horror of starvation becomes real, when you can touch it.

There are many things that will haunt me the rest of my life. When I visited Goma, Zaire, which is now Congo, this was a place where millions of Rwandans had fled the bloodshed in their own country but they stopped at the worst possible place, on volcanic rock. You couldn't drill for latrines so cholera and dysentery were rampant. You couldn't dig for graves, so I was literally stepping over dead bodies as I tried to help those refugees. Those bodies were carried to the roadside twice a day. They were hauled off to mass graves.

Former Senators Bob Dole and George McGovern are the architects of the Global Food Program, which has a goal of ensuring that 300 million schoolchildren overseas get at least one nutritious meal a day. The Department of Agriculture estimates that 120 million schoolage children around the world are not enrolled in school in part because of hunger or malnutrition. The majority of these children are girls. The Global Food for Education Program is now operating in 38 countries and feeding 9 million schoolchildren.

I want to see this program expanded. I plan to work on Appropriations to advance that goal. Just helping a child get a good meal can make such a difference in developing countries. Feeding children entices them to come to school which allows them to learn, to have some hope, some future. And improved literacy certainly helps the productivity, thereby boosting the economy.

This problem deserves national discussion. Hunger affects so many aspects of our society. In the spirit of that landmark conference held by the White House in 1969, I am asking President Bush to convene a second White House conference so that the best and brightest minds can review these problems together.

I am honored to work with leaders of the battle to eradicate hunger: Former Congressman Tony Hall, now the United States Ambassador to the U.N. food and agricultural programs, and former Congresswoman Eva Clayton from my own State of North Carolina, now an assistant director general for the U.N. Food and Agriculture Organization in Rome. Both were champions on hunger while in Congress. And there are many others. Former Agriculture Secretary Dan Glickman, a leader on gleaning; Catherine Bertini, Under Secretary General of the United Nations who was praised for her leadership to get food aid to those in need throughout the world; Congresswoman JO ANN EMERSON, cochair of the Congressional Hunger Center who carries on the legacy of her late husband Bill who was a dear friend and leader on this issue.

Here in this body, my chairman on the Agriculture Committee, THAD COCHRAN, and ranking member TOM HARKIN, DICK LUGAR, PATRICK LEAHY, PAT ROBERTS, and GORDON SMITH are leaders in addressing hunger issues.

Partisan politics has no role in this fight. Hunger does not differentiate between Democrats and Republicans. Just as it stretches across so many ethnicities, so many areas, so must we.

As Washington Post columnist David Broder wrote yesterday: America has some problems that defy solution. This one does not. It just needs caring people and a caring government working together.

I get inspiration from the Bible and John, chapter 21, when Jesus asked Peter: Do you love me? Peter, astounded that Jesus was asking him this question again, says: Lord, you know everything. You know that I love you. And Jesus replies: Then feed my sheep.

One of North Carolina's heroes, the Reverend Billy Graham, has often said that we are not cisterns made for hoarding; we are vessels made for sharing. I look forward to working with Billy Graham in this effort. Indeed every religion, not just Christianity, calls on us to feed the hungry. Jewish tradition promises that feeding the hungry will not go unrewarded. Fasting is one of the pillars of faith of Islam and is a way to share the conditions of the hungry poor while purifying the spirit and humbling the flesh. Compassion or karuna is one of the key virtues of Buddhism. This issue cuts across religious lines, too.

I speak today on behalf of the millions of families who are vulnerable, who have no voice, for this little Sudanese girl in this picture, stumbling toward a feeding station and so many like her. I saw this picture some years ago in a newspaper. It broke my heart. I went back to find that picture today because, as I recall the story, she had been walking for a long, long way and she had not yet reached that feeding station. That has been emblazoned on my mind since that time.

Anthropologist Margaret Meade said: Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

One of my heroes is William Wilberforce, a true man of God. An old friend John Newton persuaded him that his political life could be used in the service of God. He worked with a dedicated group. They were committed people of faith. His life and career were centered on two goals: abolishing slavery in England and improving moral values. He knew that his commitment might cost him friends and influence but he was determined to stand for what he believed was right. It took 21 years and Wilberforce sacrificed his opportunity to serve as Prime Minister. But he was the moving force in abolishing slavery and changing the moral values of England.

In my lifetime, I have seen Americans split the atom, abolish Jim Crow, eliminate the scourge of polio, win the cold war, plant our flag on the surface of the Moon, map the human genetic code, and belatedly recognize the talents of women, minorities, the disabled, and others once relegated to the shadows. Already a large group of citizens has joined what I believe will become an army of volunteers and advocates.

Today I invite all of my colleagues to join me in this endeavor. Let us recommit ourselves to the goal of eradicating hunger. Committed individuals can make a world of difference, even, I might say, a different world.

Mr. President, I ask unanimous consent that my letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 4, 2003.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The White House Conference on Food, Nutrition and Health, convened by President Richard Nixon on December 2, 1969, may well have been one of the country's most productive and far-reaching White House conferences. At the time, President Nixon said that the conference was ''intended to focus national attention and resources on our country's remaining—and changing—nutrition problems.'' In hindsight, it achieved that and more.

So much has been accomplished since that historic White House conference. With bipartisan support in Congress, the food stamp program has been reformed and expanded, school nutrition programs have been improved and now reach over 27 million children each school day, WIC was created, and nutrition labels now appear on most food items.

At the same time, however, the mission is not complete. There are children who qualify for reduced price meals in North Carolina, and throughout the country, but their families cannot afford even this nominal fee. And while 16 million children participate in the free and reduced school lunch program, in the summer many children go without. America's Second Harvest, an extraordinary organization, reports that demand often exceeds the supply of food in local communities. Further, the country is challenged by the paradox of hunger and obesity.

Mr. President, it is time, I believe, for another White House conference to assess the progress we have made in the fight against hunger and to recommit the country to the remaining challenges. I was pleased to work with President Nixon on the 1969 conference; I would be honored to work with you on a second historic conference.

There is a very special tradition in America when it comes to fighting hunger. Perhaps it is a function of our agricultural bounty, the famines in Europe that led to early migration, or the teachings of all major religions, but Americans are intolerant of hunger in our land of plenty.

Mr. President, I hope you will convene a second White House conference with the business, civic and charitable organizations, educators and advocates who continue to work tirelessly to address hunger in America and around the world. Hunger is not a partisan issue and I know that we can work together, with our colleagues on both sides of the political aisle, to address the problems and needs that still exist. Thank you very much for your consideration.

Sincerely,

ELIZABETH DOLE.

Mrs. DOLE. Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRAISING SENATOR ELIZABETH DOLE

Mr. ALEXANDER. Mr. President, I want to join in the praise for the Senator from North Carolina. She reminds us today of what an advantage it is to have someone of such experience serving in our so-called freshman class. She has been a pioneer during her whole career, whether at Harvard Law School, the Nixon White House, or in the Cabinet of two Presidents. I have had the privilege of working with her all during that time on a parallel track.

On two occasions, I competed in a Presidential race with another person named Dole. I am not embarrassed to say I did relatively better against her husband than I did against her. They are both here and I have enormous admiration for both her and her husband, and all of us are enriched by her membership in our class in the Senate.

THE CHILD TAX CREDIT

Mr. ALEXANDER. Mr. President, today, the President visited with troops overseas to thank them. I want those troops to know we are paying attention to their families at home.

Last week, as chairman of the Subcommittee on Children and Families, I held a hearing at Fort Campbell in

Tennessee and Kentucky to look at the issues faced by military parents raising children. Senator CHAMBLISS did the same in Georgia, and Senators DODD and BEN NELSON will do the same in their respective home States of Connecticut and Nebraska.

Later this month, we will have a joint hearing in Washington of the Subcommittee on Children and Families, which I chair, and the Subcommittee on Personnel of the Armed Services Committee, which Senator CHAMBLISS chairs. Senators DODD and NELSON are the ranking Democrats. That joint hearing is to focus on military families raising children.

Our military has dropped from 3 million to 1.4 million, so we have fewer people in the Armed Services, but we have more missions; we have fewer soldiers; we have more women as a part of the military; we have more military spouses working; we have longer deployments; we have more military children. As a result, we need to be thinking about the families at home as we think about the warriors overseas. I wanted the full Senate to know that four Senators and two subcommittees are addressing these issues.

I think that makes it even more important that the leadership on the Republican and Democratic sides find a way to fix the problem that occurred with the child tax credit in the recently enacted Tax Bill.

President Bush had recommended that we increase from $600 to $1,000 the child tax credit to help parents raising children, including families that make $10,500 to $26,625. Refundability for these lower income families is to be increased from 10 to 15 percent in 2005 under the 2001 Tax Bill. The full Senate voted for that to be accelerated to 2003 and 2004 when it passed its version of the Tax Bill. In the final version of the Tax Bill, those between $10,500 and $26,625 were left out. Some of those families left out of the Tax Bill are serving in our military.

It was not the intention of the Senate to do that, I don't believe. I doubt if most Members of the House want that result. That is why on Tuesday I cosponsored Senator GRASSLEY's bill to fix the problem, and I am prepared to vote for any reasonable proposal in the Senate that the leadership can negotiate in the next few days to make it clear that our Senate and our Congress put a priority on parents raising children.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is now closed.

ENERGY POLICY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Domenici/Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program (LIHEAP), weatherization assistance, and State energy programs.

Domenici (for Gregg) Amendment No. 841 (to Amendment No. 840), to express the sense of the Senate regarding the reauthorization of the Low-Income Home Energy Assistance Act of 1981.

Domenici (for Frist) Amendment No. 850, to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

Schumer/Clinton Amendment No. 853 (to Amendment No. 850), to exclude Petroleum Administration for Defense Districts I, IV, and V from the renewable fuel program.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Under the previous order, the Senator from California, Mrs. BOXER, is recognized.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 854

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself, Senator LUGAR, and Senator CANTWELL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 854.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote the use of cellulosic biomass ethanol derived from agricultural residue)

On page 8, strike lines 16 through 19 and insert the following:

''(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—

''(A) shall be considered to be the equivalent of 1.5 gallons of renewable fuel; or

''(B) if the cellulosic biomass is derived from agricultural residue, shall be considered to be the equivalent of 2.5 gallons of renewable fuel.''

Mrs. BOXER. Mr. President, I am very delighted to offer this amendment on behalf of myself, Senator LUGAR, and Senator CANTWELL. I think it is quite a pro-ethanol amendment because what we are trying to do here is encourage the development of ethanol that is produced from agricultural residues.

This amendment will, in fact, promote the production of agricultural residue ethanol. I want to tell my colleagues why this is important. I believe that biomass ethanol derived from agricultural residue could be a significant source of ethanol in California and also throughout the United States. Every State has agricultural waste, including those producing corn.

I hope my colleagues who have the production of corn, wheat, sugarcane, rice, barley, beets, or oats in their States will realize this amendment is very important to them. I also believe the use of agricultural residue ethanol will make it easier for many of our States—certainly for California—to meet an ethanol mandate without price spikes and gasoline shortages as it increases the flexibility that the country has to meet this mandate.

What is agricultural residue ethanol? I am sure if people are watching, they are thinking: This cannot be interesting. To me, it is very interesting because it is fuel made from the fibrous portion of plants, as is ethanol, but it differs from conventional ethanol in the following significant ways.

First, the manufacturing process does not consume fossil fuels but rather uses plant byproducts and waste to create the energy to run the process. So, in a time in our history when we are trying to lessen our dependence on fossil fuel, I think this amendment is quite an important statement for us to make. I am very proud that Senator LUGAR agrees because he is someone with much experience in this area.

Second, the raw material does not compete as a food source for humans and is available today based on existing farm practices.

Third, it uses existing waste products, thus decreasing disposal needs.

Ethanol made from agricultural residue, such as rice, wheat straw, and sugarcane waste, can be locally produced and does not require that corn and other commodities be grown just to make ethanol.

What we are talking about is using the residue, not growing food just to produce ethanol at a time when we are throwing food away because we have an overabundance in many of these areas. And, then we have been very energy inefficient by using the fossil fuel to develop the ethanol. What we are saying is the waste of agricultural materials is going to be put to good use.

Is this a pie-in-the-sky idea? No, it is not. In 1999, Sacramento Valley produced enough rice straw waste—500,000 tons of which is burned in the field—to

produce 100 million gallons of agricultural residue ethanol.

By putting these agricultural wastes to good use, converting them into energy resources, agricultural ethanol residue production reduces landfill disposal and open-air burning. We are using the waste we otherwise would dispose of either by burning, which dirties the air, or throwing it into a landfill. This will improve air quality and water quality.

Further, agricultural residue ethanol reduces greenhouse gases by more than 90 percent compared to gasoline. I reiterate, agricultural residue ethanol reduces greenhouse gases by more than 90 percent compared to gasoline. And it also creates markets for unused agricultural products that are generally expensive to dispose of. Agricultural residue ethanol can give our farmers and our rural communities enhanced economic security.

We clearly know that as a new technology, agricultural residue ethanol faces an uphill struggle to break into the ethanol market.

Right now we know, when we look at the marketplace, that there is much room to grow here if we look at the numbers. We only have a very small number of gallons that are being derived from anything other than corn. So we have a chance. This, again, is not a pie-in-the-sky idea.

Currently, the only commercial facility is the Iogen facility in Canada which converts wheat straw into fermentable sugar and the sugar into bioethanol. Iogen Corporation's goal is to produce 180,000 gallons of ethanol annually. I believe we should promote these types of facilities in the United States of America. Our amendment, I believe, will ensure this.

We provide in our amendment more incentives for this type of agricultural residue ethanol production in the United States of America. As this mandate hits my State of California, and other States, where they have to spend a lot of money to bring that ethanol into to the State, it is going to be very cost competitive to import this type of ethanol from Canada. Why do we want to do that when we have the ability, if we have wheat, corn, beets, oats, barley, or rice, to name a few? We can do this in our country, and we can have a whole new industry. We can make ethanol more affordable to those of us who live in States far away from the Midwest.

In the underlying bill, there is a 1.5-gallon credit for numerous types of biomass ethanol. This means that a gallon of biomass ethanol counts as 1.5 gallons in meeting the bill's mandate. So there is a little incentive to use biomass ethanol, and I am very proud of that because we worked hard on that issue in our committee.

What we want to do, it seems to me, is increase that credit to 2.5 gallons if the ethanol is made from agricultural residues. The fact is that agricultural residues provide us with an amazing opportunity and a promising opportunity to produce ethanol that has the potential of providing many economic and environmental benefits.

We are very pleased to offer this amendment. Right now, up to this point, we have seen amendments that people have viewed as anti-ethanol. This is an amendment that should bring us together. It should unite us because there are so many other crops that could be used—and, by the way, are going to be used—but we want to incentivize those agricultural crops.

That is what our amendment does. Senator LUGAR, Senator CANTWELL, and I are very pleased to offer this amendment. We are very hopeful it will be adopted. We are very hopeful we will not have opposition.

Mr. President, I retain the remainder of my time and yield the floor. I also suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada does not control the time.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call I will call for shortly be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the quorum call will be charged equally to both sides.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note the presence of the Senator from California who has just offered an amendment which expands the substances that can be used for ethanol conversion. I am willing to accept the amendment. I favor the amendment. I understand the distinguished minority manager would like to speak on the subject at this point.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I congratulate the Senator from California on this amendment. It substantially improves this portion of the bill and does provide additional opportunity for developing ethanol from these other sources. It is good environmental policy. It is good energy policy. I very much support the amendment.

As I understand it, most of those people who looked at this agreed to it. I agree with my colleague from New Mexico that this is an amendment we should agree to unanimously in the Senate and we should maintain it in conference, insisting on it in our discussions with the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I cannot thank enough both of my colleagues, my friends, from New Mexico, Senator DOMENICI and Senator BINGAMAN.

I want to make sure Senators understand exactly what we do. We increase the credit to 2.5 gallons if the ethanol is made from agricultural residue. It is giving an incentive to our farmers who produce rice, wheat, barley, oats, sugar beets, and others, an incentive to use the waste.

I was going to have a rollcall vote on this, but given the assurances of Senators DOMENICI and BINGAMAN, who have stated very clearly and have told me they will not drop this amendment in conference—can I rely on that commitment? I ask both my friends one more time.

Mr. DOMENICI. Yes, I say to the Senator, I will do my very best. I indicated that to you and I will do my very best. I make that commitment to you.

Mrs. BOXER. You will do your very best?

Mr. DOMENICI. Yes.

Mrs. BOXER. Meaning you will not drop it in conference, which is what you told me?

Mr. DOMENICI. That is correct.

Mrs. BOXER. And my other friend, my ranking member, has made the same pledge?

Mr. BINGAMAN. Let me respond, to the extent I am persuasive in the conference, I will commit to keeping this provision in the law.

Mrs. BOXER. I see the Democratic leader is on the Senate floor. It would be a wonderful thing if he could speak out on this amendment as well. We have both Senators from New Mexico, and Senator LUGAR. I am trying not to put the Senate through a rollcall vote. If I have these strong commitments, it will make me feel a lot better about it. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, first let me thank the Senator from California for her efforts to improve upon this legislation. I have indicated to her privately that I support the amendment. I would support it if there were a rollcall vote.

The fact that DICK LUGAR, the initial cosponsor of this legislation when we introduced it several years ago, is a proud sponsor of this amendment is some indication of the degree to which the ethanol community and those of us who support this proposal would be supporting her amendment.

As my colleagues from New Mexico, both the chairman and the ranking member, have noted, there is no reason, when we get into conference, this

should not remain intact as part of the Energy bill.

It is a good amendment. It provides even more opportunities to meet the targets set out in this legislation.

So I would do all I could as Democratic leader to ensure that at the end of the day, when this legislation comes back in the form of a conference report, we will continue to see the Boxer amendment integrally a part of the bill itself and a part of this amendment.

Again, let me congratulate her, thank her, and indicate I will be very supportive.

Mrs. BOXER. Mr. President, I thank Senator DASCHLE. I know he is working endless hours to get this amendment finished. I think this enhances the amendment, I really do. I am very grateful.

Before I ask for a voice vote, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. How much time remains?

The PRESIDING OFFICER. There are 8 minutes remaining to the Senator from California.

Mrs. BOXER. I yield 6 minutes to my colleague from Washington, Senator CANTWELL.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague from California for her hard work on this amendment. I am glad to join Senator LUGAR and Senator BOXER as a cosponsor of this amendment. Senator BOXER has spent an invaluable amount of time on the whole ethanol debate, but I think the amendment she offers this morning goes a long way in adding diversity and efficiency to our ethanol plan. It seems my colleagues are enthusiastic about supporting this in the overall energy package.

I rise to support the Boxer-Lugar-Cantwell amendment. As we have heard, this amendment would increase from 1.5 gallons to 2.5 gallons the credit available to refiners who choose to use ethanol derived from certain types of biomass to meet the requirement of our renewable fuels standard. Senator BOXER did an excellent job, giving us all a lesson in biomass 101 as it relates to ethanol and the products that could be used as part of this biomass requirement.

This amendment ensures that as we strive to reduce our reliance on foreign oil, displacing it with home-grown products that provide both environmental benefits and economic stimulus to our nation's rural communities, we also develop the renewable fuels diversity that is the hallmark of what I think is a good energy policy.

My colleagues may have been told this, or they may learn it now for the first time, but it was in 1925 that Henry Ford told the New York Times that ethanol was ''the fuel of the future.'' But while 90 percent of the ethanol produced in this Nation today was derived from corn, Henry Ford's vision was much broader. He said:

> The fuel of the future is going to come from apples, weeds and sawdust—almost anything. There is fuel in every bit of vegetable matter that can be fermented.

That is what he told the Times back in that period.

This amendment attempts to move forward on that vision. I believe it is logical, and I believe Senator BOXER and Senator LUGAR are right on target in providing leadership on this issue.

While today the ethanol that is derived from corn more or less dominates the renewable fuels market, this is not the circumstance for every State in our country. The State of Washington, for example, is much more a producer of wheat, which would hold significant promise as a potential source for the biomass ethanol.

Despite the promise of these alternatives, the technology for producing ethanol from these sources such as wheat and straw and other agricultural products has lagged behind for a number of reasons. Yet by providing appropriate incentives today with this amendment, and promoting research and development, we can move this forward on a cost-competitive basis.

The Boxer-Lugar-Cantwell amendment would increase the renewable fuels standard credit for one specific type of material, the agricultural residues such as wheat or rice or straw, from that 1.5 to 2.5, reflecting what is really a recent DOE analysis on what we should achieve.

So moving forward on these incentives for development of ethanol production is simply a matter of good public policy. I say this for four or five reasons.

We get the environmental benefits from this, we get the potential energy gains, we get the long-term cost impacts of having fuel diversity, and, of course, we get the spread of economic benefits to all of our Nation's agricultural communities.

In our State of Washington, there is much going on in this area. There are many farmers who have come together in a variety of ways to join in thinking about ethanol production. With the construction of one 40-million-gallon plant, the State of Washington could become entirely ethanol self-sufficient. According to a study conducted by our State university, such a plan would have a significant economic impact, particularly in our rural communities in the eastern part of Washington.

A single 40-million-gallon production plant could create 104 direct jobs and about 300 indirect jobs. Local communities could see an economic benefit, according to the study, of about $19 million per year with a statewide benefit of somewhere between $20 million and $30 million per year. With the construction of these various plants, Washington State could reach self-sufficiency and could, under the fuels standard proposal here today, become a supplier to other Western States.

The State of Washington and agricultural communities want to help meet the renewable fuels standard. They want to join with Senators FRIST and DASCHLE in their proposal. But we don't have the corn or the abundance to make that happen. So we want to see this diversity. In fact, a recent Washington State University extension program concluded that we could produce 200 million gallons per year in ethanol if we had improvement in technologies and diversification of resources.

In conclusion, to help this become reality, a broad coalition of Washington agricultural and environmentalist interests have banded together. They helped pass this package in our State legislature with a variety of tax incentives and broad production of biofuels. These bills were signed by our Governor last month and they have our State moving forward on this agenda.

The Boxer-Lugar-Cantwell amendment adds a Federal dimension to these efforts. This provision reflects good public policy from the Federal Government and good energy policy, and helps those States that are further away from ethanol diversity to participate in our national energy goal.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from California.

Mrs. BOXER. Mr. President, I have a couple of minutes remaining. I know we are going to set our amendment aside.

I wanted to close this debate again by thanking Senator LUGAR for his leadership, Senator CANTWELL for her leadership, and both Senators from New Mexico as well as Senator DASCHLE for their help.

I think any Senator who has corn in their State, wheat in their State, sugarcane in their State, rice, barley, beets, oats, apples, or any fructose-rich product is going to be very happy with this amendment.

In order to use the agricultural residue and make it into ethanol, it is going to require a little incentive. Although the underlying bill has a slight incentive, experts tell us it is not enough to really move forward on this very good way to make ethanol. I think it will really help those States that are far away from the Midwest.

By the way, it does not hurt any State because corn will still be used.

I yield the floor. I thank my colleagues very much.

I ask unanimous consent that the amendment be set aside.

Mr. DOMENICI. We have no objection to setting it aside.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

AMENDMENT NO. 856 TO AMENDMENT NO. 850

Mrs. BOXER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. JEFFORDS, and Mr. LAUTENBERG, proposes an amendment numbered 856 to amendment No. 850.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for equal liability treatment of vehicle fuels and fuel additives)

Beginning on page 18, strike line 16 and all that follows through page 19, line 17, and insert the following:

''(p) RENEWABLE FUELS SAFE HARBOR.—Notwithstanding any other provision of Federal or State law, a renewable fuel used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing renewable fuel, shall be subject to liability standards that are not less protective of human health, welfare, and the environment than any other motor vehicle fuel or fuel additive.''.

Mrs. BOXER. Mr. President, I think for anyone in this Chamber who cares about the health and safety of people—I know that is every one of us—this amendment is very important.

A waiver of liability is in this underlying bill for renewable fuels. My amendment to the renewable fuels portion of this Energy bill will ensure that all motor vehicle fuels and fuel additives are held to the same liability standards by striking the safe harbor and adding the following language. This is the language of my amendment:

Notwithstanding any other provision of Federal or State law, a renewable fuel used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing renewable fuel, shall be subject to liability standards that are not less protective of human health, welfare, and the environment than any other motor vehicle fuel or fuel additive.

Is this not a fair idea? As we go into this whole new production of ethanol, be it derived from corn or be it derived from agricultural residues or municipal waste or wherever we wind up getting it, renewable fuel should be subject to the same liability standards as any other motor vehicle fuel.

We have expenses in this area—where we have added MTBE, for example, to fuel. We found out later it was very dangerous. It hurt a lot of our communities. I will get into that later.

The safe harbor language in this underlying bill waives all product liability design defect claims, including the failure to warn the people. Any claim that has not been filed by the date of enactment of this section will be forever barred.

We should not be doing this. We don't know all the impacts of what we are doing today. Why would we give a safe harbor to ethanol or various refiners of ethanol?

I have to say to those who will oppose me—and there will be many, and I know that, and I accept that—if ethanol is so safe—I pray it is; maybe it is, by the way—if it is so safe, why have the companies involved in its production transferred this liability provision in the bill? I think anytime someone says my product is 100 percent safe, but give me a waiver from liability, protect me from a lawsuit if something happens—you have to say who wins and who loses in this situation. Requests for this kind of special interest free pass require a very close look. And I hope we will take a look.

The interests behind this bill have gotten a loophole that eliminates a big chunk of the liability they would have under the law if they damaged the public health or the environment. The exemption language in the bill raises a red flag right away. It begins:

Notwithstanding any other provision of Federal or state law. . . .

Mr. President, you and I have been around here long enough to know that when we start off with ''notwithstanding any other provision of Federal law,'' the public is going to be losing rights.

The bill goes on to say that ''Renewable fuel—ethanol cannot be found to be defectively designed or manufactured.''

Imagine, the bill says ''Renewable fuels cannot be found to be defectively designed or manufactured.''

Compliance with laws and regulations is not necessary for getting the liability waiver. There is only a limited compliance requirement under the Clean Air Act.

Again, we all pray and hope that there will be no danger from widespread use of ethanol. The liability exemption, however, is dangerous because there are many unanswered questions about ethanol. We know there are real benefits to it, such as fewer carbon monoxide and toxic air emissions, but there are questions about adverse effects.

According to EPA's ''1999 Blue Ribbon Panel Report on Oxygenates in Gasoline,'' ethanol is extremely soluble in water and would spread into the environment. It may further spread plumes of benzene, toluene, ethyl benzene, and xylene because ethanol may inhibit the breakdown of these toxic materials.

This isn't Senator BOXER talking. This isn't the people who want this amendment talking. This isn't environmental groups talking. This isn't the American Lung Association talking or anybody else. This is EPA's 1999 Blue Ribbon Panel Report on Oxygenates in Gasoline.

Studies demonstrate that ethanol increases the size and migration of benzene plumes. Researchers say more ground water wells will experience contamination from MTBE and benzene, a known carcinogen, if ethanol leaks into water supplies. There are also questions about the impact of ethanol on sensitive populations, such as children. We already know we have seen in our children more and more problems lately, more and more problems because they are so much more sensitive to pollutants in the environment.

Questions surrounding ethanol's effect on public health and the environment should be answered before Congress grants a broad waiver from liability for its harmful effects. We should err on the side of caution and we should err on the side of protecting the taxpayers.

Supporters of this liability exemption argue that immunity from product liability design defect claims is not so broad. They are going to tell you we keep every other claim in place but we only will limit product liability design defect claims. But this ignores the fact that product defect claims are the clearest way to hold accountable manufacturers whose products cause injury to public health or the environment. Litigation in California involving drinking water contaminated by MTBE rests on claims that MTBE was defective in design. In a landmark case, decided in April 2000, a San Francisco jury found that, based on the theory that MTBE is a defective product, several major oil companies are legally responsible for the environmental harm to Lake Tahoe's ground water. The jury found that many of these same oil companies acted with malice because they were aware of the dangers but withheld information.

So here you go, Mr. President. You can see it, a jury of our peers—not Senators, not people behind a microphone—found out that the product MTBE, which is an additive to gasoline, as is ethanol, was defective in design. The verdict came forward based on the product liability issue.

In that case, the oil companies knew the risks of MTBE. They did not warn anyone and—guess what—Lake Tahoe could have gotten stuck with a $45 million cleanup bill. If it was not able to sue under the defective product claim, that $45 million would have to come from the taxpayers who live in Lake Tahoe. Let's see what the MTBE cleanup cost would be. According to recent estimates, it would cost $29 billion to clean up MTBE. MTBE, an additive to gasoline—when it was added, everyone stood up and said: Oh, it is safe. It is wonderful. It will clean up the air. It did. But it polluted the water. People can't drink the water.

If you ever smelled water that is contaminated by MTBE, you would know no one could drink it. It has a foul odor and it is yellow in color. This is what it is going to cost. If we waive the liability for the companies that make MTBE, guess who gets stuck with the $29 billion bill. The taxpayers, instead of the people who made that product. That is not right.

By the way, in the House version of this bill, they not only give a safe harbor to ethanol, they give it to MTBE, which is a total, complete outrage. I

hope everyone understands that. It is in the House bill. I am happy it isn't in the Senate bill. I hope we can get rid of it in the conference.

Companies are responsible for this, not the taxpayers.

Now, this is the issue. Again, people will stand up and say: Oh, we are only waiving this very small area in liability law. They say: Product liability design defect is all we are waiving.

Well, let's look at what the judge said in the MTBE case. He threw out the negligence claim. He said that did not apply. He threw out the nuisance claim. He said that did not apply. The only thing that applied was defective product liability—and that is what my colleagues are going to waive for the makers of renewable fuels.

My colleagues, please listen to me. I know you want to have an ethanol bill. Bless your heart. Go for it. But do not waive liability for the manufacturers of ethanol because someday it could come back to haunt you.

If ethanol is so safe, you do not need to do this. It makes no sense.

You talk to my colleagues: Ethanol is safe. It has been out there since the 1970s. It is safe, it is safe, it is safe. I guess maybe they have not read the 1999 special EPA Blue Ribbon Report, which says: Danger, maybe there is a problem. But for them to waive defective product liability and to say that is the only thing they are waiving, when it is the only thing the courts have said is an opportunity, makes no sense at all.

I had one of my colleagues come up to me yesterday and say: Well, Senator BOXER, you voted for a safe harbor in the Y2K bill when the computer companies had to do a very quick fix on computers. I say to my friends, I did that. That only happens once in 1,000 years, and there is no direct impact on health and safety. So let's not confuse one safe harbor and another safe harbor.

So, clearly, we know this is kind of a shuck and a jive situation: Oh, we are only going to throw out one little part of liability law. But guess what. It is the only one that works. We do not want communities to be left holding the bag if there is a problem in the future because that is a pretty heavy bag for the local community and the local taxpayers to pick up—its cleanup costs, its possible health problems and its water pollution and possible air pollution.

I am going to get to the issue that the supporters will raise: That this is a mandate and, therefore, the suppliers deserve this liability exemption.

Congress regularly mandates that manufacturers meet a variety of guidelines and requirements, but we do not exempt all manufacturers from State and Federal product liability design defect laws.

When gasoline leaks today, there is no loophole. The polluter pays, despite the fact that Congress regulates gasoline. Congress mandated the installation of airbags in automobiles, made them mandatory. Congress said: You must have airbags. You remember that battle. The automobile companies said: We don't want them. (Of course, now they are saying they are happy to have them.) But, in any case, we mandated them. But if there is a problem with airbags, we did not give a liability waiver to the automobile companies. If that product is defective, the product is defective and people have to be held accountable and responsible.

I thought that was what we stood for in the Senate. We talk about accountability. We talk about responsibility. We talk about people taking responsibility for their actions, and yet we are going to give some of the biggest companies in the world a waiver from liability. Shame on us if we do this. It is not as if we did not have experience before, doing it with MTBE. It is not as if we do not know that the cost to clean up MTBE is in the tens of billions of dollars. If the companies were off the hook, it would be the local taxpayers who have to pay.

Again, supporters of this liability loophole claim ethanol is safe so no one needs to worry about this liability exemption. So, again, I ask a question—a rhetorical question—if you are not worried about any ill-effects from ethanol, why are you fighting me so hard on this? Why not join hands with me and say we are going to treat ethanol like we treat every other product?

I, again, want to read the language I have added in this amendment which I hope will be adopted:

Notwithstanding any other provision of Federal or State law, a renewable fuel used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing renewable fuels, shall be subject to liability standards that are not less protective of human health, welfare, and the environment than any other motor vehicle fuel or fuel additive.

That is all I am saying. I am not holding ethanol to a different standard. I just spoke in support of ethanol made from agricultural residues. I think those folks have to meet safety standards, and one way to make sure they do is to not take away their liability. Ethanol should be subject to liability standards as strong as any other fuel additive. No more, no less. We are not making it any harsher. We are not making it any easier on them. We should not shift the burden of cleaning up problems caused by ethanol to our local communities, our mayors, our city council people, our Governors, and the rest.

No public policy is served by immunizing the refiners and chemical companies from responsibility in the future if it turns out that this was a problem and they knew it, and they didn't tell anyone about it.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 13 minutes 23 seconds.

Mrs. BOXER. I will take another couple minutes. Then I will reserve the remainder and allow my colleagues to argue this case.

Let me tell you who is on my side. Who is on the side of making sure that we don't give the safe harbor liability waiver for renewable fuels? Many local and State governments, water utilities support my amendment, public health, consumer and environmental organizations. These include the Association of Metropolitan Water Agencies; the American Water Works Association, which together represent water systems serving 180 million Americans across the country. Do you know why they are with me on this? They may be stuck cleaning up the water supply. They can't afford it. This is almost like putting an unfunded mandate on local people if, in fact, there are problems with ethanol. And that is why the American Water Works Association is for my amendment.

Continuing the list of those who oppose the liability waiver: Association of California Water Agencies; National Association of Water Companies; South Tahoe Public Utility District. Do you know why they are for it? Because they know if they didn't have the chance to sue on this, they would have to bear the cleanup responsibility from MTBE contamination. The City of Santa Monica and Orange County Water District likewise know the effect that ground water contamination can have. They are with me.

How about these groups? American Lung Association is for the amendment; American Public Health Association; California Clean Water Action; Citizens for a Future New Hampshire, Cahaba River Society; Citizen's Environmental Coalition; Clean Water Action; the Consumer Federation of America; Environmental Defense; Ecology Center; Environmental Working Group; Friends of the Earth; League of Conservation Voters; Mono Lake Committee; National Sludge Alliance; the Natural Resources Defense Council; the New Jersey Coalition Against Tonics; the New Jersey Environmental Federation; Physicians for Social Responsibility; the Sierra Club; Rivers Unlimited; Spring Lake Park Groundwater Guardians; and U.S. Public Interest Research Group.

That is just a partial list of the folks out there who are saying to Senators: Please, if you are going to move ahead with a new product like this—it is not a new product, but it is certainly going to be a product that is going to now be ubiquitous across the country—if you are going to do this, then make sure you take every caution and every protection not to waive the protections the American people now have from a defective product.

And, once more, just let's be clear on this. There are no other ways for communities to recover costs if this turns out to be a mistake. Negligence, out the window; nuisance, out the window. It is defective product liability the courts have said is the only way people can go.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has about 10 minutes 4 seconds remaining. Who seeks recognition?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, to respond to the question asked by the distinguished Senator from California, why are we fighting it? One of the biggest problems is, you get in this quagmire of lawsuits and nothing ever gets done in terms of cleanup. This is something we have been fighting for a long time.

This is going to be a more brief statement than it was going to be before because right now we have a very significant piece of legislation before the committee I chair on the clear skies legislation, which is the most far-reaching reduction in powerplant pollutions in the history of clean air. So it is very significant, and I do have to get back.

I have stated on many occasions my concern about the fact that this country does not have a comprehensive energy policy. I have also criticized Republicans and Democrats alike. We didn't get a comprehensive energy policy in the Reagan administration or the first Bush administration or the Clinton administration. We are going to get one with this. That is why this is so significant.

As Deputy Defense Secretary Paul Wolfowitz said, it is a serious strategic issue. This is a national security issue.

The amendment we are talking about, the underlying bill, the Frist-Daschle-Inhofe amendment, represents a compromise on a lot of contentious issues. As with all compromises, there are provisions I like and I don't like. I am afraid there is a lot of misinformation being circulated about the safe harbor provision. Time and time again, we hear if the safe harbor provision is enacted into law, first, citizens cannot take refiners to court under our tort system; and, second, any responsible ethanol contamination that happens in the future would not get cleaned up. Nothing could be further from the truth.

First, let me address the statement that any tort claim that has not been filed by the date of enactment of this section will be forever barred. Even with the enactment of the safe harbor provision, if a plaintiff makes a case, here are just a few tort theories that can be used in environmental cases: Trespass, trespass is not affected by safe harbor; nuisance, not affected by safe harbor; negligence, not affected; breach of implied warranty, not affected by safe harbor; a breach of express warranty, not affected by safe harbor. Safe harbor does not affect any of these tort theories.

In fact, ethanol has been approved by the EPA as a fuel additive. Now Congress is mandating the use of ethanol. So the Federal Government has given ethanol its stamp of approval and now Congress is mandating it. How can we now say that refiners and blenders are open to suits for claims that the ''product has design or manufacturing defects''? Design defect claims actually hamper cleanups by interfering with regulatory agencies. Regulatory agency oversight—Federal, State, and local—is frustrated by the product liability claims because these agencies lose control of the remedy process. These agencies are supposed to be in control of the remedy process. That answers the question asked, Why are we concerned about this? We want to get these things cleaned up.

When product liability claims are permitted, the plaintiff's motive becomes recovery of a large money judgment rather than a judgment mandating a remedy to be performed by the party who released the gasoline. Very often, the only thing getting cleaned up are the trial lawyers' mansions purchased with the spoils of these settlements. In fact, a recent report from the Council of Economic Advisors found that using the tort system in this way ''is extremely inefficient, returning only 20 cents of the tort cost dollar for that purpose.''

Now, I would like to address the rumors that sites will not get cleaned up or that polluters will not pay. The Safe Harbor provisions—in no way—affects liability, and therefore, cleanups under any Federal or State environmental law. Any statement to the contrary is false. Enforcement of these laws is by the authorized Federal agency and States. If there were a spill, here are some examples of environmental laws that offer cleanup and liability provisions:

1. Resource Conservation and Recovery Act (RCRA); 2. Clean Water Act; 3. Oil Pollution Act (OPA); 4. Superfund. Generally speaking, Congress intended that oil spills be cleaned up by the Oil Pollution Act. However, the Inhofe Amendment to last Congress' Brownfields bill signed into law by the President is taking hug strides in cleaning up nearly 250,000 petroleum contaminated sites, such as abandon gas stations.

No. 5, Natural Resource Damages (NRD), under the Oil Pollution Act, Superfund, and the Clean Water Act.

So as you can see, there are enormous protections through the tort system as well as through environmental laws. Again, I ask my colleagues to oppose the Boxer amendment and support the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DORGAN. Will the Senator yield to me for about 1 minute?

Mr. BOND. I am happy to accommodate my colleague.

Mr. DORGAN. Mr. President, I know the Senator is prepared to speak against the Boxer amendment, as his colleague just did. I, too, have come to the floor to speak against the Boxer amendment.

The underlying Frist-Daschle amendment creates a narrow prospective safe harbor from liability for defect in design or manufacture of a renewable fuel. There is no liability protection for MTBE in the underlying amendment. I oppose the Boxer amendment. Many colleagues in the Senate feel strongly in opposition, I believe, and we will be able to defeat this amendment.

And, to qualify for the limited protection that is in the underlying amendment, a renewable fuel must be evaluated by EPA for toxicity, carcinogenicity, air quality impacts, and water quality impacts, and must be used in compliance with any restrictions imposed by EPA.

Further, the burden of cleanup for environmental contamination would not be shifted.

That is, the safe harbor provision that is in the RFS amendment would not affect liability under Federal and state environmental laws, and therefore would not affect response, remediation and clean-up.

Let me make this point clear: the underlying provision would not affect in any way a company's legal responsibility to clean up the contamination of any groundwater by gasoline, regardless of whether it contained oxygenates or additives of any kind.

In addition, the safe harbor provision for renewable fuels does not affect liability under other tort law provisions, including negligence, trespass, and nuisance, and it does not prevent the award of compensatory or punitive damages.

Importantly, defective product liability cases only make up 0.002 percent of all civil cases filed each year according to the National Center for State Courts.

Finally, an amendment to change or strike the safe harbor provision would destroy this long-standing renewable fuels agreement, and result in the status quo and no national phaseout of MTBE, which has contaminated some groundwater supplies.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleague for his fine statement. Really, the fact that we are here today in a bipartisan effort reflects the good work that has gone on. After intense negotiations between the ethanol and oil industries, agriculture, the environmental community, consumer groups, and the States, we have a historic agreement that is embodied in the Frist-Daschle bill which will provide for significant growth in the renewable fuels industries, including ethanol and biodiesel.

Industry has been working for months to implement these recommendations that are protective of the environment, provide refiners with increased flexibility, and provide agriculture with certain growth in market opportunities for ethanol and biodiesel. Certainly, the occupant of the chair, who is from Missouri, knows how great the growth of the ethanol and biodiesel industry is in our State, as farmers are

coming together in cooperatives to build facilities to meet the need for this clean, renewable fuel. These are tremendous opportunities for improving our environment, reducing our dependence upon foreign oil, and providing a strong economic base for rural America.

The key provisions of the bipartisan agreement, I think most people know, are:

A Renewable Fuels Standard (RFS) in which part of our nation's fuel supply, growing to 5 billion gallons by 2012, is provided by renewable, domestic fuels; eliminating the Federal reformulated gasoline, RFG, 2.0 wt. percent oxygen requirement; phasing down the use of MTBE in the U.S. gasoline market over 4 years; and protecting the air quality gains of the reformulated gasoline program.

These provisions will increase U.S. fuels supplies, promote more U.S.-sourced energy, protect the environment, and stimulate rural economic development through increased production and use of domestic, renewable fuels such as ethanol and biodiesel.

The historic fuels agreement contained in the Reliable Fuels Act, S. 791, provides for a gradual phase-in of the use of renewable fuels, beginning with 2.6 billion gallons in 2005 and growing to 5 billion gallons in 2012. Some have expressed concerns regarding the bill's renewable fuels ''safe harbor provision,'' arguing it provides ''sweeping liability exemptions for damage to public health or the environment resulting from renewable fuels or their use in conventional gasoline.'' This is a clear misrepresentation of the provision.

The safe harbor provision is intended to offer some protection to refiners that are required to use renewable fuels under this bill. It is aimed at as yet unknown and undeveloped renewable fuels, not ethanol. Ethanol has been used in the U.S. safely and effectively for more than 20 years. But without some limited safe harbor, refiners may be reluctant to commercialize new fuels that may otherwise qualify for this program.

Ethanol has received a clean bill of health. According to a report on ethanol's health and environmental fate completed by Cambridge Environmental, Inc., no health threat is expected from increased ethanol use. The report concludes exposure to ethanol vapors coming from ethanol-blended gasoline is very unlikely to have adverse health consequences. Importantly, after an exhaustive study of ethanol's impact on health, air quality and water resources, the California Environmental Policy Council awarded ethanol a clean bill of health.

Ethanol is rapidly biodegraded in surface water, groundwater and soil. Ethanol is a safe biodegradable and renewable fuel that does not harm drinking water resources. A recent study by Surbec Environmental concluded that ethanol poses no threat to surface water and ground water According to the report, ethanol is a naturally occurring substance produced during the fermentation of organic matter and can be expected to biodegrade rapidly in essentially all environments.

The safe harbor provision is very limited. It applies only to claims that a renewable fuel is defective in design or manufacture. These requirements include both compliance with requests for information about a fuel's public health and environmental effects and compliance with any regulations adopted by the EPA. If these requirements are not met, the safe harbor protection does not apply and liability will be determined under otherwise applicable law. This provision does not affect claims based on the wrongful release of a renewable fuel into the environment. Anyone harmed by a release of that kind would retain all the rights he has under current law.

Safeguards are provided for in the bill. The legislation requires EPA to conduct studies of the long-term health and environmental effects of renewable fuels. Under this bill, the Administrator has the authority to control or even prohibit the sale of renewable fuels that may adversely affect air or water quality or the public health. There is no safe harbor if the Administrator's rules are violated.

A vote for the amendment may disrupt the historic agreement. The bipartisan compromise on fuels issues in S. 791 represents a carefully crafted agreement among the oil industry, ethanol producers, agriculture groups, and environmental and public health interests, including the American Lung Association, the Union of Concerned Scientists and Northeast States for Coordinated Air Use Management, NESCAUM, among others. An amendment to change or strike the safe harbor provision would effectively dissolve the agreement, resulting in the status quo and continued MTBE use.

MTBE use is a problem. MTBE has been shown to be harmful, and MTBE must be phased out and replaced by the other renewable, benign oxygenate—ethanol.

I will just say generally, on all of these amendments designed to attack ethanol, there are tremendous economic benefits of this renewable fuel standard.

Tripling the use of renewable fuels will have a significant positive impact on both the farm and overall economy, while significantly reducing our foreign imports.

According to an economic analysis of the legislation completed by AUS consultants, over the next decade RFS would reduce the Nation's trade deficit by more than $34 billion in 1996 dollars, increase U.S. gross domestic product by $156 billion by 2012, create more than 214,000 new jobs throughout the entire economy, expand household income by an additional $51.7 billion, increase net farm income by nearly $6 billion per year, create $5.3 billion of new investment in renewable fuel production capacity, and displace more than 1.6 billion barrels of imported oil.

One other canard that is often raised against ethanol is that it is not a positive energy balance. Energy balance refers to the energy contact of ethanol minus the fossil energy used to produce it. In 2002, the U.S. Department of Agriculture and Argonne National Laboratories concluded that ethanol contains 34 percent more energy than is used in the production process, including the energy used to grow and harvest the grain, process the grain into ethanol, and to transport the ethanol to gasoline terminals for distribution.

According to the U.S. Department of Energy, ethanol produced from biomass generates 6.8 Btu for every Btu of fossil energy consumed. The production of reformulated gasoline without ethanol generates only .79 Btu for every Btu of fossil energy consumed. Therefore, producing ethanol produces roughly eight times more Btu than using energy-produced reformulated gasoline. And it achieves a net gain in a more desirable form of energy. It provides clean environmental benefits.

With the war we face on terrorism, we have to be more concerned about U.S. energy. We need to reduce imported oil. We can develop and supply that oil from our rich farmlands. It will increase the availability of U.S. fuel supplies while easing an overburdened refining industry. No new oil refineries have been built in the U.S. since 1976, but 68 ethanol production facilities have been built during that time.

As ethanol and biodiesel are blended with gasoline and diesel after the refining process, they directly increase domestic fuel capacity. Blending 10-percent ethanol in a gallon of gas provides an additional 10-percent volume to the transportation fuel market, easing the oil refinery sector that is operating at capacity.

The environmental benefits have already been discussed. It can reduce global warming. In 2002, ethanol use in the U.S. reduced greenhouse gas emissions by 4.3 million tons, the equivalent of removing more than 636,000 vehicles from the road.

There is a long list of organizations that are supporting the fuels agreement. Rather than take the time of my colleagues to read those, I ask unanimous consent that this list of organizations supporting the fuel agreement before us today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Farm Bureau Federation, American Petroleum Institute, Renewable Fuels Association, National Corn Growers Association, National Farmers Union, Northeast States for Coordinated Air Use Management, U.S. Chamber of Commerce, National Biodiesel Board, American Bioenergy Association, American Coalition for Ethanol, American Corn Growers Association, American Lung Association, American Soybean Association, Bluewater Network, California Farmers Union, California Renewable Fuels

Partnership, Citizens Committee to Complete the Refuge, Clean Energy Now (Greenpeace), Clean Fuels Development Coalition, Climate Solutions, Cook Inlet Keeper, County of Ventura Public Works Department, Earth Island Journal, Environmental and Energy Study Institute, Ethanol Producers and Consumers, General Biomass Company, Governors' Ethanol Coalition, Illinois Student Environmental Network, Institute for Agriculture & Trade Policy, Institute for Local Self-Reliance, International Marine Mammal Project, Kettle Range Conservation Group, Kinergy Resources, Mangrove Action Project, Masada Resource Group, National Grain Sorghum Producers, New River Foundation, New Uses Council, Northwoods Conservation Association, Oceanic Resource Foundation, Oregon Environmental Council, Pacific Biodiversity Institute, Plumas Corporation, Renewable Energy Action Project, Save Our Shores, Soybean Producers of America, The Brower Fund, The Minnesota Project, Tides Foundation, Union of Concerned Scientists, Waste Action Project, Waterkeeper Alliance, West Coast People's Energy Co-op, and Women Involved in Farm Economics.

Mr. BOND. Mr. President, I urge my colleagues to oppose this amendment and, just for good measure, I urge them to oppose all of the other amendments which seem to be targeted at ethanol. The manager of the bill, Senator DOMENICI, has pointed out that we see many attacks coming on ethanol. I ask my colleagues to continue to support ethanol and reject this and the other amendments.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mrs. BOXER. Mr. President, I am going to yield a couple of minutes to my friend from New Mexico. Before I do, I wish to point out that I consider this an ethanol-friendly amendment because I believe there will be much more confidence in ethanol as an additive to our gasoline if people know there are no special waivers of liability, that this fuel will have to be subjected to the same rigorous standards in a court of law should something go wrong.

I do not envision this as an unfriendly amendment, although I know some of my colleagues feel otherwise.

It is my pleasure to yield 2 minutes to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from California for offering the amendment. I do support the amendment.

The general rule which has served us well in this country is that if you design or manufacture a product that proves to be defective and that product then injures someone, you can be held liable. That has allowed us to protect the health and safety of the American people. It is a substantial protection for all of us.

This safe harbor provision that the Senator from California wants to strike says:

No renewable fuel shall be deemed to be defective in design or in manufacture or no motor vehicle fuel that contains renewable fuel shall be deemed to be defective in design and manufacture.

To my mind, it is unwise public policy for us to be writing into law this kind of exception to the general tort laws that we operate under in the country. We do not know enough, frankly. We do not know what the scientific and health experts are going to find when they fully investigate the impact of tripling the use of ethanol on the air that we breathe and the water we drink.

I certainly hope they will find there is no harmful health effect from it, but to say we are going to prohibit anyone from recovering if they are damaged from the design or manufacture of any of these renewable fuels I think is a big mistake.

I compliment the Senator from California. I support her amendment. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to support the amendment by my colleague from California to strke the so-called ''safe harbor provision'' in the amendment offered by the majority leader that would shield ethanol producers and refiners from any liability if the fuel additive harms the environment or public health.

Candidly, I find this ''safe harbor provision'' astounding.

I believe it is egregious public policy to mandate ethanol into our fuel supply in the first place—and even worse to provide complete liability protection to the fuel additive before scientific and health experts can fully investigate the impact of tripling ethanol on the air we breathe and the water we drink.

This is exactly the mistake we made with MTBE. Over the past several years, we have learned that MTBE has contaminated our water and may be a human carcinogen.

As exemplified by our Nation's experience with MTBE, there can be severe environmental and health repercussions when we mandate the use of any one fuel additive.

Last fall a California jury found there was ''clear and convincing evidence'' that three major oil companies acted ''with malice'' by polluting ground water at Lake Tahoe with MTBE because the gasoline they sold was ''defective in design'' and there was failure to warn of its pollution hazard. After a 5-month trial, Shell Oil and Lyondell Chemical Company were found guilty of withholding information on the dangers of MTBE. The firms settled with the South Lake Tahoe Water District for $69 million.

This case demonstrates why we cannot surrender the rights of citizens to hold polluters accountable for harm they inflict.

How can the Senate favor exempting the ethanol industry from this kind of wrongdoing? I urge my colleagues to take a look at the so-called ''safe harbor'' provision that will give the ethanol industry unprecedented protection against consumers and communities that may seek legal redress against the harm ethanol may cause.

Our amendment would strike this ridiculous exemption.

If we do not strike this provision, polluters will receive unprecedented protection from damage to public health or the environment.

If we do not strike this provision, what incentive will there be for ethanol manufacturers and refiners to make their products as safe as possible and thoroughly test their long-term effects?

If we do not strike this provision, how else can we hold manufacturers accountable when fuel additives cause harm?

Mandating ethanol into our fuel supply raises serious health and environmental concerns. What effect will an ethanol mandate have on our environment? What are the health risks?

Although the scientific opinion is not unanimous, evidence suggests that; one, reformulated gasoline with ethanol produces more smog pollution than reformulated gas without it; and, two, ethanol enables the toxic chemicals in gasoline to break apart and seep further into groundwater even faster than conventional gasoline.

Ethanol is often made out to be an ideal ''renewable fuel'' giving off fewer emissions. Yet, on balance, ethanol can be a cause of more air pollution because it produces smog in the summer months. Smog is a powerful respiratory irritant that affects large segments of the population. It has an especially pernicious effect on the elderly, children, and individuals with existing respiratory problems such as asthma.

Just last week the American Lung Association named California the smoggiest state by listing nine counties and six metropolitan areas in California as having the worst conditions.

A 1999 report from the National Academy of Sciences found, ''the use of commonly available oxygenates [like ethanol] in [Reformulated Gasoline] has little impact on improving ozone air quality and has some disadvantages. Moreover, some data suggest that oxygenates can lead to higher Nitrogen Oxide (NO_x) emissions.'' Nitrogen Oxides are known to cause smog.

The American Lung Association report also noted that half of Americans are living in counties with unhealthy smog levels. Why would we want to take the chance of increasing these unhealthy smog levels by mandating billions of unnecessary gallons of ethanol into our fuel supply?

Thus, ethanol can be both good and bad for air quality. To me it would make sense to maximize the advantages of ethanol, while minimizing the disadvantages. This is exactly why States should have flexibility to decide what goes into their gasoline in order to meet clean air standards, and ethanol should not be mandated—certainly not at this level. And if we are

mandating it, why exempt manufacturers and refiners from their legal responsibility to provide a safe product?

Evidence also suggests that ethanol accelerates the ability of toxins found in gasoline to seep into our groundwater supplies. The EPA Blue Ribbon Panel on Oxygenates found ethanol ''may retard biodegradation and increase movement of benzene and other hydrocarbons around leaking tanks.''

And according to a report by the State of California entitled ''Health and Environmental Assessment of the Use of Ethanol as a Fuel Oxygenate,'' there are valid questions about the impact of ethanol on ground and surface water. An analysis in the report found there will be a 20 percent increase in public drinking water wells contaminated with benzene if a significant amount of ethanol is used. Benzene is a known human carcinogen.

At a hearing held on the House side last year, Professor Gordon Rausser of UC Berkeley commented on the potential harm of ethanol on groundwater. Professor Rausser testified:

> when gasoline that contains ethanol is released into groundwater, the resulting benzene plumes can be longer and more persistent than plumes resulting from releases of conventional gasoline. Research suggests that the presence of ethanol in gasoline will delay the degradation of benzene and will lengthen the benzene plumes by between 25 percent and 100 percent.

This evidence on the potential harm of ethanol is extraordinarily troubling.

I am at a loss to understand why the Senate would support sweeping liability protection for fuel producers. Taking away the ability of families and communities to seek redress for the harm caused by fuel additives is NOT something I believe this Senate should be doing.

Let me read part of a letter sent by California Attorney General Bill Lockyer opposing the ethanol safe harbor provision. Lockyer writes:

> Congress should not enact the current safeharbor provisions, which could be construed as granting oil companies a very broad immunity. As exemplified by MTBE, there can be dire consequences from the use of defective fuel additives.

Lockyer continues:

> If there is a defect with a particular fuel, the oil companies should be held accountable under the common law principles for using such a fuel. In addition, by including fuels and not just renewable fuels, this section has a extraordinarily broad reach. There is no reason to add immunity for a fuel just because one drop of renewable fuel is added to that fuel. For as long as automobiles have been used, oil companies have been subject to common law product liability rules. There is no need to change these fundamental principles.

We need to protect the basic rights American families enjoy remain in place to keep our air and water safe.

I urge my colleagues to support this amendment to protect our communities from harm caused by fuel additives.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this debate is winding down and my colleagues are here to offer other amendments. I am going to finish shortly.

At this point in the debate, we ought to get real about what this is. There are certain matters that are right in society and there are certain matters that are wrong. It is not right to give special protection to one particular manufacturing group in this country that no one else gets. In a way, it is a subsidy given to those people because if there is a problem in the future with ethanol, guess who is going to pick up the tab? Guess who is going to pay the bill? Not the people who caused the problem but the taxpayers. That is wrong.

If we had a wonderful history, if we did not have communities in trouble because of MTBE and other additives we thought would be great, it would be different.

I see my friend, the Senator from New Hampshire, is in the Chamber for another amendment. The Citizens for a Future New Hampshire support the Boxer amendment because they do not want to be left holding the bag if something happens.

There is right and there is wrong. This issue, to me, is very clear: It is right to protect the people; it is wrong to give a special interest waiver to a particular manufacturer.

There is private special interest and there is public interest—taxpayers versus those who would pollute.

Finally, when my colleagues say they are only banning one type of option for citizens who are injured, namely effective product liability, that is all they are doing. People can still use the nuisance claim and the negligence claim and all of these other claims.

I hope they know they are forgetting recent history where there was a court case on MTBE, also an additive to gasoline, and what did the court say? The nuisance claim, denied; the negligence claim, denied. The only claim that could hold up, the only claim that could save the taxpayers of Lake Tahoe, who had a mess with MTBE, was defective product liability.

My colleagues stand up and say that is the only thing we are doing. They called it a narrow safe harbor. Well, it is an enormous safe harbor because it is the only place people can go to get recompense if ethanol turns out to be a problem.

My colleague from Missouri says there is a study in this underlying bill. Well, I am glad there is a study, but he is ignoring the fact that there has already been a study in 1999 by EPA's blue ribbon panel, and this is what they said: Ethanol is extremely soluble in water and would spread if leaked into the environment. It may further spread plumes of benzene, toluene, ethylbenzene, xylene, and ethanol may inhibit the breakdown of these toxic materials.

It says it may inhibit. That means it may be a problem. If my colleagues, in their zeal to have ethanol in every single State in this country—and, by the way, it will be—and if they are so sure it is safe, then why on Earth are they saying ethanol should get special treatment, and why do they close down the door on the only area where people have found they have a chance to get cleanup money from the polluters? The answer is, they do not know if it is safe.

We hope it is safe. We hoped MTBE would be safe, and it has poisoned hundreds of wells in this country. Hundreds of water systems have shut down because of MTBE. And if it was not for the product liability claim being open to citizens, who would have to clean up the mess? Not the companies that caused it but the taxpayers in those areas.

So it seems to me, if I might use the word ''disingenuous,'' to say that ethanol is 100 percent safe, but we want a safe harbor so no one can sue if something goes wrong.

I was not born yesterday. That is obvious. I know when somebody says they have the safest product in the world but give me special protection so that no one can ever sue me, my antenna goes up, just as a person with common sense, and I say that is not right.

Researchers say that more ground water wells will experience contamination from MTBE and benzene, which is a carcinogen, if ethanol leaks into water supply, and there are the questions about the impact of ethanol on sensitive populations, our children.

Now, there is not one Senator who does not want to protect kids. Come on. We know that. Most of us are parents. A lot of us are grandparents. We are aunts, we are uncles. We want to protect our children and we want to protect the Nation's children. How can we close our eyes, then, to what we are about to do if we do not agree to this Boxer amendment? What we are doing is saying that the makers of this product do not have to worry about a thing in terms of harming our kids.

Our kids, because of the developmental stage they are in—they are growing, they are changing, their hormones are starting—they are very sensitive to contaminants. We know that. That is why I wrote the Children's Environmental Protection Act, and parts of it have been passed by the Senate. I am so proud of it. Is it not better to say up front to a manufacturer—any manufacturer—if they harm children, we can take them to court and they are going to have to clean up the mess and clean up their product?

Oh, no, not if they are making ethanol. They are going to have special exemption. It breaks my heart to see us do this. I figure I will lose this amendment only because we tried it once before and we did lose it.

The PRESIDING OFFICER. The Chair informs the Senator from California her time has expired.

Mrs. BOXER. I ask unanimous consent for one additional minute, to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So there are unanswered questions surrounding ethanol. There are unanswered questions according to the EPA special panel in 1999, and all the Senator from California is saying to her colleagues is this: Just make sure this product, which is going to be a new product in several States, that it does not have special advantages so that if something happens, the makers of the product do not get off scott-free. That is not right. It is un-American. It is not fair. It is an unfunded mandate on our communities.

I was happy to hear Senator BOND say he does not support a waiver for MTBE—good for him—because we need to strip that out of the House bill. But this is a new day. This is a new additive, and we should hold it to the same responsibility as we hold all other additives, all other products. Because if MTBE had this waiver, communities all over this country would be in trouble.

I thank my colleagues very much for listening to me. I feel very strongly about this. I hope we will have a good ''aye'' vote.

I ask for the yeas and nays, and also ask the amendment be set aside for a vote at a later time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Parliamentary inquiry, Mr. President: May I ask the managers of the bill approximately what time they expect to be voting on the Boxer amendment?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. At this point it looks as if we are not going to vote on anything until about 3, and the Boxer amendment would be second or third in line.

Mrs. BOXER. That is fine. I say to my friend, could I have 1 minute at that point, and a minute on the other side, to explain the amendment?

Mr. DOMENICI. Unless the Senator wants to seek that consent at this point, there is no such arrangement.

Mrs. BOXER. I ask unanimous consent at this point.

The PRESIDING OFFICER. The Chair informs the Senator that 2 minutes has already been provided in the unanimous consent agreement, so the Senator will have that 1 minute.

Mrs. BOXER. I yield the floor.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, with the consent of the minority, I make the following unanimous consent request. I ask unanimous consent that—I withhold until the minority whip is present, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, now I ask unanimous consent that at 3:30 today the Senate proceed to a vote in relation to the Schumer amendment No. 853, to be followed immediately by a vote in relation to the Boxer amendment No. 856, to be followed by a vote in relation to the Boxer amendment No. 854; provided further that following those votes the Senate proceed immediately to a vote on the adoption of amendment No. 850, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, also for the information of Senators, I have spoken to the two managers of the bill. There are a number of people who are ready to offer amendments. The Republican manager of the bill has an amendment waiting to go. We also have a very important amendment on which there has been an agreement on the time for that amendment. We would want that set up for early next week. It is one of the most important amendments in this whole bill.

But we are not going to be able to move forward until 3:30 on anything, until the two leaders announce to the floor managers that there has been something worked out on the amendment originally offered by the Senator from Arkansas, Mrs. LINCOLN.

It is my understanding that there has been work done to arrive at a point where that matter can be disposed of, but until that is done, we are not going to move forward on anything other than these.

As I indicated, the two leaders may even be talking as we speak. Until we hear from them, we will be happy to fill in this time, until 3:30, with the amendment of the Senator from New Mexico, or whatever the two managers think is appropriate. But until then, we are not going to agree to set it aside to move to anything else.

So we have no problem talking about the bill or amendments that may be offered. But until the matter involving the child tax credit is worked out with the two leaders, we are not going to move forward on this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. For the information of the Senate, I might indicate that the second of the Boxer amendments, which had been listed in the unanimous consent, is probably not going to require a rollcall vote but will be adopted by voice. Immediately after that, the underlying ethanol amendment will be voted on, and a rollcall vote is being required on that.

The Senator from New Mexico, the manager of the bill, intends when appropriate, when matters have been agreed on between the leadership, that we can proceed to offer an Indian amendment, which I think then would be followed by a second-degree amendment by the Senator from New Mexico, the minority manager of the bill.

We are also pursuing with a degree of vigor an effort to see if we cannot get Senator GREGG and Senator KENNEDY to agree to work out the LIHEAP portion of this bill. There are two amendments there. If they are able to work that out, that will put us in a position where we will dispose of that entire matter sometime this afternoon, hopefully. It seems they are very close to working that out, if the Senator is.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, in response, let me indicate my best information is they are still insisting that we not deal with LIHEAP in this legislation, which is of course not my position. I think we should deal with it.

Accordingly, I would not agree to just a sense of the Senate on that subject, which is their preference, as I understand it.

I hope we can persuade them otherwise. If not, then we will have to have a vote.

Mr. DOMENICI. In any event, I am pursuing them so that there will be a vote. Sooner or later we would like to dispose of it. If they insist, they can have a vote on the first part of theirs. If they win or lose, that leaves you in a position of whether you have the amendment on this bill or not, depending upon the disposition of the first, the amendment that precedes it, both of which have been set aside by consent and are pending action by the Senate.

I see my friend Senator WYDEN on the floor. I know we had been talking about a proposed agreement with reference to a matter on nuclear power. Let me suggest to the Senator, we are in accord as to that. We will enter into it but not at this point. We are examining the language carefully. But you have our assurance that at an appropriate time today that agreement will be entered into and then we will be ready to have a very important vote sometime on the day of Tuesday with reference to nuclear power, with you being a proponent of a motion to strike.

Mr. WYDEN. Mr. President, if I could just respond, Senator SUNUNU and I will be in the Chamber talking in a bit more detail. I always appreciate the graciousness of the chairman of the committee in working with me. I think we are going to get an agreement.

There are probably a lot more Senators who will want to speak on this than first estimated.

So the Senate knows, originally Senator SUNUNU and I were prepared to offer an amendment to strike the $16 billion for nuclear subsidies. The amendment is supported strongly by the Taxpayers Union, but at the request of the chairman of the committee, that vote will be put over until next week.

I am very hopeful that we will be able to get a consent agreement before long to have this debate. This is a significant exposure for taxpayers. It is not a question of whether someone is pro-nuclear or anti-nuclear. The Congressional Budget Office has said that there is at least a 50-percent risk of failure with respect to these facilities. The Congressional Research Service has indicated the taxpayers will be on the hook for in the vicinity of $16 billion.

What I worry about is what happened in our part of the country. Four out of five facilities were never built. In this case, if the Congressional Budget Office is right and you have over a 50-percent risk of failure at these facilities, this will be a huge exposure for taxpayers.

I tell Senators there is no other source of energy in this legislation which gets a direct subsidy for building a facility.

I am going to try to find a way to reach a procedural accommodation with the chairman of the committee. I am a personal friend, and I want to accommodate him. I hope we will be able do that.

This is a very significant taxpayer issue for the Senate. It is not a question of whether someone is pro-nuclear or anti-nuclear. In my own inimitable way, I have managed to make both sides mad over my career in public service. But it is a taxpayer issue of enormous importance.

I hope Senators will read what the Congressional Budget Office and the Congressional Research Service have had to say about this. The Congressional Budget Office reports that there is more than a 50-percent risk of failure with respect to these facilities, if subsidized. The Congressional Research Service has talked about a $16 billion subsidy.

I would point out that this is even too rich for the blood of the other body. The other body has not talked about anything like this.

We will work with the chairman of the committee. Senator SUNUNU and I will be coming to the floor before long as well so that we can begin to lay out the bipartisan support we have with Senator BINGAMAN, the ranking minority member, Senator ENSIGN, and others.

I would just tell the chairman of the committee that I think there are probably more Senators who want to discuss this than we thought. We already have some indication that 90 minutes equally divided with an up-or-down vote may not be enough. It is my intention to work with the chairman of the committee, the ranking minority member, and others to try to work out this unanimous consent so we can have that done expeditiously.

I point out that this Senator and the Senator from New Hampshire were asked to come today to have our amendment brought up. We felt pretty good about it. We know there is going to be an awful lot of back and forth with Senators between now and the time we vote Tuesday.

I ask that Senators look at the Congressional Budget Office report and the Congressional Research Service report over the next few days as the discussions go on and off the floor.

I look forward to working this out in terms of procedure with the chairman of the committee probably over the next hour or so.

I yield the floor.

Mr. DOMENICI. Mr. President, we will have a great deal of time to discuss what I believe is the most important issue for America's future; that is, are we going to have an alternate source of energy for electricity, aside and apart from coal and natural gas?

I believe the time has come. We ought to set in motion the authorization—not the approval, not the appropriations, but the authorization—to start down the path that says the United States may be ready to build a nuclear powerplant. The arguments that have just been made in anticipation of the agreement are not exactly as such. This bill says America should have an opportunity to have a variety of energy sources. We have provided subsidies for coal so that coal can be made clean and delivered to our people as clean as possible. That is subsidized. We have an enormous tax subsidy for wind and energy. In fact, it is so big and so current that there will be windmills built all over this country, and the amount is a direct tax credit. It is not something that may happen. Every time one of those windmills is built, the tax credit will apply and money will be used in large quantities.

In addition, we are talking about whether nuclear powerplants are being built today. For instance, General Electric nuclear powerplants are being designed and built in Taiwan right now at a cost—believe it or not, and which we will show here to the Senate—that belies all of the information that is submitted by the Congressional Budget Office, which we believe is speculative. It will be shown that they are constructing these nuclear powerplants at $1,250 a kilowatt. That means they are perilously close today to producing nuclear powerplants that will be competitive with natural gas in the United States.

We are not asking the Senate for any of this to happen. We are saying that, as a matter of policy, we should put in the Energy bill the opportunity for this to happen. We will go into great detail as to the conditions, how it will happen, how it won't happen, and who has to approve and who has to disapprove.

We think before we are finished, we will have convinced a majority of Senators that the time has come to give a rebirth to this alternative source so that if, as a matter of fact, in the next decade or so the need arises, we will be ready, willing, and able to move ahead.

Having said that, I have just indicated nothing else is going to happen in the Senate until sometime around 3 o'clock or 3:30. We will try to get our unanimous consent agreement sometime this afternoon.

I yield the floor.

Mr. WYDEN. Mr. President, I want to be very brief. In fact, we are going to get an agreement with the Senator from New Mexico to work out the process for considering nuclear subsidies.

I just want to make sure Senators are clear with respect to what the subsidy is all about. The Senator from New Mexico, the distinguished chairman of the committee, said wind is going to get vast amounts of subsidies. I wanted to point out to the chairman that if wind farms produce power, they get a tax credit for the energy they produce. But wind farms do not get any subsidy to build a facility.

What is unique about the $16 billion exposure for taxpayers is only one energy source, under this legislation, gets a subsidy to build a facility. That has troubled the National Taxpayers Union. That is why they have been a strong supporter of the Wyden-Sununu amendment. This is not going to be about whether you are pro-nuclear or anti-nuclear. This is about whether Senators want to put at risk the taxpayers of the country for the prospect that the Congressional Budget Office has said has a 50-percent or higher failure with respect to constructing these facilities.

We will have more to say about the bipartisan Wyden-Sununu amendment before long, but I wrap up this part of the discussion by simply saying, again, I hope Senators will look at what the Congressional Budget Office and the Congressional Research Service have had to say about that. Those are reports that lay out, in a frank and objective way, what the risk is for taxpayers. I hope Senators will review it carefully.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA pertaining to the submission of the resolution are printed in today's RECORD under "Statements on Submitted Resolutions.")

Mr. AKAKA. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is currently debating S. 14.

Mr. BYRD. What is the pending question before the Senate, Mr. President?

The PRESIDING OFFICER. The pending question is the Frist-Daschle amendment No. 850.

Mr. BYRD. I thank the Chair.

Mr. President, is the Senate operating under any time control at the moment?

The PRESIDING OFFICER. There is no time control. There is no time agreement.

Mr. BYRD. Mr. President, I have one final question. Has the Pastore rule expired?

The PRESIDING OFFICER. The Pastore rule expired 5 seconds ago.

Mr. BYRD. Mr. President, I thank the Chair.

IRAQ'S WMD INTELLIGENCE: WHERE IS THE OUTRAGE?

Mr. BYRD. Mr. President, with each passing day, the questions concerning and surrounding Iraq's missing weapons of mass destruction take on added urgency. Where are the massive stockpiles of VX, mustard, and other nerve agents that we were told Iraq was hoarding? Where are the thousands of liters of botulinim toxin? Wasn't it the looming threat to America posed by these weapons that propelled the United States into war with Iraq? Isn't this the reason American military personnel were called upon to risk their lives in mortal combat?

On March 17, in his final speech to the American people before ordering the invasion of Iraq, President Bush took one last opportunity to bolster his case for war. The centerpiece of his argument was the same message he brought to the United Nations months before, and the same message he hammered home at every opportunity in the intervening months, namely that Saddam Hussein had failed to destroy Iraq's weapons of mass destruction and thus presented an imminent danger to the American people. ''Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised,'' the President said.

Now, nearly 2 months after the fall of Baghdad, the United States has yet to find any physical evidence of those lethal weapons. Could they be buried underground or are they somehow camouflaged in plain sight? Have they been shipped outside of the country? Do they actually exist? The questions are mounting. What started weeks ago as a restless murmur throughout Iraq has intensified into a worldwide cacophony of confusion.

The fundamental question that is nagging at many is this: How reliable were the claims of this President and key members of his administration that Iraq's weapons of mass destruction posed a clear and imminent threat to the United States, such a grave threat that immediate war was the only recourse?

Lawmakers, who were assured before the war that weapons of mass destruction would be found in Iraq, and many of whom voted—now get this—to give this administration a sweeping grant of authority to wage war based upon those assurances, have now been placed in the uncomfortable position of wondering if they were misled. The media is ratcheting up the demand for answers: Could it be that the intelligence was wrong, or could it be that the facts were manipulated a little here, a little there? These are very serious and grave questions, and they require immediate answers. We cannot—and must not—brush such questions aside. We owe the people of this country an answer. Those people who are listening, who are watching this Chamber, and every Member of this body ought to be demanding answers.

I am encouraged that the Senate Armed Services and Intelligence Committees are planning to investigate the credibility of the intelligence that was used to build the case for war against Iraq. We need a thorough, open, gloves-off investigation of this matter, and we need it quickly. The credibility of the President and his administration hangs in the balance. We must not trifle with the people's trust by foot-dragging.

What amazes me is that the President himself is not clamoring for an investigation. It is his integrity, President Bush's integrity, that is on the line. It is his truthfulness that is being questioned. It is his leadership that has come under scrutiny. And yet he has raised no question that I have heard. He has expressed no curiosity about the strange turn of events in Iraq. He has expressed no anger at the possibility that he might have been misled by people in his own administration. How is it that the President, who was so adamant about the dangers of WMD, has expressed no concern over the whereabouts of weapons of mass destruction in Iraq?

Indeed, instead of leading the charge to uncover the discrepancy between what we were told before the war and what we have found—or failed to find—since the war, the White House is circling the wagons and scoffing at the notion that anyone in the administration exaggerated the threat from Iraq.

In an interview with Polish television last week, President Bush noted that two trailers were found in Iraq that U.S. intelligence officials believe are mobile biological weapons production labs, although no trace of chemical or biological material was found in the trailers. ''We found the weapons of mass destruction,'' the President was quoted as saying. But certainly he cannot be satisfied with such meager evidence.

At the CIA, Director George Tenet released a terse statement the other day defending the intelligence his agency provided on Iraq. ''The integrity of our process was maintained throughout and any suggestion to the contrary is simply wrong,'' he said. How can he be so absolutely sure?

At the Pentagon, Doug Feith, the Undersecretary of Defense for policy, held a rare press conference this week to deny reports that a high-level intelligence cell in the Defense Department doctored data and pressured the CIA to strengthen the case for war. ''I know of no pressure. I can't rule out what other people may have perceived. Who knows what people perceive,'' he said. Is this administration not at all concerned about the perception of deception? The perception is there.

And Secretary of State Powell, who presented the U.S. case against Iraq to the United Nations last February, strenuously defended his presentation in an interview this week and denied any erosion in the administration's credibility. ''Everybody knows that Iraq had weapons of mass destruction,'' he said. Should he not be more concerned than that about U.S. claims before the United Nations?

And yet . . . and yet . . . the questions continue to grow, and the doubts are beginning to drown out the assurances. For every insistence from Washington that the weapons of mass destruction case against Iraq is sound comes a counterpoint from the field—another dry hole, another dead end.

As the top Marine general in Iraq was recently quoted as saying, ''It was a surprise to me then, it remains a surprise to me now, that we have not uncovered weapons, as you say, in some of the forward dispersal sites. Again, believe me, it's not for lack of trying. We've been to virtually every ammunition supply point between the Kuwaiti border and Baghdad, but they're simply not there.''

Who are the American people to believe? What are we to think? Even though I opposed the war against Iraq because I believe that the doctrine of preemption is a flawed and dangerous instrument of foreign policy, I did believe that Saddam Hussein possessed some chemical and biological weapons capability. But I did not believe that he presented an imminent threat to the United States as indeed he did not.

Such weapons may eventually turn up. I said so weeks ago; they may eventually turn up. But my greater fear is that the belligerent stance of the United States may have convinced Saddam Hussein to sell or disperse his weapons to dark forces outside of Iraq. Shouldn't this administration be equally alarmed if they really believed that Saddam had such dangerous capabilities?

The administration took steps to protect the oil facilities in Iraq from being damaged and set on fire. The administration took extraordinary steps

to do that. Why did it not take equally extraordinary steps to protect chemical, biological, radiological, nuclear weapons, possibly, from being looted, from being stolen, from being taken away by those who would sell them, possibly, to terrorists?

Saddam Hussein is missing. Osama bin Laden is missing. Iraq's weapons of mass destruction are missing. And the President's mild claims that we are ''on the look'' do not comfort me. There ought to be an army of UN inspectors combing the countryside in Iraq or searching for evidence of disbursement of these weapons right now. Why are we waiting? Is there fear of the unknown or fear of the truth?

This nation—and, indeed, the world—was led into war with Iraq on the grounds that Iraq possessed weapons of mass destruction and posed an imminent threat to the United States and to the global community. As the President said in his March 17 address to the Nation, ''The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country, or any other.''

That fear may still be valid, but I wonder how the war with Iraq has really mitigated the threat from terrorists. As the recent attack in Saudi Arabia proved, terrorism is alive and well and unaffected by the situation in Iraq.

Meanwhile, the President seems oblivious to the controversy swirling about the justification for the invasion of Iraq. Our Nation's credibility before the world is at stake. While his administration digs in to defend the status quo, Members of Congress are questioning the credibility of the intelligence and the public case made by this administration on which the war with Iraq was based. Members of the media, Members of the fourth estate, are openly challenging whether America's intelligence agencies were simply wrong or were callously manipulated. Vice President CHENEY's numerous visits to the CIA are being portrayed by some intelligence professionals as ''pressure.'' And the American people are wondering, once again, what is going on in the dark shadows of Washington.

It is time that we had some answers. It is time that the American people were given some answers. It is time that the administration stepped up its acts to reassure the American people that the horrific weapons that the administration told us threatened the world's safety have not fallen into terrorist hands. It is time that the President leveled with the American people. It is time that the President of the United States demanded that we get to the bottom of this matter and to follow every lead, regardless of where that lead goes.

We have waged a costly war against Iraq. American fighting men and women are still dying in Iraq. We have prevailed. But we are still losing, as I said, still losing American lives in that nation. And the troubled situation there is far from settled. American troops will likely be needed there for months, many months—even years. Billions of American tax dollars will continue to be needed to rebuild that country. I only hope that we have not won the war only to lose the peace. Until we have determined the fate of Iraq's weapons of mass destruction, or determined that they, in fact, did not exist, we cannot rest, we cannot claim victory.

Iraq's weapons of mass destruction remain a mystery, an enigma, a conundrum. What are they, where are they, how dangerous are they? Or were they a manufactured excuse by an administration eager to seize a country? It is time these questions were answered. It is time—past time—for the administration to level with the American people, and it is time for the President of the United States to demand an accounting from his own administration as to exactly how our Nation was led down such a twisted path to war. His credibility and the credibility of this Nation is at stake.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I understand we are on energy.

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. We need to talk a little bit about energy. I think that is what we are on. That is what we are doing this week. I must confess, I am a little disappointed that we seem to get off on other things that are unrelated when it seems to me that doing something with an energy policy to try and look ahead in this country as to where we need to be on energy is among the most important things that we could possibly do.

I understand there are different views about how you do that, and that it is legitimate to talk about those, but I do feel badly when we move off on something that isn't related when we are trying to get this done. I think it is important that we do it. We are obviously ready to move on to health care and Medicare and pharmaceuticals the week after next. But we have been over this now. Last year we worked very hard trying to do something with energy. We passed it here. I think the process that was used was not conducive to a successful finish and, indeed, we didn't have one. But this year we went through the committee. We have already discussed all these issues. We have argued back and forth.

Obviously, not everyone agrees, but I think it is hard not to agree that energy is one of the things that affects most of us more than almost anything else that we can do here. It affects whether we have lights. It affects whether we have heat. It affects whether we have an opportunity to use our automobile. And, more importantly, it has a great deal to do with security for this country. So I really feel strongly that we should get on with it. We should come up with an energy policy out of the Senate. We should go into conference committee with the House.

Remember, one of the first things that the President and the Vice President did when they came into office was to outline an energy policy recognizing how important that is. Since that time, we have, of course, had more and more unrest and more and more war and terrorism in the Middle East. We have allowed ourselves to get into a position where 60 percent of our oil comes in on imports. We are that dependent, which is very risky. We have seen it move up and down and have different effects over the country when different things happen with regard to energy. Yet we seem kind of lackadaisical about trying to deal with it in terms of policy.

Let me emphasize that is what we are talking about here is a policy. In my view, a policy normally indicates that you are trying to look ahead at what you think the situation ought to be in the future with regard to that issue, what it means to your family and to your community and to the country, to try and get a vision of where we want to be in 10 or 15 years with respect to energy. And having established a policy of that kind, obviously, then it becomes much easier and more effective and more useful to measure the things we do in the interim as to how they affect the accomplishment and the realization of that vision and policy that we have seen.

I must confess that I am a little concerned from time to time that vision is not always something that has a very high priority in the Senate, and that really ought to be our major concern—seeing what we can do here to accommodate reaching certain goals in the future.

So we are talking here about an energy policy that has been drafted, a rather general, wide energy policy that I think is very important. We are talking in this policy about conservation, about ways to save on the amount of energy we have and the needs we have. We are talking about finding alternatives so that we can have access to different kinds of energy than we have had in the past. We are talking about research so that we can do things such as have more clean coal, so we have better air quality with respect to generating electricity. We are talking about the possibility of converting some of our fossil fuels to things such as hydrogen so that we are able to move them about easier, able to have a cleaner environment. And we are able to do all of these things.

Of course, very important among all of these is to increase domestic production. We have great opportunities for production in this country. Much of it lies in the West. I happen to be from the West. Our State is 50 percent owned by the Federal Government. Many of these resources are on those Federal lands. Now, we have to do that carefully so that we have a balance between protecting the environment, on the one hand, and using the resources for energy, or whatever, on the other hand. We can do that. It is our responsibility to be particularly careful. We have the largest resource of fossil fuel for this country in the future, which is coal. We have an opportunity to do a great deal with coal. We met this morning in the Environment Committee on finding new ways to set standards for SO2, and for other air quality standards, including mercury. We can do those things.

That is what part of this bill is about—moving us forward in being able to produce energy and, at the same time, protect the environment, which all of us want to do. But we need to move forward to be able to do that. We need to have easier access to public lands and multiple-use lands, and have all the other uses as well for energy extraction. Certainly, we won't want to use some lands for that. We will set them aside as wilderness and special use. We have more wilderness in Wyoming than in any other State in the country—except perhaps Alaska.

In any event, these are the kinds of issues with which we are faced. They are not insurmountable. As a matter of fact, they are problems to which we have the solution, but we seem hesitant to move forward and get this job behind us. So I hope we will.

We have to modernize our infrastructure. Many things have changed. It is not as if energy production remains the same over the years. In years past, in the matter of electricity, you had a distribution area where an electric company generated the electricity for everybody. Now we are finding more and more that we generate electricity one place and the market is somewhere else. So you have to have transmission. We can find more efficient ways for transmission with the kind of research that we do and take the same transmission line and make some changes in it, and it has much more capacity. But you have to move to do that.

We find that almost all the generation plants built in the last several years are oil fueled. The fact is, if you really want to look at the future, there are many more uses for oil than for coal. We ought to be using coal for the generation of electricity and oil and gas for other kinds of functions. That makes a lot of sense. But we fail to set the incentives to cause ourselves to be able to do that.

After all of our needs for electricity, we find that absent hydro, which makes it about 7 percent, the renewables represent only 3 percent of our electric supply. People keep talking about renewables. The fact is that until we do some more research, making them more efficient, they are not going to be able to have a significant impact. But there is a possibility of doing that. That is what this policy is all about. That is what we need to be doing, is moving forward to find some ways for transmission and to do those kinds of things.

We really have a lot of opportunities to move forward, and I think we can do that. As I said, I come from a place where we have probably the richest source of coal. We provide about 14 percent of the coal now of the United States. We are seventh in oil production and fifth in gas production. Those are challenges. And there is really kind of an exciting opportunity to do some more with hydrogen. Take coal and manufacturing hydrogen, which can be used for cars and homes and for many things—probably the cleanest energy we have talked about.

There are some opportunities to do a better job with nuclear power. We have States in which about 30 percent of the energy is produced by nuclear power. We have to be able to do more work and research, particularly on waste—probably the cleanest resource for the production of electricity.

I am simply trying to say that I understand there are different views about how some of these things are done. Obviously, that is legitimate and we ought to talk about that. But we ought to move forward and get the idea that this matter of energy policy is one of the most important things we can do. We have done something on taxes, and we are going to do something on health care. If we can do something on energy as well, we will have one of the most productive periods we have had for a long time. We have a great opportunity to do that.

So I certainly urge that we take a long look at what we are doing and find a way to move forward. Everyone should be given the opportunity to put in their amendments. That is fine. But you cannot keep waiting for days and days to get all the amendments in. We have been talking about this for several weeks, yet we keep hearing, ''We have not drafted our amendment yet.'' If you are serious about an amendment, get it drafted and get it out there. Let's deal with it and move forward in accomplishing the goal we have before us, which is a great opportunity to move forward in this country economically, to create jobs, and to do more for security and make our life better over a period of time, which is something we all seek to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I wish to take a few moments in this debate on the Energy bill to talk about an amendment that my colleague from Oregon, Senator WYDEN and I will offer next week. He is the lead sponsor on the amendment. I certainly hope we can win strong bipartisan support for what will be an effort to make this Energy bill better, to improve it, and improve it in a way that does justice for the taxpayers by eliminating what I think is an inappropriate and unnecessary subsidy for the energy industry in general, and for the nuclear power industry in particular.

Our amendment will strike one small section of the bill. It is a section that provides federally backed loan guarantees for new nuclear powerplant construction.

I strongly believe we should have a diversified energy supply in this country. We should have competitive energy markets, and nuclear power is a very important part of that mix. Nuclear power has proven itself time and again. It has been cost effective and environmentally sound. We have worked through tough, but important, legislation to deal with the nuclear waste issue in the last session of Congress. In my own State of New Hampshire, we have a powerplant at Seabrook that has had an outstanding record, an excellent record for both efficiency and safety, and it continues to generate a very substantial portion of the electricity used not just in New Hampshire but throughout New England.

At the same time, nuclear power, like coal-fired electricity or gas-fired power, wind, solar, or hydroelectric power ought to be competing in the marketplace on a level playing field. However, there is a provision in this Energy bill that provides Federal loan guarantees to pay for up to half the cost of as many as six new nuclear powerplants. That is a pretty significant financial commitment, and a level of support will have to be made by the taxpayers of the United States.

If we look at the estimated cost of six plants—perhaps $3 billion per plant, maybe a little bit less, maybe a little bit more—and take a look at half the cost of the plant in the Federal guarantee, we could conceivably be looking at a long-term cost of $10 billion or $15 billion. That is a cost that American taxpayers should not be asked to bear. That is one of the reasons Senator WYDEN and I are offering our amendment.

A second concern is the simple precedent this would set: providing Federal loan guarantees for any private powerplant construction. Again, my concern is not directed at the fact that the loan guarantees are for nuclear powerplants, or for large powerplants. It is about private plant production. If it were gas-fired plants, coal-fired plants, or new hydroelectric plants for which we were giving Federal guarantees, I would have the same concerns. We are setting a bad precedent in public policy when we offer this kind of tax subsidy.

We have to ask time and again, Are we being fair to the taxpayers? Are we being fair to the marketplace? I do not believe we are. I think this kind of a program, this kind of a tax subsidy would distort our energy markets and would distort the performance of our capital markets where private companies go out to borrow week after week, month after month, and year after year.

We need an energy policy in this country that promotes a strong diverse supply of energy and promotes competition. Sometimes that means making sure the Federal Government treads very lightly in the marketplace. This provision in the bill does not do that by any stretch.

The amendment we will offer is a commonsense amendment, and in the long run, our energy markets and even our nuclear power industry will be better served by striking this unnecessary subsidy. If we are going to have a healthy and strong nuclear power industry, what that really means is we have to have commonsense regulations. We need to work hard to streamline and to extend some of the relicensing capabilities so those plants that have performed well can continue to operate for an extended period of time. And, of course, we need to deal with the issue of nuclear waste, which we have begun to do through our efforts last year, and which I support.

The amendment that will be offered by Senator WYDEN and me is an amendment that has support from the National Taxpayers Union, from Citizens Against Government Waste, and a number of groups that have quite a reputation for looking out for taxpayer interest.

It also has support from a number of environmental groups, including the League of Conservation Voters and USPIRG, groups that have tried to look out for environmental interests that raise concerns for them as well.

It is a broad coalition of groups coming at this from different perspectives, but all recognize this section of the bill is not good public policy, this is not the right kind of approach if we want to have competitive energy markets, and it certainly is not the right kind of approach for taxpayers.

I thank Senator WYDEN for working with me on this amendment. We are working on an agreement that will allow us to bring this amendment forward on Tuesday with at least 2 hours of debate and an up-or-down vote on the amendment.

I thank Chairman DOMENICI for working with us on that agreement and allowing us to get this important amendment to the floor, give us a vote, and see if we can save the taxpayers a lot of money and help improve this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair. Mr. President, the Senator from New Hampshire has said it very well. I will offer just a couple of additional remarks. It is clear there is going to be an effort, as this is discussed in the Senate, to simply make this an ''Are you for nuclear power or are you against nuclear power?'' issue. I think that would be very unfortunate.

I said earlier when we began to discuss this, I have inimitable abilities that over the years have managed to make both sides of the nuclear power debate unhappy with me. In a sense, I hope we can do as Senator SUNUNU has done, which is to keep the focus on the taxpayer question. I urge Senators, in particular, as they make up their minds on this issue to look at two important reports. The Congressional Budget Office report and the report done by the Congressional Research Service are particularly illuminating in that the Congressional Budget Office report talks about how, in their judgment, there is a more than 50-percent probability that these plants will not be successful, that they will fail. And the Congressional Research Service, in their analysis, indicates if that is the case, taxpayers would be on the hook for in the vicinity of $16 billion.

In my part of the world, this is not exactly an abstract issue. In fact, with the WPPSS debacle, which was the largest municipal bond failure in the country's history, four out of the five facilities were not, in fact, even built, and the people in my region and many investors, of course, were on the hook.

If the scenario of the Congressional Budget Office were to come to pass, all of our constituents—all of them—would, in effect, be exposed to these very significant costs.

That is why Senator SUNUNU and I are going to try our best, between now and the Tuesday vote, to make sure that for us this is first and foremost a taxpayers' issue.

To try to drive that point home, we had a discussion about how this affects other aspects of energy development. If this provision stays in the bill, in other words the amendment that the Senator from New Hampshire and I are offering is unsuccessful, nuclear energy would be the only part of this field that would get a direct subsidy for constructing a facility.

For example, the distinguished chairman of the committee, who has been very gracious to the two of us in terms of working on process and all of the issues towards getting this offered, talked at some length about wind and talked about subsidies for wind. Well, in fact, when wind is produced, there are various credits and incentives, which I guess are very appropriate, but there is no subsidy for constructing any other facility under this legislation other than in the nuclear area.

In fact, right now there is nothing preventing any utility from going forward with a nuclear project simply by going to the Nuclear Regulatory Commission and getting a license to build the plant.

Let me repeat that. Anybody who wants to build a nuclear powerplant in this country simply has to go to the Nuclear Regulatory Commission and get the license. They can do that if they satisfy the safety standards.

The issue, as propounded by Senator SUNUNU and myself, is whether or not there should be these very large subsidies; whether or not the taxpayer should be exposed, in the vicinity of $16 billion, with respect to building these plants.

I do not think this is an issue about whether one is for or against nuclear power, and that is why the National Taxpayers Union and a host of other organizations that have been watchdogs for taxpayers have made this a priority item. In their letter to me, they took the position that they are neither for nor against nuclear power. They say that explicitly in the letter. What they and a number of other taxpayer watchdogs are concerned about is the $16 billion exposure for taxpayers that is contained in this provision.

So I am very pleased that before long we will be able to enter into a consent agreement for an up-or-down vote on Tuesday on the Wyden-Sununu legislation. I think the chairman of the Energy Committee will be leading us in that discussion with respect to a UC before too long.

The Senator from New Hampshire is still in the Chamber, and I thank him for all of his involvement in this. He has a long record of being a taxpayer watchdog, and that was, in fact, the special reason why I thought it was so important for the two of us to try to do this together.

I am sure between now and Tuesday, as this is discussed, to some extent some will try to make this into a referendum on whether one is for or against nuclear power. I will be doing my best to try to make sure that it is a taxpayers' issue. That is central and critical to me, and I look forward to the discussion that we will have on Tuesday. We should have a UC ready to go before long. I thank Chairman DOMENICI for his willingness to work out the procedure on it, and I am particularly grateful to my cosponsor, Senator SUNUNU.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am quite sure that before we are finished—if we finish, and I hope we will—the Senate and those who are interested in energy policy will hear a lot about the various kinds of energy that are provided, as a matter of policy, in this Energy bill.

I am having a lot of difficulty understanding the Senate these days. I regret to say that almost every amendment we talk about some Senator is unable to be present. It is either they had to leave early or they had a previous engagement or there is something else they had to do. So it seems as if we cannot get the amendments done. But the Democrats are going to help us try to convince Senators that

they ought to start to list their amendments soon so we will have some idea, sooner rather than later, the extent of amendments we are going to have on this bill.

On the issue of nuclear power, before we are finished with this debate, we will lay before the Senate what the Energy Committee, in its markup of this bill, did so as to make sure the United States had an array of energy sources during the next 10, 20, and 30 years.

We have tax credits for solar energy. We have tax credits for wind energy. The Senator argues that is different. Well, maybe we ought to change and have just plain tax credits for nuclear power. Maybe there would be no objection to it. Perhaps we could convert what we thought was a better way to do this to some kind of a tax credit, which would mean that if they produced, and only if they produced, would they get any credit.

What we did in the instance of nuclear power was to say if the Secretary of Energy, at some time, finds that the United States needs a nuclear powerplant because it needs a diversity of energy or it needs it because there is some clean air problem, then to a creditworthy applicant, a creditworthy builder, of a nuclear powerplant, they may subsidize half the cost with a guaranteed loan.

Now, one can talk about that in terms of how much that is going to cost. The Senator from New Mexico assumes we look at all of these from the standpoint of the benefits, what are the benefits to America?

Twelve years ago, this Senator started looking at nuclear power. With the passage of each year, as I studied it and wrote about it and thought about it, I became more embarrassed and more ashamed of what the United States of America had done with this superb technology that we had invented, that was being used in the world and that we had set on the shelf because a few people frightened us to death.

Do people know that today two nuclear powerplants are being built in Taiwan? They are building a modern, General Electric design. Guess what they tell us the cost is going to be. In fact, I believe we will introduce a letter next week during the argument. The costs will be very close to the equivalent costs of what we are now paying to build natural gas burned, natural gas fed, powerplants. Who would have thought it?

What has happened is, since natural gas is the singular source of energy, the cost is skyrocketing because there is no competition. We intend there to be competition, not only from nuclear but we have ample money in this bill for great research in coal, too. We have over $2 billion in research for clean coal. It does not produce any coal. It just says do the research to try to make technology work.

What we have done overall for the first time in the last 20 years is to say, let us develop a nuclear policy for the greatest nation on Earth and let us show the world that we have not abandoned the safest way to produce energy, electricity for people in the world. Let us show that we are not abandoning that. Let us show that we are going to lead again. And so there is a three-pronged policy. The Price-Anderson Act, which makes it possible for the private sector to be involved, is made permanent.

This bill says, let's build a demonstration project in the State of Idaho, a brandnew concept, so we will build a nuclear powerplant that will be passive. By passive, we mean we will prove it cannot burn. There are people who speculate a nuclear powerplant can burn. They have spoken of its burning its way through the earth. This new powerplant will be physically made so it is passive. It will produce high enough temperatures so you can produce hydrogen for the new hydrogen economy we are looking at.

America is close to being able to build a nuclear powerplant again, like they are being built in Taiwan, like they have been built year after year in France. France produces 80 percent of its electricity from nuclear power. They do not run around frightened to death of technology like the United States. If anyone wants to see France's nuclear waste, they will take you to a gymnasium. You can walk into the gymnasium, like walking into a school, and walk on a glass floor. One might ask, where is the waste? You are walking on it. It is encapsulated for 50 years at least, and nothing can happen to it while they figure out what to do with it.

What does the greatest nation on Earth do? We sit paralyzed, waiting around for something to happen in Nevada. I am sure we will hear that argument before we finish the debate next Tuesday. We know that is an engineering issue that will be solved.

What we do not know: Will the United States continue to remain dependent upon natural gas almost exclusively or will we say it may be time for American companies to build one or two nuclear powerplants? We understand they are very close. They have experienced litigation and other impediments. It is hard to get over the hurdle, over the hump. We have asked, what would it take to start a couple of them? What a day, when America starts a couple new nuclear powerplants. We would be entering an era of cheap electricity, available to everyone, poor countries and rich countries. Guess what. There will be no pollution problem. The ambient air will be affected zero.

We knew it was worth the effort to get America going again regarding its strength and power as the inventor of the safest energy ever produced by mankind to this point. We could have put in tax credits: If you produce something, we will give you a tax credit. Then our friends would not be making the argument; you are giving them something before they produce. We chose what we thought was most simple and least expensive to the Federal Government, saying, if necessary, you can give them half the costs in a loan guarantee, to get us going again.

That is the whole issue. Should we do that or should we not do that? Before we are finished, the Senate will understand, in spite of it having difficulty with this Energy bill—we cannot seem to get people to focus on the Energy bill—but they will understand the significance of this issue. They will understand that the fear regarding nuclear power and nuclear fuel rods is about nothing but a red herring. They are nothing that engineering competence cannot handle.

I close this opening argument on nuclear power and whether or not it is safe by saying to everyone listening or worrying about nuclear power versus the other power in America, there are over 100 American Navy vessels on the high seas of the world with engines that are nuclear powerplants. Nuclear powerplants run battleships, run aircraft carriers. They have fuel rods in them. They carry them everywhere on the seas. They are at every port in the free world, save one in New Zealand because New Zealand has an agreement against it. They are so safe, there are boats and ships all around the world that have nuclear powerplants on board, with nuclear waste sitting right there in the hulls of the ships.

When you add all that, it is the safest way to produce energy for the world in the future. Our package includes the research facility we will build in the State of my good friend who is sitting on my right. We say to our executive branch, in the event you think it is necessary, you can issue a loan agreement for half the cost of a nuclear powerplant to get it going.

I understand there are those who will just add up costs under the worst of circumstances. I would rather add up all the pluses and take a risk that is worthwhile. If ever there was a risk that was worthwhile, it is a plain and simple risk to revive nuclear power in America for America and for the world. That is what is at issue in this bill.

Those who argue not to gamble any money on this will not raise a pinky on spending $1.6 billion to research hydrogen, for a new hydrogen economy. It may not work. It may be thrown away. But it is in this bill to start the idea of engines that are going to use the new fuel. We are spending that money. We are not guaranteeing it. We are spending it. We are not guaranteeing General Motors. We are saying, enter into a partnership. We will spend some money. We hope it works.

This is an issue of risk. When you look at the other kinds of fuels, all of which we promote, none of which we shortchange, will we say America is a coal country, spend money to make the coal clean so that the ambient air of America is, indeed, clean? And spend plenty of it. We say, build windmills

and give huge credits for them to such an extent that there may be too many of them built in the next decade; we have to pass an national ordinance so they will not build them too close to some of our cities because there will be so many of them when this bill is passed with the subsidy included, the tax subsidy that will be attached. Geothermal—there are plenty of subsidies. Every kind of energy you can imagine, we have said: Help it move along. At the same time, we have put into a package that rare opportunity for the United States to face up to the fact that, although we invented nuclear power, we hid from it. Others didn't. It is time we come back and revisit it. It is time that, as a package, coupled with all the other policies, we take a little risk in terms of its future, for the future of the world.

Mr. President, I have a series of remarks that I delivered on the nuclear subject on October 31, 1977, at Harvard University, which summarizes my views to that point. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A NEW NUCLEAR PARADIGM

(By Senator Pete V. Domenici)

Earlier this week, I spent substantial time on the subjects of nuclear non-proliferation, the proposed Comprehensive Test Ban Treaty, nuclear waste policies, and nuclear weapons design issues. The forums for these discussions were open and closed hearings of two major sub-committees of the United States Senate, a breakfast where two Cabinet secretaries joined 10 United States Senators, and private discussions with specialists in these fields.

During the week before, I spent time on the question of whether or not a 1,200 foot road should be built in a National Monument, a monument whose enabling legislation I authored almost a decade ago.

Without demeaning any person's sense of perspective, I have to not to you today that for every person who attended the nuclear hearings, 50 attended the road hearings. And, for every inch of newspaper coverage the nuclear matters attracted, the road attracted 50 inches.

Strategic national issues just don't command a large audience. In no area has this been more evident during these last 25 years than in the critical and interrelated public policy questions involving energy, growth, and the role of nuclear technologies. As we leave the 20th Century, arguably the American Century, and head for a new millennium, we truly need to confront these strategic issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world.

There are no secrets to our success, and there is no guarantee that, in the coming century, we will be the principal beneficiary of the seeds we have sown. There is competition in the world and serious strategic issues facing the United States cannot be overlooked.

The United States—like the rest of the industrialized world—is aging rapidly as our birth rates decline. Between 1995 and the year 2030, the number of people in the United States over age 65 will double from 34 million to 68 million. Just to maintain our standard of living, we need dramatic increases in productivity as a larger fraction of our population drops out of the workforce.

By 2030, 30 percent of the population of the industrialized nations will be over 60. The rest of the world—the countries that today are ''unindustrialized''—will have only 16 percent of their population over age 60 and will be ready to boom.

As those nations build economies modeled after ours, there will be intense competition for the resources that underpin modern economies.

When it comes to energy, we have a serious, strategic problem. The United States currently consumes 25 percent of the world's energy production. However, developing countries are on track to increase their energy consumption by 48 percent between 1992 and 2010.

The United States currently produces and imports raw energy resources worth over $150 billion per year. Approximately $50 billion of that is imported oil or natural gas. We then process that material into energy feedstocks such as gasoline. Those feedstocks, the energy we consume in our cars, factories, and electric plants, are worth $505 billion per year.

So, while we debate defense policy every year, we don't debate energy policy, even though it already costs us twice as much as our defense, other countries' consumption is growing dramatically, and energy shortages are likely to be a prime driver of future military challenges.

When I came to the Senate a quarter of a century ago, we debated our dependence on foreign sources of energy. We discussed energy independence, but we largely decided not to talk about nuclear policy options in public.

At the same time, the anti-nuclear movement conducted their campaign in a way that was tremendously appealing to mass media. Scientists, used to the peer-reviewed ways of scientific discourse, were unprepared to counter. They lost the debate.

Serious discussion about the role of nuclear energy in world stability, energy independence, and national security retreated into academia or classified sessions.

Today, it is extraordinarily difficult to conduct a debate on nuclear issues. Usually, the only thing produced is nasty political fallout.

I am going to bring back to the market place of ideas a more forthright discussion of nuclear policy.

My objective tonight is not to talk about talking about a policy. I am going to make some policy proposals. Tomorrow there are sessions on energy policy and nuclear proliferation. I'll give them something to talk about.

I am going to tell you that we made some bad decisions in the past that we have to change. Then I will tell you about some decisions we need to make now.

First, we need to recognize that the premises underpinning some of our nuclear policy decisions are wrong. In 1977, President Carter halted all U.S. efforts to reprocess spent nuclear fuel and develop mixed-oxide fuel (MOX) for our civilian reactors on the grounds that the plutonium could be diverted and eventually transformed into bombs. He argued that the United States should halt its reprocessing program as an example to other countries in the hope that they would follow suit.

The premise of the decision was wrong. Other countries do not follow the example of the United States if we make a decision that other countries view as economically or technically unsound. France, Great Britain, Japan, and Russia all now have MOX fuel programs.

This failure to address an incorrect premise has harmed our efforts to deal with spent nuclear fuel and the disposition of excess weapons material, as well as our ability to influence international reactor issues.

I'll cite another example. We regulate exposure to low levels of radiation using a so-called ''linear no-threshold'' model, the premise of which is that there is no ''safe'' level of exposure.

Our model forces us to regulate radiation to levels approaching 1 percent of natural background despite the fact that natural background can vary by 50 percent within the United States.

On the other hand, many scientists think that living cells, after millions of years of exposure to naturally occurring radiation, have adapted such that low levels of radiation cause very little if any harm. In fact, there are some studies that suggest exactly the opposite is true—that low doses of radiation may even improve health.

The truth is important. We spend over $5 billion each year to clean contaminated DOE sites to levels below 5 percent of background.

In this year's Energy and Water Appropriations Act, we initiated a ten year program to understands how radiation affects genomes and cells so that we can really understand how radiation affects living organisms. For the first time, we will develop radiation protection standards that are based on actual risk.

Let me cite another bad decision. You may recall that earlier this year, Hudson Foods recalled 25 million pounds of beef, some of which was contaminated by E. Coli. The Administration proposed tougher penalties and mandatory recalls that cost millions.

What you may not know is that the E. Coli bacteria can be killed by irradiating beef products. The irradiation has no effect on the beef. The FDA does not allow the process to be used on beef, even though it is allowed for poultry, pork, fruit and vegetables, largely because of opposition from some consumer groups that question its safety.

But there is no scientific evidence of danger. In fact, when the decision is left up to scientists, they opt for irradiation—the food that goes into space with our astronauts is irradiated.

I've talked about bad past decisions that haunt us today. Now I want to talk about decisions we need to make today.

The President has outlined a program to stabilize the U.S. production of carbon dioxide and other greenhouse gases at 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a $50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling of the current cost of coal or natural gas-generated electricity.

What the President should have said is that *we need nuclear energy to meet his goal.* After all, in 1996, nuclear power plants prevented the emission of 147 million metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide. Our electric utilities' emissions of those greenhouse gases were 25 percent lower than they would have been if fossil fuels had been used instead of nuclear energy.

Ironically, the technology we are relying on to achieve these results is over twenty years old. We have developed the next generation of nuclear power plants—which have

been certified by the NRC and are now being sold overseas. They are even safer than our current models. Better yet, we have technologies under development like passively safe reactors, lead-bismuth reactors, and advanced liquid metal reactors that generate less waste and are proliferation resistant.

An excellent report by Dr. John Holdren for the President's Committee of Advisors on Science and Technology, calls for a sharply enhanced national effort. It urges a ''properly focused R&D effort to see if the problems plaguing fission energy can be overcome—economics, safety, waste, and proliferation.'' I have long urged the conclusion of this report—that we dramatically increase spending in these areas for reasons ranging from reactor safety to non-proliferation.

I have not overlooked that nuclear waste issues loom as a roadblock to increased nuclear utilization. I will return to that subject.

For now, let me turn from nuclear power to nuclear weapons issues.

Our current stockpile is set by bilateral agreements with Russia. Bilateral agreements make sense if we are certain who our future nuclear adversary will be and are useful to force a transparent build-down within Russia. But I will warn you that our next nuclear adversary may not be Russia—we do not want to find ourselves limited by a treaty with Russia in a conflict with another entity.

We need to decide what stockpile levels we really need for our own best interests to deal with any future adversary.

For that reason, I suggest that, within the limits imposed by START II, the United States move away from further treaty imposed limitations and move to what I call a ''threat-based stockpile.''

Based upon the threat I perceive right now, I think our stockpile could be reduced. We need to challenge our military planners to identify the minimum necessary stockpile size.

At the same time, as our stockpile is reduced and we are precluded from testing, we have to increase our confidence in the integrity of the remaining stockpile and our ability to reconstitute if the threat changes. Programs like science-based stockpile stewardship must be nurtured and supported carefully.

As we seriously review stockpile size, we should also consider stepping back from the nuclear cliff by de-alerting and carefully reexamining the necessity of the ground-based log of the nuclear triad.

Costs certainly aren't the primary driver for our stockpile size, but if some of the actions I've discussed were taken, I'b bet that as a bonus we'd see major budget savings. Now we spend about $30 billion each year supporting the triad.

Earlier I discussed the need to revisit some incorrect premises that caused us to make bad decisions in the past. I said that one of them, regarding reprocessing and MOX fuel, is ham-stringing our efforts to permanently dismantle nuclear weapons.

The dismantlement of tens of thousands of nuclear weapons in Russia and the United States has left both countries with large inventories of perfectly machined classified components that could allow each country to rapidly rebuild its nuclear arsenals.

Both countries should set a goal of converting those excess inventories into non-weapon shapes as quickly as possible. The more permanent those transformations and the more verification that can accompany the conversion of that material, the better.

Technical solutions exist. Pits can be transformed into non-weapons shapes and weapon material can be burned in reactors as MOX fuel, which by the way is what the National Academy of Sciences has recommended. However, the proposal to dispose of weapons plutonium as MOX runs into that old premise that MOX is bad despite its widespread use by our allies.

MOX *is* the best technical solution. I challenge you to develop a proposal that brings the economics of the MOX fuel cycle together with the need to dispose of weapons grade plutonium. Ideally, incentives can be developed to speed Russians materials conversion while reducing the cost of the U.S. effort. The idea for the U.S. Russian HEU Agreement originated at MIT, and I know that Harvard does not like to be upstaged.

I said earlier that I would not advocate increased use of nuclear and ignore the nuclear waste problem. The path we've been following on Yucca Mountain sure isn't leading anywhere very fast. I'm about ready to reexamine the whole premise for Yucca Mountain.

We're on a course to bury all our spent nuclear fuel, despite the fact that a spent nuclear fuel rod still has 60–75% of its energy content—and despite the fact that Nevadeans need to be convinced that the material will not create a hazard for over 100,000 years.

Our decision to ban reprocessing forced us to a repository solution. Meanwhile, many other nations think it is dumb to just bury the energy-rich spent fuel and are reprocessing.

I propose we go somewhere between reprocessing and permanent disposal by using interim storage to keep our options open. Incidentally, 65 Senators agreed with the important of interim storage, but the Administration has only threatened to veto any such progress and has shown no willingness to discuss alternatives.

Let me highlight one attractive option. A group from several of our largest companies, using technologies developed at three of our national laboratories and from Russian institutes and their nuclear navy, discussed with me an approach to use that waste for electrical generation. They use an accelerator, not a reactor, so there is never any critical assembly. There is minimal processing, but carefully done so that weapons-grade materials are never separated out and so that international verification can be used. And when they get done, only a little material goes into a repository—but now the half lives are changed so that it's a hazard for perhaps 300 years a far cry from 100,000 years. It sure would be easier to get acceptance of a 300 year, rather than a 100,000 year, hazard, especially when the 300 year case is also providing a source of clean electricity. This approach, called Accelerator Transmutation of Waste, is an area I want to see investigated aggressively.

I still haven't touched on all the issues imbedded in maximizing our nation's benefit from nuclear technologies, and I can't do that without a much longer speech.

For example, I haven't discussed the increasingly desperate need in the country for low level waste facilities like Ward Valley in California. In California, important medical and research procedures are at risk because the Administration continues to block the State government from fulfilling their responsibilities to care for low level waste.

And I haven't touched on the tremendous window of opportunity that we now have in the Former Soviet Union to expand programs that protect fissile material from moving onto the black market or to shift the activities of former Soviet weapons scientists onto commercial projects. Along with Senators Nunn and Lugar, I've led the charge for these programs. Those are programs a foreign aid, I believe they are sadly mistaken.

We are realizing some of the benefits of nuclear technologies today, but only a fraction of what we could realize—

Nuclear weapons, for all their horror, brought to an end 50 years of world-wide wars in which 60 million people died.

Nuclear power is providing about 20% of our electricity needs now and many of our citizens enjoy healthier longer lives through improved medical procedures that depend on nuclear process.

But we aren't tapping the full potential of the nucleus for additional benefits. In the process, we are short-changing our citizens.

I hope in these remarks that I have succeeded in raising your awareness of the opportunities that our nation should be seizing to secure a better future for our citizens through careful reevaluation of many ill-conceived fears, policies and decisions that have seriously constrained our use of nuclear technologies.

Today I announce my intention to lead a new dialogue with serious discussion about the full range of nuclear technologies. I intend to provide national leadership to overcome barriers.

While some may continue to lament that the nuclear genie is out of his proverbial bottle, I'm ready to focus on harnessing that genie as effectively and fully as possible, for the largest set of benefits for our citizens.

I challenge all of you to join me in this dialogue to help secure these benefits.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the two managers and the two sponsors of the amendment, the Wyden-Sununu amendment, agreed that I ask for this unanimous consent, and I will do so: That on Tuesday, when the Senate considers the Wyden-Sununu amendment relating to commercial nuclear plants, there be 120 minutes equally divided in the usual form; provided further that no amendments to the amendment or the language proposed to be stricken be in order prior to the vote in relation to the amendment; and if the amendment is not disposed of, the amendment remain debatable and amendable.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We are also very close to working something out on the matter that has been holding up the Energy bill today, and that is the child tax credit. We are within minutes of being able to enter into an agreement on that.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have arrived at a time and a defined period for debate on the Wyden amendment to subtitle B of this act. I think it is critical that we bring this issue to the forefront and make a decision on it.

The Senator from New Mexico, the chairman of the Energy Committee, has done an excellent job in the last 20 minutes outlining the dynamics of this major piece of legislation for our country and the kinds of issues embodied in it that are so critical to all of us as we debate the general issue of energy and this particular subtitle that relates to

the development of new technology but, more importantly, the deployment of the concept of new reactor design into actual producing reactors in the United States. The Senator from New Mexico is so accurate in his overall review of where we are as a nation with energy or the absence thereof.

My colleague from Oregon and I live in the Pacific Northwest, where hydro is dominant as a part of our energy-producing capability. Even that marvelous, clean resource today is under attack. Why? Because it impounds rivers to produce hydro, and by impounding rivers, it changes the character of those rivers. Certain interest groups want those rivers, in large part, by some estimation, to be freed. So they wanted to reshape hydro. In all instances, it has reduced the overall productive capability of hydro facilities.

We have frustration in a variety of other areas. The Senator from New Mexico outlined our problem with burning coal under the Clean Air Act, and the ambient air as a result of that, and the cost now being driven against retrofitting and new coal-burning designs to produce energy.

That is in part—not in total but in part—what has developed a willingness on the part of our country, I believe, to renew our nuclear option and possibly to renew it under a new design concept, under a passive reactor design concept that the Senator from New Mexico has talked about.

Passive reactor design means, simply, one that reacts on its own when certain conditions arise. The human factor doesn't necessarily have to be there to start throwing switches and making adjustments because those kinds of things happen automatically. We believe our engineering talent in this country is now capable of that kind of design development. In doing that design, we would couple with it an electrolysis process that would make the reactor itself so much more efficient that it would run at peak load at all times, as reactors should in performing best.

But power demand isn't always constant. When you can switch that load to development of hydrogen fuels, through the electrolysis process, and then convert it back to use within a power grid, you make for phenomenal efficiencies and the cost of production goes down dramatically.

In doing that, in bringing back to this country an abundant source of electrical energy and a reliable supply to our grid system—a system we are working to improve today through the development of regional transmission authorities and a variety of other things that tie us together—we found out a few years ago in the Pacific Northwest that it has certain liabilities. If the energy in the system itself in other parts of the grid isn't abundant, and it starts pulling power from us and forcing our power rates up, it can be a problem. Where it is produced with an abundance in the system and the system is fully interrelated and interconnected all can generally benefit.

As a result of bringing some of these new concepts on line, where we are actively subsidizing other areas of production, we thought it was reasonable to bring to the floor of the Senate a similar concept, to take some of the risk out of new design development for the commercial side, and to do so in a way that our country has always done—to use public resources to advance certain technological causes and, out of those causes and their development, to generate phenomenal consumer benefits.

There is no greater consumer benefit in this country today than reliable, high-quality electrical energy at reasonable prices. Our world runs on it. Our world's wealth depends on it. This country's workforce depends on it.

What we have brought to the floor in this Energy bill is not a hunt and a pick. It is not a political decision versus another political decision. That is not the case. It is not green versus nongreen. That is not the case.

What the chairman of the Energy Committee has said in this bill, and what the committee itself has said, is that all energy is good energy as long as it meets certain standards, and as long as it fits within our environmental context, we ought to promote it and we ought to advance it.

That is exactly what this bill does. As the Senator from New Mexico characterized it a few moments ago, we have enough credit in this bill to put windmills about anywhere they want to go, or are allowed to go, to produce energy.

Some would say that is great, we don't need anything else.

Oh, yes, we do. The reason we do is you can put a windmill everywhere you can in the air sheds that can produce wind energy, and you can only get up to about 2 percent of total demand. That is about it.

But we ought to do it because it is clean and it is renewable and it is the right thing to do. But what we are already finding out in my State of Idaho that has a couple of wind sheds that fit, if this bill passes, interest groups are stepping up and saying: Oh, I don't think we want that windmill there; that is a spike-tail grouse habitat; there are some Indian artifacts there and we certainly don't want them damaged. And we don't.

What I am suggesting is in these most desirable of wind sheds for windmills, there is going to be somebody stepping up and saying "not here." And they are right. They probably won't go there.

That is public land, by the way, not private land. On some private land, the same argument will occur. Simply, they don't want in their backyard a machine that goes whomp, whomp, whomp and produces electricity. Something about the sound disturbs their sleep. As a result, my guess is some city ordinance will soon suggest, "not in my backyard."

But there are some backyards where we can put wind machines and we will and we already have and we ought to promote it and we ought not to be selective, and we are subsidizing them by a tax credit. You bet we are.

We are going to pass that provision. That is the right and the appropriate thing to do.

We have subsidized in most instances, in one form or another, through a tax credit or through an easing of regulation or through the ability to site on Federal lands, energy projects, historically, because our country, our Government, this Senate for well over 100 years has said: The best thing we can do for this country to make it grow, to make it prosper, and to make it abundant to the working men and women of America is a reasonable and available energy supply in whatever form the marketplace takes.

We also know we can shape the market a bit by a subsidy, by a tax credit, and we also do that.

We are going to do some wind. We are going to do some solar in here. We hope we do clean coal technology. Certainly the coal-producing States of our country want to keep producing coal, and they should. We should use it, and we will.

There is a provision in here on which Senator BINGAMAN and I disagree a little; that is, on the relicensing of hydro. We think it ought to be relicensed and environmentally positive. When we can retrofit it and shape it, we ought to do so as we relicense it into the next century. But hydro produces a nice chunk of power in this country today. We are going to relicense over 200 facilities in the next decade. That represents about 15 million American homes and 30 million megawatts of power. Any reduction in that productive capability means we have to produce that power somewhere else.

Some of those old plants, when relicensed and retrofitted, may lose some of their productive capability in the licensing process. We ought to have new supplies coming on line.

Several years ago, this Senate became involved in a very serious debate over an issue that we call climate change. We became involved as a nation internationally in this debate because we thought it was the right thing to do. We knew our global environment was heating, or appeared to be heating, faster than it had in the past, and we didn't know why. Some argued it was the emission of greenhouse gases which created a greenhouse effect around our globe which was largely a product of the burning of hydrocarbons and that we ought to do something about it.

Many of us were very concerned that if we didn't have the right modeling and the right measurement and the right facts to make those decisions, we would shape public policy and head it in a direction that was not appropriate and would allocate billions of dollars of

new resources that might put tens of thousands of people out of work if we did it wrong. At the same time, there has been and there remains a nagging concern as to the reality of this particular situation globally, environmentally. Or is it simply the natural characteristic of the changing world and evolving changing world?

We have known down through geologic time that this world has heated and cooled and heated and cooled. Is it the natural cycle? We didn't know that. But out of all of it, we generally grew to believe that the less emission into the atmosphere the better off we would be.

This bill embodies that general philosophy—that clean energy and clean fuels are better, that we ought to advance them, that we ought to subsidize them where necessary, and that we ought to plot them through the public policy which we debate here on the floor today. Out of all of that, we knew one thing: Energy generated by nuclear-fueled generating systems was clean with no emissions. It is the cleanest source in the country other than hydro with no emissions.

As a result of that, there was no question that the popularity of that consensus began to grow. Other nations around the world were using it. The senior Senator from New Mexico spoke of France and their use of it. Japan, a nation once very fearful of the atom, now builds almost a reactor a year coming on line to produce—what? Power for its citizens, power for its economy, and power for its workforce. We once led the world in that technology. But we fell dramatically behind over the last three decades because there was a public perception fueled by some and feared by some that the nuclear-generating facilities of our country were not safe. Yet they have this phenomenal history of safe operation.

Through the course of all of this, and as the facilities aged, as they were relicensed and retrofitted, guess what happened over the course of the last few years. As we spiked in our power demands at the peak of the economy in the late 1990s and as electrical prices went through the roof, the cost of operating reactors was stable; it was constant. They became the least cost producers of electricity of any generating capacity in the country other than existing hydro. The world began to react in a favorable way to that.

All of that became a part of the production of the legislation before us now—to once again get this great country back into the business of the research and development of new reactor systems that not only are in every way perceived to be safer and cleaner in the sense of waste production at end of the game, but would do something else for our country in a way that we think is the right direction; that is, the development of hydrogen to fuel the next generation of surface transportation and to start growing our economy into an age of hydrogen-fueled systems, fuel cells, generating electricity, turning the wheels of automobiles, trucks, and other forms of transportation; and, on a case-by-case basis, the potential of a fuel cell to light a home, to fuel and light a given industry by having one of those on location. We believe all of those things are possible.

What I hope is that the Senate will agree with us that it is now time to lead in all aspects of energy production in this country instead of nibbling around the edges selectively and politically determining what ought to be and what ought not to be because one individual thinks this way is better than another.

I have dealt with the energy issue all of my political life. While at one time I will honestly admit I was selective, I am no longer that. I support it all. I am voting for wind. I am voting for clean coal. I want to develop a responsible relicensing system for hydro. I am supporting nuclear development and nuclear growth. I am supporting oil production. Why? I don't want future generations of this country to be fuel-starved and victim to the politics of a region of the world which is unstable because this Senate didn't have the wisdom to produce when it could have and create incentives and maximum energy production for our country.

That is what this bill is about. The Senator from Oregon chooses to be selective for a moment in time. I wish he wouldn't be. I understand why he is. I think he is wrong.

Mr. WYDEN. Mr. President, will the Senator yield for a question?

Mr. CRAIG. I would be happy to yield in just a moment.

I think the Senator from Oregon is wrong on this issue. I think it is a form of selectivity as it relates to our willingness as a country to use public resources in the advancement of all forms of energy resources as the kind that is offered by the committee to, once a new reactor design is developed, allow for loan guarantees to guarantee up to about 8,400 megawatts of electrical development through nuclear reactor construction.

I would be happy to yield to my colleague from Oregon.

Mr. WYDEN. I thank my good friend for yielding. I listened patiently to him and to the chairman of the committee raising the concern that in some way the opponents of the subsidies are engaging in scare tactics, red herrings, and the like. This is not a red herring. This is a dollar and cents issue.

I was curious whether the distinguished senior Senator from Idaho was aware that the Congressional Budget Office "considers the risk of default on such a loan guarantee to be very high, well over 50 percent."

Is the distinguished senior Senator from Idaho aware of that? I would be curious about his reaction because to me—and as the Senator from New Mexico said—this is about risk. The Congressional Budget Office has given us an objective, nonpartisan assessment of risk here. They consider "the risk of default on such a loan guarantee to be very high, well over 50 percent"—coupled with the Congressional Research Service memo indicating the exposure is $16 billion. Is the distinguished Senator from Idaho aware of that? I would be curious what the distinguished Senator's reaction to that is.

Mr. CRAIG. Mr. President, I thank my colleague for bringing up that issue. There are red herrings. Maybe some of them are blue and some of them are green, as we debate these issues. I don't know what a red herring really is here.

I do know that when you sit a group of economists or accountants down and say, project backwards over the last 20 years or 30 years as it relates to the cost of developing nuclear reactors, and/or their failure—and out in the Pacific Northwest we had some that were funded and then brought down because the economy and the politics would not accept them—if you do that, you might get to a 50-percent risk factor.

If you project forward to a new concept design that is under a new Nuclear Regulatory Commission licensing process that meets the demand of the electrical systems, that is a cleaner process, that drives down the cost—and my colleague, the senior Senator from New Mexico talked about the new concepts in Taiwan; one of them may well be built here—my guess is they did not factor that in. Because those are all things you and I, as Senators, will insist upon and do over the next decade, and that when we do that, the risk factors come down dramatically.

But this is what the Senator from Oregon and I need to look at. You came to the Congress how many years ago?

Mr. WYDEN. We were both young; in 1980.

Mr. CRAIG. In 1980. In 1980, the United States was about 35-percent dependent on foreign hydrocarbons, foreign oil. Now, there were some folks out there saying: Boy, if we don't get busy here, we could someday be 40-percent dependent.

Well, they were right. We did not get busy. In fact, we increasingly restricted the ability to refine and the ability to discover and the ability to produce, and by 1984 or 1985, we were at 45 percent. And that kept going on.

What is the risk factor there? We know what the risk factor is. The risk factor is, we did not do anything and we are now over 50-percent dependent, and in some instances as high as 65 percent, give or take, dependent on foreign oil sources.

You see what has happened at the pump. I don't know what you or I were paying for gas in 1980 but it was well under $1 a gallon. Now we are paying $1.55, $1.60 a gallon for regular fuel. The average household is spending a great deal more on energy today than it did in 1980. We did not develop a policy. We did quite the opposite. We began to restrict the ability to produce, whether or not it was hydrocarbons.

We have not brought on line a nuclear reactor, fire-generating system for the purpose of electrical production in the last 10 or 12 years. One got started under construction, and, of course, as we know in the Pacific Northwest, we actually stopped construction on some.

Are there risks? You bet. There is no zero-sum game here. There isn't anything you or I could possibly legislate. But there is a reality; the reality is that energy prices in Oregon shot through the roof in the last 3 years and the energy prices in Idaho went up dramatically. The cost of living in the State of Oregon and the economy of the State of Oregon reeled under the hit, as is true of the State of Idaho. I am not, anymore, going to stand here and be selective on the production of and the future opportunity to produce energy for this country because I want to get your State's economy moving and my State's economy moving.

(Mr. CRAPO assumed the Chair.)

Mr. WYDEN. Will the Senator yield for yet another question?

Mr. CRAIG. I am happy to yield.

Mr. WYDEN. I thank my colleague.

Again, the Senator from Idaho has been critical of the Congressional Budget Office report, saying that perhaps they did not look forward; they just looked backward. I would urge my colleagues to look at the report because the report does, in fact, look to 2011 and the future, and that is what the Congressional Budget Office did make their judgment on, where they said there was a risk of default that was well over 50 percent.

But my question to my colleague is whether my colleague thinks it is relevant about who assumes risk with respect to energy production. Because he is absolutely right, there are no foolproof guarantees in life. There is no question there is risk. Here, however, I see the taxpayer being at risk. The taxpayer is on the hook for $16 billion.

I thought it was interesting that the distinguished chairman of the committee talked about the credits for production.

Well, the fact is, when you get a credit for production, the producer is largely at risk because in order to get the break, you have to produce something. There is no tax credit, I say to my colleagues, for failing to produce a successful wind venture. You get the credit if your wind venture is successful.

My understanding is that here, with the subsidy, the person who assumes the risk is the taxpayer, not the producer. I was wondering if the distinguished Senator from Idaho thinks it is relevant with respect to who takes the risk. This Senator does because the taxpayer is on the hook rather than those who produce. I am curious of the reaction of the distinguished Senator from Idaho.

Mr. CRAIG. I am pleased the Senator brought this issue forward because you and I live in an environment in the Pacific Northwest that was substantially subsidized by American taxpayers to produce a massive electrical system known as the Bonneville Power Administration—direct appropriations of hundreds of millions of dollars to build a hydro system in the Snake and Columbia watersheds and in other places. These were not loan guarantees. They were just outright expenditures to be paid back. They have been paid back over a long period of time, and we are continuing to pay them back.

So the American taxpayer, to our benefit, has always been on the hook in the Pacific Northwest for the production of energy. In fact, you and I worked to just get some borrowing capability for Bonneville to expand its transmission system—a big chunk of money. We fought for that, and we should have. Why? Because it will generally benefit the Pacific Northwest. It is not a loan guarantee. It is an outright appropriation to be paid back.

Mr. DOMENICI. Will the Senator yield?

Mr. CRAIG. I am happy to yield.

Mr. DOMENICI. I would like to comment on what the distinguished Senator, Mr. WYDEN, just raised, and say to my good friend, the Congressional Budget Office is wrong almost every way it turns.

First, it uses forecast figures on plant costs of $2,300 per kilowatt. The right number is $1,250 per kilowatt. How do I know? There are two being built in Taiwan right now that General Electric designed—brand spanking new. They came to our office. I don't know if they had time to come and see you, I say to the Senator, but they brought with them their experts and told us those plants will cost not $2,300 per kilowatt but, rather, $1,250 per kilowatt. That is about half, as this Senator sees it.

Mr. CRAIG. Yes.

Mr. DOMENICI. So they are half wrong right up front in terms of their assessment.

Furthermore, the bill itself says that if this section that is being debated is ever used, the Secretary will evaluate the creditworthiness of any new project under this program. So they are already wrong by half on the cost.

Then I would ask, Does the Congressional Budget Office really believe the Secretary will approve a significant risk? If he approves a significant risk, he would be in violation—direct conflict—of the law that we are discussing that he would be acting on that the CBO assumes will cost this extraordinary amount and impose this extraordinary risk.

I thank the Senator for his comments and his responses. I am quite sure the Congressional Budget Office, as this Senator knows—I have only worked with it for the sum total of 26 years on all kinds of issues—I believe there is no subject they are more wrong on than their estimates of the cost of matters nuclear. First of all, they assume that everything that has gone wrong in the past is going to go wrong again, while the world is out there proving that such is not the case, while we are saying only under very limited circumstances would you ever use these sections to begin with, which would eliminate part of their reasoning, which would just leave the scene and would not even be applicable as they attempt to make the risk estimate.

I thank the Senator.

Mr. CRAIG. Mr. President, I thank the chairman of the full Energy Committee and the primary author of this legislation for making what are extremely important clarifying points in relation to the Wyden amendment that would strike this provision of subtitle (b) as it relates to the deployment of new nuclear plants.

In another life, I once studied real estate and had a real estate license. I know when you try to assess the value of a piece of property, you do what is called a comparable appraisal. You find other properties that are comparable in size, productive capability, if it is a house in square footage, in age, in all of those features. You say that in the marketplace, this house is worth about so much because the comparables, one that has recently sold that is like it or near like it, cost about this much.

When it comes to our ability to project the cost of a nuclear powerplant in construction in 2011, there are no U.S. comparables. We are talking about all kinds of new things. We are talking about a new design, a GEN-IV passive reactor design. What size are we talking about, 600-, 800-, 1,000-megawatt plant? Under what kind of regulatory authority? Has the license been developed and what are the peculiarities, the particulars, the specifications within the license? We don't know that. You cannot effectively project.

What you can do is exactly what this subtitle does. It gives the Secretary of Energy authority to examine, to make a determination based on fixed criteria that we have placed in the law to protect the public resource. We are going to make the assumption in 2011 that the Secretary of Energy and his or her staff are bright, talented, clear-thinking people who will have to operate under the law. The reason they will have to operate under the law? Because if this is a loan guarantee, it becomes a part of their budget, it becomes scored, and the Congress of the United States has to appropriate the money or at least offset it because it is a guarantee in the market.

That is how it works. I am not going to be here then, more than likely, and others of my colleagues will not. But we will have written into law the right kind of public policy to protect the citizens' resource, his or her tax money. So the ultimate question is, Does this portion of the title as it relates to nuclear energy fit for the future? Is it the way we get this industry started again, obviously dealing with the provision in the law that creates a liability shield as it relates to Price

Anderson, as a new design concept that we think is the right design, the safer design, the cleaner design, the more efficient design, and the reality of a future energy source? And have we created the right incentive to move us into the production of electricity from nuclear-fueled powerplants of the future?

That is what this subtitle is all about. That is why it is important. I don't know that the detail of it has been written, or I should say read or understood specifically. It is very clear. It is very short. The requirements are particularly important. Let me read them:

Subsection (b), Requirements:

Approved criteria for financial assistance shall include the creditworthiness of the project—

that is, the responsibility of the Secretary and his or her team to make those determinations—

the extent to which financial assistance would encourage public-private partnerships and attract private sector investment, the likelihood that financial assistance would hasten commencement of the project, and any other criteria the Secretary deems necessary or appropriate.

That is a totally open-ended clause that says the Secretary can, in fact, develop more findings if necessary to protect the safety and the security of this kind of loan guarantee.

The Secretary, under the confidentiality provision, shall protect the confidentiality of any information that is certified by the project developer to be commercially sensitive. The full faith and credit of all financial assistance provided by the Secretary under this subtitle shall be a guaranteed obligation of the United States backed by its full faith and credit.

That is fairly boilerplate language. What that says is very clear. If the Secretary makes that determination, that becomes a part of a decision that the Appropriations Committee and the Budget Committee in the Senate then deal with. This is not locking in the money. This is simply authorizing the ability of the Secretary in the future to move in a direction that the Congress can make a decision on. That is what this provision is all about.

I believe, we believe, and that is why the Energy Committee in a bipartisan way brought this to the floor for the whole Senate's consideration, because we think it is the right thing to do. It is the right thing to look forward, not just a year from now or 2 but 30 and 40 and 50 years from now and say that we have developed a public policy that will produce the kind of energy that a growing, expanding U.S. economy needs, that it is of high quality, and that it fuels our factories, lights our homes, cools our homes, and in the new age of technology it keeps the Internet humming, by then probably such a wireless communication system that it keeps, if you will, cyberspace vibrating.

A couple of years ago I had the opportunity to visit China, a huge nation, a nation that is expanding by leaps and bounds, a nation that is pushing all sides of development and technology. My wife and I had the opportunity to stay in a beautiful hotel in Shanghai, a state-of-the-art hotel. In this city of Washington, DC, it would probably be called at least a four-star hotel, absolutely a marvelous facility. When we got to our room, the finest of facilities, there were all kinds of places to plug in your computer. It was wired for the state of the art. But it had a problem. The power kept going out. The lights kept blinking. The air-conditioning kept shutting off and turning on.

The problem that beautiful, new, state-of-the-art hotel had that made it nearly impossible to plug your computer in and go online and, with your e-mail, talk to the United States is that China doesn't have a power grid.

China doesn't have adequate electrical power. China has developed its electrical resources on a city-by-city, county-by-county basis. They are now striving ahead at a phenomenal cost to create a national power grid to tie themselves together because they know that to compete with us, to put their people to work, and to hopefully some day generate a lifestyle comparable to ours, and an economy comparable to ours, they have to have a power system that is reliable, stable, productive, and that is connected.

No matter how beautiful the building, no matter how high-tech the facility, if it is not turned on, if it is not wired in, if it is not lit up, it doesn't work. Boy, have we learned that in this country. California has learned that in the last couple of years.

If all goes well, I am going to be in the heart of the Silicon Valley on Saturday. I will tell you what the conversation is going to be about with some of the high-tech producers down there: Is the Energy bill going to pass? Are you going to get us back into the business of producing energy? We are large consumers of it and we need a high-quality, stable supply of energy that doesn't blink, shut off, or put our production at risk. If you are building chips in a high-tech factory today, known as a FAB, and the power blinks, you lose the whole production. You may lose millions of dollars in a blink of the power connection. So high-quality, stable power is extremely valuable, and if it is not priced right, if it is not competitive, and somewhere else in the world they can provide that high-quality power that is priced differently and in the competitive market, the great tragedy of our economy today in a world environment is that the chips will go elsewhere.

That is one of many examples that can be used. That is why, finally, when President George W. Bush was elected and came to town, his first priority, among so many, was to assign the Vice President to assemble as many bright thinkers in the energy field as he could and to produce for us, the Congress, a challenge—a national energy policy and a list of criteria that we ought to develop in the form of public policy for this country. There were well over a hundred points in that proposal. Two-thirds of them have already been implemented by rule and regulation by the Secretary of Energy and other agencies of our Government to get this country back on line and producing energy. But about 30 percent of them, or 30-plus, are not. They have to be legislated. It requires new public policy to fully implement what our President envisions as a national priority, what America envisions as a national priority, and what I trust the Senate of the United States clearly understands to be a national priority.

We tried mightily in the last year or so. The politics, for a variety of reasons, would not allow us to get there. There are factors not in this bill today that were in the bill of a year ago that are highly controversial. There are some changes in this bill. But it was crafted in the committee of authorization. It was voted on piece by piece. It does have a new bipartisan base of support, and we believe it is the kind of energy policy on which we can work out our differences with the House and put on the President's desk and two decades from now look back and say we did the right thing for our country, the right thing for young people today who will be in that labor force 10, 15 years from now, who will demand and require an abundant supply of high-quality energy that is environmentally sound and at a reasonable price for their homes, for their recreation, but, most importantly, for their work site, for the job they are going to seek. That is why this legislation is so important.

We may differ and we are going to have more amendments to come, but I hope our leader and the minority leader recognize the high priority we have here and give us the time to debate this thoroughly and responsibly and deal with all of the amendments that are necessary to get us to that point where we can vote up or down and let the American people clearly understand that the Senate of the United States does support a national energy policy, and that the one we have, in the form of S. 14, is a quantum leap forward into America's future of an abundant energy and a robust economy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 853

The PRESIDING OFFICER. Under the previous unanimous consent order, the hour of 3:30 p.m. having arrived, the question is on agreeing to the Schumer amendment No. 853.

Mr. CRAIG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 853. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote ''yea''.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 69, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—26

Akaka	Feinstein	Reed
Allen	Gregg	Santorum
Bennett	Hollings	Schumer
Bingaman	Kennedy	Specter
Boxer	Kyl	Sununu
Clinton	Lautenberg	Thomas
Collins	Leahy	Warner
Corzine	McCain	Wyden
Enzi	Murray	

NAYS—69

Alexander	Dayton	Levin
Allard	DeWine	Lincoln
Baucus	Dodd	Lott
Bayh	Dole	Lugar
Biden	Domenici	McConnell
Bond	Dorgan	Mikulski
Breaux	Durbin	Miller
Brownback	Edwards	Nelson (FL)
Bunning	Feingold	Nelson (NE)
Burns	Fitzgerald	Nickles
Byrd	Frist	Pryor
Campbell	Graham (SC)	Reid
Cantwell	Grassley	Roberts
Carper	Hagel	Rockefeller
Chafee	Harkin	Sarbanes
Chambliss	Hatch	Sessions
Cochran	Hutchison	Shelby
Coleman	Inhofe	Smith
Conrad	Jeffords	Snowe
Cornyn	Johnson	Stabenow
Craig	Kerry	Stevens
Crapo	Kohl	Talent
Daschle	Landrieu	Voinovich

NOT VOTING—5

Ensign	Inouye	Murkowski
Graham (FL)	Lieberman	

The amendment (No. 853) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 856

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I have cleared this with the Republican manager of the bill. I ask unanimous consent that the Senator from California have 90 seconds to speak on the next amendment and the opposition have 90 seconds, an extra 30 seconds on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. The Senator from California.

Mrs. BOXER. Mr. President, the Senate is still not in order. It is a complicated amendment. I would like to be able to explain it.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from California.

Mrs. BOXER. Mr. President, in 90 seconds I want to tell you why this amendment is so important. I offer it on behalf of myself and Senator DURBIN, a strong supporter of ethanol, Senators LEAHY, FEINSTEIN, CLINTON, JEFFORDS, and LAUTENBERG.

My amendment simply removes the safe harbor provision in the bill, which treats ethanol like no other fuel, giving consumers and communities no legal recourse if it turns out that the water is polluted or the air is polluted or people get sick from this increased amount of ethanol. Believe me, I hope ethanol is totally safe. But no one is sure. Just read the 1999 blue ribbon EPA panel. They raise some serious questions. Of course, the ethanol manufacturers say ethanol is 100 percent completely safe. Then I ask why they demand this safe harbor provision. Look at what happened to the last gasoline additive we promoted, MTBE. This is the cost to our people because of MTBE pollution: $29 billion. My friends, if we had had the same safe harbor for MTBE as some of us are seeking for ethanol, this would not have fallen completely on your taxpayers and your communities. I call this an unfunded mandate.

People who oppose this say they only are putting forward a very narrow safe harbor. They say everyone will have a lot of ways to go. But the truth is that defective product liability is the only remedy. The courts have said no to negligence and no to nuisance. The only claim they have is defective product liability.

All we do is say treat ethanol as we do any other additive.

I urge an aye vote.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what we are doing here is not giving our stamp of approval on ethanol. We are not mandating. The vast majority of Members here feel more strongly about this than I do.

I know the Senator from California would not deliberately mislead you. What she is saying is just flat wrong.

I keep hearing it over and over again: If a safe harbor provision is enacted into law, No. 1, citizens will not be able to take refiners to court under our court system; and, No. 2, any possible ethanol contamination that happens in the future wouldn't get cleaned up.

It just isn't true. Even with the enactment of the safe harbor provisions, if a plaintiff makes his case—that is a very significant part of this—there are just a few court theories that could be used in environmental cases: Trespass, not affected by safe harbor; nuisance, not affected by safe harbor; negligence, not affected by safe harbor; breach of implied warrant, not affected by safe harbor; breach of express warranty, not affected by safe harbor.

As far as cleanups are concerned, if there were a spill, here are some examples of environmental laws that are on the books right now that would take care of the problem and are not affected by safe harbor: No. 1, Resource Conservation Recovery; No. 2, Clean Water Act; No. 3, Oil Pollution Act; No. 4, Superfund; and it goes on and on.

Neither of these assertions is true. They would be able to have their day in court, and at the same time we have adequate laws in the court system and environmental laws to accommodate any cleanup that would take place.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. The yeas and nays were previously ordered on the amendment, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote ''Yea''.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—38

Akaka	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Reed
Boxer	Gregg	Reid
Byrd	Hollings	Sarbanes
Cantwell	Jeffords	Schumer
Carper	Kennedy	Smith
Chafee	Kerry	Snowe
Clinton	Lautenberg	Specter
Collins	Leahy	Sununu
Corzine	Levin	Warner
Dayton	McCain	Wyden
Dodd	Mikulski	

NAYS—57

Alexander	Craig	Inhofe
Allard	Crapo	Johnson
Allen	Daschle	Kohl
Baucus	DeWine	Kyl
Bayh	Dole	Landrieu
Bennett	Domenici	Lincoln
Bond	Dorgan	Lott
Breaux	Edwards	Lugar
Brownback	Enzi	McConnell
Bunning	Fitzgerald	Miller
Burns	Frist	Nelson (NE)
Campbell	Graham (SC)	Nickles
Chambliss	Grassley	Pryor
Cochran	Hagel	Roberts
Coleman	Harkin	Rockefeller
Conrad	Hatch	Santorum
Cornyn	Hutchison	Sessions

Shelby	Stevens	Thomas
Stabenow	Talent	Voinovich

NOT VOTING—5

Ensign	Inouye	Murkowski
Graham (FL)	Lieberman	

The amendment (No. 856) was rejected.

Mr. DOMENICI. Mr. President, how long did that last vote take?

The PRESIDING OFFICER. Twenty-four minutes.

Mr. DOMENICI. I thank the Chair.

AMENDMENT NO. 854

The PRESIDING OFFICER. There are now 2 minutes evenly divided before a vote on the second Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I am pleased to say that the Boxer-Lugar-Cantwell amendment, which encourages production of agricultural residue ethanol, is going to be accepted by a voice vote with a promise to fight for it in conference.

Our amendment says that if you produce ethanol from the residue of agricultural crops, you get a special incentive. So if your State grows corn, rice, sugar, apples, wheat, oats, barley, and other crops high in fructose, this amendment would help your farmers, your rural communities, and your States meet the ethanol mandate. Again, it simply gives an incentive to produce ethanol from agricultural residue.

I am grateful to my colleagues on both sides of the aisle for accepting the amendment. I am happy to take it by voice vote.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 854) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I rise to support the amendment offered by the majority and minority leaders, Mr. FRIST and Mr. DASCHLE, on renewable motor fuels. Others may support this amendment for different reasons, but I support the amendment because of its potential to increase motor fuels supply, especially in the Federal reformulated fuels, or RFG, program. This amendment includes provisions that I, and my Wisconsin House colleagues, Congressman Paul Ryan and Mark Green, have long advocated to address supply shortages that the Midwest has experienced in recent years.

This amendment makes significant changes to the Clean Air Act motor fuels programs that will increase the supply of cleaner fuels nationwide. It bans methyl tertiary butyl ether, or MTBE, which is no longer used in my home State of Wisconsin. MTBE, as others will likely discuss in detail, is a reformulated gasoline additive that has contaminated drinking water supplies nationwide.

The amendment also contains a mandate to increase the supply of ethanol to 5 billion barrels by 2012 both to replace MTBE as an oxygenate in reformulated gasoline and to reduce our dependence upon foreign oil. It also would allow Governors the ability to increase reformulated gasoline supply by opting their entire State into the reformulated fuels program, and increasing the market demand for RFG in their State.

The amendment also has a provision to increase the amount of reformulated gasoline by reducing the number of boutique fuel blends. The bill reduces the number of Federal reformulated fuel blends by creating a single set of standards. This would broaden the supply from which Wisconsin could draw in times of tight supply.

If enacted, this amendment would improve fungibility of RFG nationwide, by standardizing volatile organic compound, VOC, reduction requirements. In practice, when combined with the renewable fuels mandate, this would enable States like Wisconsin that use Federal RFG to draw on supplies of Federal RFG from other areas, such as St. Louis and Detroit, if necessary. The ability to rely on other sources of RFG is especially important when sudden supply shortages arise due to unexpected events such as refinery fires or breakdowns which the Midwest has also experienced in recent years.

This amendment is important because, at present, southeastern Wisconsin cannot draw on RFG from other areas because the Chicago/Wisconsin RFG formula is not used elsewhere in the country. This amendment would help address this boutique fuel problem by bringing other areas that use Federal RFG in line and standardizing VOC reduction requirements and requirements for the production of renewable fuels such as ethanol—the Chicago/Wisconsin area is the only part of the country that uses solely ethanol in its blend of RFG.

As the use of ethanol blended RFG becomes more widespread, supply problems will become easier to address. This benefits Wisconsin drivers because easing supply shortages will help put an end to severe price spikes, and drivers nationwide by continuing to supply them with RFG that meets Federal Clean Air Act standards in light of State bans on MTBE.

So far, Mr. President, in light of military conflict in the Middle East, we have been lucky that we have avoided significant increases in gas prices so far this year. But, for folks in Wisconsin, the thought of another approaching summer unfortunately dredges up memories of the high gas prices that have plagued our families in recent years. The Senate must take preventative action today to make sure gas prices stay under control, and our this amendment will help do that. By scrapping the multiple Federal fuel blend requirements and replacing them with a more simplified, streamlined system, this measure will work to make gas supplies more stable and keep prices at the pump within reason. This is a good amendment, and it deserves the support of the Senate.

Mrs. CLINTON. Mr. President, I would like to take a few minutes to address the Frist-Daschle amendment and the Energy bill in general.

Now, do I think there is a way to soundly and responsibly increase our use of alternative fuels? Sure. Do I think that we should increase our use of alternative fuels? You bet. I am just not convinced that the provision we are considering today is the best way to make that happen. And I am not convinced that it is the best way to make that happen for a State such as New York.

I think that an Energy bill has the potential to be a win for us not just on energy and the environment but also on economic development and job creation. An Energy bill could truly be an engine for developing new technologies, manufacturing new products, building new facilities, and with all of that—creating new jobs, while at the same time increasing our energy security and improving the quality of our environment.

I commend my colleagues Senators DOMENICI and BINGAMAN, for their efforts in bringing this bill to the floor. They have worked arduously to tackle many complicated and controversial issues.

But with all due respect to my colleagues, in many cases, I am afraid that this bill unfortunately still falls far short—in terms of energy policy, environmental policy, and economic policy. We need a comprehensive and balanced energy policy that strengthens our energy security, safeguards consumers, protects the environment, spurs economic development, and create jobs.

Yet this bill does not truly harness our potential for greater energy efficiency and for newer, cleaner sources of energy. It too often looks to the past to try to solve the energy challenges of the present and turns a blind eye to all that our energy future could be.

For example, it looks to possible oil and gas resources on the Outer Continental Shelf—areas of the ocean that have been under drilling moratoria for years in an effort to preserve precious ocean and coastal resources and the coastal tourism economies of a number of our States.

It also apparently requires an inventory of oil and gas resources on Federal lands, as well as an inventory of restrictions or impediments to development of those resources. Now my colleagues in New York and I have been fighting for years to protect the Finger Lakes National Forest from drilling, and so I have a difficult time with provisions like this.

The bill permanently extends the authority of the Nuclear Regulatory

Commission to indemnify nuclear powerplants against liability for nuclear accidents under the Price-Anderson Act, and provides other substantial subsidies to the nuclear power industry. Yet the bill does not do enough to increase the diversity of our energy supply, which would also create new business and economic growth opportunities.

I am pleased that the bill contains provisions related to the increased use of fuel cells and hydrogen fuel because this is a key example of how we can be working to increase our energy security, while also improving the environment and creating jobs. And it is places like Upstate New York, where we have many companies and universities doing exciting work in this area, which will emerge as world leaders in his technology. That is why I have joined with Senator DORGAN, Senator LIEBERMAN, and others in supporting legislation that would go even further than the bill we are currently debating in supporting fuel cells. And that is in part why, when we debated the renewable fuel provisions in the Senate Environmental and Public Works Committee, Senator BOXER and I fought to include provisions that would provide Federal support for the construction of waste-to-ethanol plants and other cellulosic biomass ethanol production facilities.

Because these projects would help States such as ours produce more renewable fuel—produce fuel from waste products, which would therefore also help the environment—and at the same time produce more jobs as well.

We are grateful for the committee's support for our amendments, and we are pleased that these provisions remain in the amendment that is before us today.

But many of my colleagues and I still have reservations with respect to this amendment. That is why some have pushed to have their States exempted entirely from the renewable fuels requirements in this amendment, while many others have voted to require States to proactively opt-in to the renewable fuels program.

Despite the many outstanding questions regarding the renewable fuels requirements in this amendment—whether it is transportation or storage or other infrastructure issues, market concentration concerns, impacts on gasoline prices for consumers at the pump, air quality impacts, you name it—there is a seeming unwillingness to consider even the slightest changes to the provisions before us—at least for some States.

While certain States are exempted all together, other States that have special considerations, such as my State of New York which has a State ban of MTBE that goes into effect in just a few months, which has certain air quality issues, and very little existing ability to produce significant quantities of renewable fuel—our special needs go unmet.

With all of the concerns I have regarding the amendment before us, I have even more concerns about the provisions passed by the House, which I believe in many respects are greatly inferior to the provisions we are considering here today. So that gives me even further pause in taking up this issue.

For example, whereas the amendment before us contains a welcome and long-awaited Federal phase-out of the use of MTBE over the next 4 years, the House bill does not phase out MTBE at all. Even more disturbing, it includes a liability safe harbor for MTBE.

Now, there is no question that the time has come to take action at the Federal level on MTBE. New York is on the front lines of this battle. We have banned MTBE use in the State as of January 1, 2004.

There are a number of other States that have taken action to phase out or limit the use of MTBE as well, including: California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Washington. Now, those are the States that have actually passed State laws. But here are a number of other States that have tried to pass laws and are still trying to pass laws to phase out or ban MTBE.

In the absence of any Federal action, States have been forced to take action on their own to limit MTBE use in motor vehicle fuel because it has wreaked havoc on the environment—in particular, on drinking water sources. Unfortunately, those State actions are now being challenged in court.

Yet the States are acting for good reason. New York has experienced first-hand the impact of MTBE contamination on our drinking water—particularly on Long Island.

According to testimony before the Senate Environment and Public Works Committee offered recently by Mr. Paul Granger, superintendent of the Plainview Water District on Long Island, ''New York has identified some 1970 MTBE spill sites with 430 of them on Long Island alone.''

That is why New York, once again out in front on the issue of MTBE, has probably the toughest standard in the Nation for the amount of MTBE allowed in surface and ground water—10 parts per billion.

But according to Mr. Granger's testimony, ''At least 21 states have reported well closures due to MTBE groundwater contamination.'' It is estimated that more than 500 public drinking water wells and 45,000 private wells throughout the country are contaminated by MTBE.

According to testimony recently offered by the American Lung Association before the Environment and Public Works Committee, millions of Americans are being served by drinking water sources contaminated by MTBE.

As we are far too familiar now, the cost of cleaning up this MTBE contamination are significant. According to the testimony of Mr. Craig Perkins, director of Environment and Public Works for the city of Santa Monica, CA, ''Current estimates for the total cost of nationwide MTBE clean-up are $30 billion and counting.'' That is why we have lawsuits pending in New York regarding MTBE contamination of ground water, because these communities, these water suppliers, and ultimately their customers, cannot meet the financial burden of these cleanups.

So while having clean air to breathe is important, so is having clean water to drink. We should not have to trade one for the other.

Phasing out the use of MTBE as a fuel additive is the right thing to do from a drinking water perspective, from an overall environmental and public health perspective, and from a fuels perspective. That is why such a phase-out of MTBE was recommended over 3 years ago by the EPA Blue Ribbon Panel on Oxygenates in Gasoline.

The State-by-State approach to MTBE that we are currently operating under does not work. It does not work for the markets, the refiners, or the distributors to have this patchwork of States that do or do not allow the addition of MTBE to gasoline.

I am very pleased that the Frist-Daschle amendment includes such a phase-out but I am concerned about other provisions of this amendment pertaining to renewable fuels, including the safe harbor provisions. I am deeply concerned that the House bill does not include a phase-out of MTBE but does provide a liability safe harbor for MTBE.

The reality is that we can phase out MTBE and repeal the existing 2 percent oxygenate requirement under the Clean Air Act while still ensuring that we meet current clean air standards. And I support legislation that will do these three things.

After banning MTBE and removing the oxygenate requirement, there would still be an increase in the use of ethanol in this country—with or without the mandate we are contemplating here today.

Mr. VOINOVICH. Mr. President, I rise today in support of Senate amendment 850, an amendment to add a renewable fuels package to the energy bill.

This language establishes a nationwide renewable fuels standard of 5 billion gallons by 2012, repeals the Clean Air Act's oxygenate requirement for reformulated gasoline and phases down the use of MTBE over 4 years.

This language has strong bipartisan support and is the result of long negotiations between the Renewable Fuels Association, the National Corn Growers Association, the Farm Bureau Federation, the American Petroleum Institute, the Northeast states for Coordinated Air Use Management, NESCAUM, and the American Lung Association.

Passage of this ethanol language will protect our national security, economy, and environment.

The amendment that the majority leader has introduced—a compromise that will triple the amount of domestically-produced ethanol used in America—is one essential tool in reducing our dependence on imported oil.

President Bush has stated repeatedly that energy security is a cornerstone for national security. I agree. It is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs. Ethanol is an excellent domestic source—it is a clean burning, homegrown renewable fuel that we can rely on for generations to come.

Ethanol is also good for our Nation's economy. Tripling the use of renewable fuels over the next decade will:

Reduce our National Trade Deficit by more than $34 billion;

Increase U.S. GDP by $156 billion by 2012;

Create more than 214,000 new jobs;

Expand household income by an additional $51.7 billion;

Save taxpayers $3 billion annually in reduced government subsidies due to the creation of new markets for corn.

The benefits for the farm economy are even more pronounced. Ohio is 6th in the Nation in terms of corn production and is among the highest in the nation in putting ethanol into gas tanks, over 40 percent of all gasoline sold in Ohio contains ethanol. An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State:

Currently, ethanol production provides 192,000 jobs and $4.5 billion to net farm income nationwide;

Passage of this amendment will increase net farm income by nearly $6 billion annually;

Passage of this amendment will create $5.3 billion of new investment in renewable fuel production capacity.

Phasing out MTBE on a national basis will be good for our fuel supply. Because refiners are under tremendous strain from having to make several different gasoline blends to meet various State clean air requirements—and no new refineries have been built in the last 25 years—the effects of various State responses to the threat of MTBE contamination—including bans and phase-outs on different schedules—will add a significant burden to existing refineries. The MTBE phase-out provisions in this package will ensure that refiners will have less stress on their system and that gasoline will be more fungible nationwide.

Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health.

Use of ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent;

Ethanol also reduces emissions of particulates by 40 percent;

Use of ethanol RFG helped move Chicago into attainment of the federal ozone standard, the only RFG area to see such improvement;

In 2002, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons—the equivalent of removing more than 630,000 vehicles from the road.

Our farmers can meet the ethanol standard. For 2003, the ethanol industry is on pace to produce more than 2.7 billion gallons. The amount of ethanol required under the FRS begins at 2.6 billion gallons in 2005. Adequate ethanol supply is simply not an issue.

Currently, 73 ethanol plants nationwide have the capacity to produce over 2.9 billion gallons annually. Further, there are ten ethanol plants under construction, which when completed will bring the total capacity to more than 3.3 billion gallons.

California has been cited as a major problem area; however, all but two small refiners have already transitioned from MTBE into ethanol. California will use close to 700 million gallons of ethanol in 2003 after consuming roughly 100 million gallons last year. The California Energy Commission has concluded the transition to ethanol ''is progressing without any major problems.'' The U.S. Energy Information Administration found the transition went ''remarkably well.''

Individual States are banning the use of MTBE, but they cannot change the federal RFG oxygen content requirement. The collision of these two elements under current law will likely lead to higher costs.

Under current law, California's required ethanol use in 2005 would be 895 million gallons. Under this amendment, fuel providers supplying California will be required to use far less ethanol in 2005—291 million gallons. And more importantly, they will benefit from the bill's credit banking and trading provisions.

With the State MTBE ban set for January 2004, New York faces a similar situation. Under the status quo, fuel providers will be required to use 197 million gallons of ethanol in New York in 2005. However, if this amendment is enacted, refiners, blenders and importers would be required to use or purchase credits for even less—111 million gallons of ethanol in 2005.

A study conducted by Mathpro, a prominent economic analysis firm, found that, compared to a situation where States are banning MTBE and the federal RFG oxygen content requirement is left in place, this amendment will lower the average gasoline production cost: by about two-tenths of a cent per gallon.

In addition, this language provide safeguards. In the event that the RFS would severely harm the economy or the environment or would lead to potential supply and distribution problems, the RFS requirement could be reduced or eliminated.

Ethanol is already blended from Alaska to Florida and from California to New York. Ethanol is already transported via barge, railcar, and ocean-going vessel to markets throughout the country. The U.S. Department of Energy studied the feasibility of a 5 billion gallon per year national ethanol market and found that ''no major infrastructure barriers exist'' and that needed investments on an amortized, per-gallon basis are ''modest'' and ''present no major obstacle.''

Both the U.S. Department of Agriculture and the Congressional Budget Office have recognized the benefit of the investment of the ethanol program on the overall health to the nation's economy. Recently, the USDA stated the ethanol program would decrease farm program payments by $3 billion per year. In its analysis of this amendment, CBO stated the provision would reduce direct spending by $2 billion during 2005–2013.

The RFS agreement includes strong anti-backsliding provisions that prohibit refiners from producing gasoline that increases emissions once the oxygenate requirement is removed. A Governor can also petition EPA for a waiver of the ethanol requirement based on supporting documentation that the ethanol waiver will increase emissions that contribute to air pollution in any area of the state.

The fuels agreement would benefit the environment in a number of ways:

reduces tailpipe emissions of carbon monoxide, VOCs, and fine particulates,

phases down MTBE over 4 years to address groundwater contamination, and since ethanol biodegrades quickly, it will not have the same problem,

provides for one grade of summertime Federal RFG, which is more stringent,

increases the benefits from the Federal RFG program on air toxic reductions,

provides states in the Ozone Transport Region and enhanced opportunity to participate in the RFG program because of unique air quality problems,

includes provisions that require EPA to conduct a study on the effects on public health, air quality, and water resources of increased use of potential MTBE substitutes, including ethanol.

The use of ethanol-blended fuels also reduces so-called greenhouse gas emissions by 12–19 percent compared with conventional gasoline, according to Argonne National Laboratory. In fact, Argonne states ethanol use last year in the U.S. reduced the so-called greenhouse gas emissions by approximately 4.3 million tons, equivalent to removing the annual emissions of more than 636,000 cars.

I also want to point out that the California Environmental Policy Council recently gave ethanol a clean bill of health and approved its use as a replacement for MTBE in California gasoline.

A similar provision has already passed the House of Representatives this year. Virtually the same agreement passed the Senate in April 2002 with 69 votes.

The fuels agreement is supported by the American Petroleum Institute; the

Renewable Fuels Association; the Northeast States for Coordinated Air Use Management (NESCAUM); U.S. Chamber of Commerce; US Action; the Union of Concerned Scientists; the Environmental and Energy Studies Institute; the Governor's Ethanol Coalition; General Motors; the Governors of California and New York; and all of the major agricultural organizations in the United States.

It is time to pass an ethanol bill, and I urge my colleagues to vote yes for America's farmers and this amendment.

Mr. INHOFE. Mr. President, it is important that Congress make available all possible options for refiners to ensure compliance with the renewable fuels standard and decrease chances for gasoline price and supply volatility. One such option for meeting the renewable fuels standard that has shown promise is ethyl tertiary butyl ether ETBE.

ETBE is a High-octane, low-vapor pressure, gasoline-blending component produced from a combination of ethanol and butane. Because both of these raw materials are produced in abundance domestically, ETBE will help expand US gasoline supplies, moderating possible gasoline price volatility.

ETBE is fully fungible with gasoline. This allows ETBE to be blended into gasoline at any point in the gasoline logistical chain and transported in gasoline pipelines to regions of the country where it is more costly to transport and blend ethanol into gasoline. Moreover, ETBE does not have a negative impact on gasoline vapor pressure, making it easier and more cost-effective to blend ETBE into gasoline—especially during the summertime ozone control season when gasoline vapor pressure is restricted.

ETBE reduces more gasoline evaporative and tailpipe emissions, lowers air toxics and carbon monoxide, and provides 20-percent more carbon dioxide emission reduction than other gasoline-blending components.

ETBE is 75 percent less water soluble than MTBE. This means use of ETBE substantially reduces the risks to ground water resources should gasoline leak from an underground storage tank. ETBE also has other physical properties which make it migrate slower and shorter distances—and easier to remediate—should a gasoline spill or leak occur.

I support the development of ETBE because of the benefits it provides for cleaner air, enhanced gasoline supply, and the ability to transport the fuel in the current infrastructure. Congress, in enacting a RFS, should not do anything to preclude its use. The marketplace should be allowed to determine how it will meet the requirements of the RFS.

VOTE ON AMENDMENT NO. 850

The PRESIDING OFFICER. The question is on agreeing to amendment No. 850 as amended. There are to be 2 minutes evenly divided on the amendment.

Mr. REID. Mr. President, we yield back our time.

Mr. DOMENICI. Yes.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from Nevada (Mr. ENSIGN) would vote ''no''.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Hawaii (Mr.INOUYE) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—68

Akaka	Daschle	Lieberman
Alexander	Dayton	Lincoln
Baucus	DeWine	Lott
Bayh	Dodd	Lugar
Biden	Dole	McConnell
Bingaman	Domenici	Mikulski
Bond	Dorgan	Miller
Breaux	Durbin	Murray
Brownback	Edwards	Nelson (FL)
Bunning	Feingold	Nelson (NE)
Burns	Fitzgerald	Pryor
Byrd	Frist	Reid
Campbell	Grassley	Roberts
Cantwell	Hagel	Rockefeller
Carper	Harkin	Sarbanes
Chafee	Hatch	Shelby
Chambliss	Inhofe	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Talent
Craig	Landrieu	Voinovich
Crapo	Levin	

NAYS—28

Allard	Gregg	Santorum
Allen	Hollings	Schumer
Bennett	Hutchison	Sessions
Boxer	Kennedy	Specter
Clinton	Kyl	Sununu
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Warner
Enzi	McCain	Wyden
Feinstein	Nickles	
Graham (SC)	Reed	

NOT VOTING—4

Ensign	Inouye
Graham (FL)	Murkowski

The amendment (No. 850) was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

CHANGE OF VOTE

Mr. CHAMBLISS. Mr. President, on rollcall vote No. 209, I voted no. It was my intention to vote aye. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

(The foregoing tally has been changed to reflect the above order.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—H.R. 1308

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 52, H.R. 1308; that immediately upon the reporting of the bill, Senator GRASSLEY be recognized to offer a substitute amendment on behalf of himself, Senators LINCOLN, SNOWE, BAUCUS, and VOINOVICH; provided further that there be 30 minutes for debate equally divided between Senators GRASSLEY and BAUCUS or their designees prior to a vote in relation to the amendment, and that no other amendments be in order; provided further that if the amendment is agreed to, the bill be read a third time, and the Senate proceed to a vote on final passage of the bill as amended.

Further, I ask that if the amendment is not agreed to, then H.R. 1308 be placed back on the calendar and that no points of order be waived by this agreement. I further ask consent that following that vote, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 3 to 2.

Finally, I ask unanimous consent that following passage of the bill, the amendment to the title be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the benefit of my colleagues, we will have further announcements later in this evening. We would expect to have a final rollcall vote for the week approximately 30 or 40 minutes from now. Although we will have no more rollcall votes after that, we will stay and be available to debate amendments tonight, and we will be in session tomorrow. We expect not to have rollcall votes tomorrow. We will have further announcements later tonight with regard to the schedule tomorrow, as well as Monday.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, first let me compliment the distinguished majority leader for the effort he has made to bring us to this point. Were it not for his effort, we would not have accomplished what we have with this unanimous consent agreement. I appreciate his efforts.

Let me also single out in particular the distinguished Senator from Arkansas. Without her persistence and her effort, now weeks long, we would not be here. She has spoken out with courage and conviction and empathy on behalf of 12 million children, 8 million families who otherwise would be left out of tax relief. The argument that she has made from the beginning has been without this legislation those millions of children and those working families would get no tax relief on July 1. The passage of this legislation today will accommodate that concern, that need.

This will give us an opportunity to send the recommendation to the House. It will send a clear message to working families that we are serious about providing the kind of tax relief that is so necessary for these families if we are going to provide it to others; that it will be available. The refundable child credit assistance can be made available in time for tax relief provided to others as well.

I commend the Senator. I commend the majority leader. I thank my colleagues for this agreement.

I yield the floor.

Mr. DOMENICI. I ask the majority leader, would it be appropriate to dispose of the pending LIHEAP amendment to clear the record for the evening in spite of the unanimous consent request?

Mr. DASCHLE. Mr. President, I assume it has been cleared by the distinguished leader. I have no objection.

Mr. FRIST. We will proceed with that. It makes the most efficient use of everyone's time.

Mr. DOMENICI. We have a Senator who still wants to speak on the pending bill. I assume after the time just provided has expired, we will be back for the distinguished Senator from Colorado to speak to an amendment; is that correct?

Mr. FRIST. Yes.

AMENDMENT NO. 841 WITHDRAWN

Mr. DOMENICI. For the record, under the bill, I withdraw amendment No. 841.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 841) was withdrawn.

AMENDMENT NO. 860 TO AMENDMENT NO. 840

Mr. DOMENICI. I send a new second-degree amendment to the desk on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BINGAMAN, proposes an amendment numbered 860 to amendment No. 840.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reauthorize LIHEAP, Weatherization assistance, and State Energy Programs)

In lieu of the matter proposed to be inserted, insert the following:

TITLE XII—STATE ENERGY PROGRAMS

SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking ''each of fiscal years 2002 through 2004'' and inserting ''fiscal years 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006''.

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking ''125'' and inserting ''150'', and

(1) in paragraph (7)(C), by striking ''125'' and inserting ''150''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting '', $325,000,000 for fiscal year 2004, $400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006.''.

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

''(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.''.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

STATE ENERGY EFFICIENCY GOALS

''SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of this title shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking the period at the end and inserting '', $100,000,000 for each of fiscal years 2004 and 2005 and $125,000,000 for fiscal year 2006.''.

LIHEAP

Ms. CANTWELL. Mr. President, I rise to enter into a colloquy with the distinguished Chairman and Ranking Member of the Health, Education, Labor and Pensions Committee. I am pleased, colleagues, that we have been able to reach consensus on the need to include in this bill an increase in the authorization level for the Low-Income Home Energy Assistance (LIHEAP) program from $2 billion to $3.4 billion. With power costs on the rise around this nation, it is imperative that the Senate act now to respond to the needs of the 85 percent of eligible families that today do not receive the help they so desperately need, due to the perennially under-funded nature of the LIHEAP program.

There is another issue relevant to the LIHEAP program, however, that I hope the Senate will soon consider. I believe that we must address the manner in which the Department of Health and Human Services—and, of course, the Office of Management and Budget—have traditionally administered the ''contingency'' portion of the LIHEAP program. While the bulk of LIHEAP dollars are distributed to states via block grants and in accordance with a statutory formula, Congress has also authorized—and appropriated funds to—a contingency fund, designed to ''meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency.'' This money is not released according to formula—but solely at the discretion of the HHS Secretary.

Unfortunately, recent history suggests that there are problems with the way the ''contingency'' portion of LIHEAP is administered. In essence, there seem to be widely varying eligibility rules applied to the release of these contingency funds—leading to instances in which HHS has overlooked very real energy emergencies, including the recent power crisis in my home state of Washington.

I believe that clear rules for the release of these dollars will ensure that, in the unfortunate event of an energy emergency, low-income families will receive much-needed assistance in keeping the lights and the heat turned on—which is precisely what Congress intends when it appropriates money to the LIHEAP contingency fund. During mark-up on this bill in the Energy and Natural Resources Committee, Sen. SMITH and I added language—adopted unanimously-seeking to put guidelines around the release of these emergency LIHEAP funds.

However, I understand that the distinguished Chairman, Senator GREGG, and Ranking Member, Senator KENNEDY, intend to reauthorize the LIHEAP program in their Committee this year and examine very closely the administration of these contingency funds. I believe the language that Senator SMITH and I authored would go a long way toward adding clarity to the process, and I would be exceptionally pleased to work with the Chairman on this and other proposals to reform the LIHEAP emergency program to ensure it is as responsive as possible to the very real needs of low-income Americans.

Mr. GREGG. I thank the Senator from Washington for her comments. I agree that the manner in which LIHEAP contingency funds are distributed should be examined. I would be happy to work with the Senator on this important matter as the H.E.L.P. Committee works towards reauthorization of this program in the coming months.

Mr. KENNEDY. I also believe the Senator from Washington makes a very good point about the administration of LIHEAP emergency funds. I too would be happy to work with the Senator on including language to address her concerns when the Committee debates LIHEAP reauthorization later this year.

Mr. DOMENICI. I ask unanimous consent that the second-degree amendment be adopted and the underlying first-degree amendment No. 840, as amended, be agreed to.

Mr. REID. Mr. President, I ask consent following the disposition of the unanimous consent agreement dealing with the child tax credit, the Senator from Louisiana, Ms. LANDRIEU, be recognized to speak on LIHEAP. She

wanted to speak before the vote but this would be fine.

Mr. DOMENICI. Five minutes?

Mr. REID. Probably 10 minutes. I am sure she can complete a statement in 10 minutes.

Mr. DOMENICI. Senator CAMPBELL has been waiting for a long time. He has an amendment on the underlying bill.

Mr. REID. She can speak after he offers his amendment. He will not speak that long.

Mr. CAMPBELL. That is all right.

Mr. REID. How long will you speak?

Mr. CAMPBELL. I am going to speak for 15 or 18 minutes.

Mr. REID. She has waited around here all day to speak on LIHEAP. Why not limit her time to 5 minutes; that should be adequate.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 860) was agreed to.

The amendment (No. 841), as amended, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1308.

The legislative clerk read as follows:

A bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

AMENDMENT NO. 862

(Purpose: In the nature of a substitute)

Mr. GRASSLEY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GRASSLEY], for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. BAUCUS, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. WARNER, Mr. STEVENS, and Ms. LANDRIEU, proposes an amendment numbered 862.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GRASSLEY. I am pleased to join my distinguished ranking member, Senator BAUCUS, in the agreement we have reached on the child tax credit. I wish to take a minute to fill in my colleagues on how we are at this place at this time on another tax bill.

In the Finance Committee in the year 2001, Senator SNOWE and Senator LINCOLN added a refundable formula to enhance the child tax credit. This provision lasted through conference. The formula was increased to 15 percent in 2005. President Bush proposed to accelerate the $1,000 tax credit amount but did not accelerate the refundability formula.

In the Finance Committee, we accelerated the refundability formula. Unfortunately, that provision was dropped in conference. At that disappointing moment and at times since, I have indicated that I would like to revive that formula. I was joined by several Finance Committee members and both leaders in attempting to resolve this problem.

I am pleased to say this agreement moves the ball on the marriage penalty and the child tax credit. The relief is small but a start in addressing yet another marriage penalty.

I applaud Senator KAY BAILEY HUTCHISON for her steadfast interest in resolving this other marriage penalty provision.

Finally, our agreement is offset with an extension of customs fees, user fees. I urge the House to respond on our action today.

I would like to get the bill to the President. This will ensure that low-income families get the checks we expect to get out in the next few months that are related to the tax bill that the President signed last week. Without this additional provision we are working on now, we would have families who get an increase in the child credit of $400 per child get a check this summer, but we would not get checks to people who are entitled to the usual refundability because it was not extended.

I would like to do a lot more on the child tax credit. Families should be able to rely on permanent tax relief. That is what the bill I introduced did—not this compromise before the Senate. That is close to what the Senate growth bill did. That is what we should do in the upcoming process on this legislation.

I hope we resolve the refundability formula. We address the marriage penalty and the child tax credit and we make progress on the longer term child tax credit. We simplify the definition of a child. This last measure is the principal recommended simplification of the Tax Code for individuals. This recommendation comes from the Joint Committee on Taxation and the Treasury Department and is something that should have been done a long time ago.

Today we make some major progress on simplifying the Tax Code. Of course, we need to do a lot more. This is what we do as we try to move forward on various pieces of legislation from the Finance Committee.

In this bill we are also going to help those serving in the Armed Forces overseas. Because some of their remuneration is not considered income, they would not benefit from the child tax refund the same way as other people who are not in a war zone. We ought to change that and do change it so everybody is treated fairly.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, is it correct that the order provides for 30 minutes equally divided?

The PRESIDING OFFICER. That is correct.

Mr. BAUCUS. I yield 10 minutes to the Senator from Arkansas. I might add, she is the prime mover of this bill. She is the one who made that happen. We are deeply indebted to her.

Mrs. LINCOLN. Mr. President, I give special thanks to my colleague from Montana. There are many people to thank today for moving forward in the right direction, recognizing the working families of this country. I thank Chairman GRASSLEY, who worked tirelessly with us, as well as the ranking member, Senator BAUCUS; certainly the leadership on both sides, Senator FRIST and Senator DASCHLE, who have both been willing to work with all of us to come together on this agreement.

I would also like to say a very special thanks to my colleague, Senator OLYMPIA SNOWE from Maine, who has been a wonderful colleague and certainly someone who has worked equally as hard as I have on this issue. I am very pleased to have worked with her, both now as well as in the past.

If people can go back as far as 2001, they will remember in that 2001 tax bill Senator SNOWE and I worked hard to bring about the refundability of the child tax credit, recognizing and understanding working Americans all across this country, trying to raise their families, were in need of the kind of assistance that refundable child tax credit would bring to them. I am very pleased and honored to have worked with her in the great work she has done in this effort.

I am certainly pleased that we have reached this agreement to restore the advanced refundability for the child credit, for the hard work Senator GRASSLEY has done in bringing about the uniform definition of a ''child'' in the Tax Code. To bring about those kinds of reforms are not easy steps. I think it is one of our first monumental moves in the right direction in which Senator GRASSLEY will lead us in other reforms in the Tax Code.

Certainly this agreement is the culmination of years of effort. I would like to recognize, however, and emphasize particularly the fact that we are helping working parents and working families. I know there are some critics out there who have referred to these provisions as welfare. I just find that description so disheartening, since we are talking about 200,000 military families, hundreds of firefighters, and teachers, and other hard-working Americans. I don't think of them, or view them, as welfare recipients. I don't think they think of themselves that way.

These are taxpayers. They are hard-working families who pay sales tax, both State and local. They have payroll taxes that come out of their checks. They pay excise tax, and in

many of our rural States that is an awful lot when they travel for miles to get from their homes to their jobs.

It is so important for all of us to recognize that these taxes these individuals are paying are in equal proportion, many times, to many of the other people in different income and tax brackets, but these are taxes that never see cuts. Rarely do we see a cut in a sales tax or in the payroll tax, certainly, or in the State and local sales tax. In the excise taxes? We don't see cuts in these areas.

Therefore, it is so important that we provide the kind of assistance we can for these working families, to make sure they are going to be able to help stimulate this economy and certainly to help strengthen our country.

The news reports that followed the passage of the tax bill noted that families do receive a check of $400 in July. But they did neglect to mention those 12 million children who would not get those checks. I am so pleased that today we are recognizing it is not only an important issue to deal with, providing these 12 million children the kind of resources they need in their families to grow strong, to learn the values we want them to learn, to become good citizens and leaders and workers in this great Nation, but we are also recognizing the fairness of this issue in a timely way.

I encourage my colleagues in the House in that they have that same opportunity to recognize this is a timely issue. If we want these working families to have that same benefit, to be able to receive that tax credit, that child benefit credit in the same timely way that other individuals will receive that tax relief, then we have to do it immediately. We do have to move forward quickly.

I encourage my colleagues in the House to really take to heart the immediacy of this issue and help us move it forward quickly. The passage of this provision today is the first step in ensuring those 12 million children will also get that $400 check, or whatever check they are entitled to—and it might be more—in July, at the same time others do. Time is definitely of the essence. I call on the Members of the other body to act quickly on this bill and ensure that all of our working families will benefit.

The uniform definition of the child, as I mentioned, through Chairman GRASSLEY's efforts and certainly those of many others, Senator HATCH and Senator BAUCUS, is a great inclusion in this measure.

In short, this is a targeted tax provision to help working families. It is what I have argued since we began this round of tax discussions in January, and I hope we can continue in that vein.

People ask, why is it so important? For me, that question is a very easy one to answer. Nearly half of the taxpayers in Arkansas have adjusted gross incomes of less than $20,000. Arkansas families were among some of the hardest hit when the refundable portion of the child credit was stripped from the bill. That is why it is important to me. It was important enough to bring up this issue and certainly to readdress something that did not happen in that original tax bill.

Mr. President, 76,000 Arkansas families, 132,000 Arkansas children, were left behind in that final tax bill when it was signed. If that is not reason enough for me to cause a ruckus or to be persistent, I don't know what is. I appreciate the accolades from my colleagues, but really what is more important—I think it is essential that we recognize, when we take actions such as the recent tax bill, there is a lot of importance in the details. We have to recognize that when we do not pay attention to the details, there are many individuals who get left behind, who are not going to receive those benefits. This is one of those cases.

I say to my colleagues, this is not about trying to create more debt for these children who will also inherit that debt later on; this is about taking something we could have done and we didn't, taking something we could do better, acknowledging it, and moving forward with the actions that will create that better circumstance for working families.

That is why I have been working so hard these past few weeks—and for the last 3 years—recognizing what it means to the families in Arkansas.

It is also important for all of us in the Senate, and in the Congress, as we move forward on very important legislation, such as the tax bill that was just signed into law, to put ourselves in the shoes of these families. We talk about raising our families. We talk about raising our children. We talk about what it takes to create a family atmosphere that is focused on values, that is focused on good manners, is focused on compassion and being part of a community, reaching out to one another. It means, too, that each of us has to recognize all of our families are faced with different circumstances, whether it is military personnel stationed in Iraq and leaving a wife and two children at home; whether it is a schoolteacher or a firefighter; whether it is a police officer, many of whom fall into this category that was left out—these who make $10,500 to $26,625. That doesn't seem to be a category that would include that many, but it does. These are essential people in our communities, those who are protecting us from fire and from criminal activity, those who are teaching our children, those who are stationed abroad and protecting our very freedoms. So it is so critical we put ourselves in their shoes and better understand what it is they are doing for their families.

I have to say I have a good opportunity because when I take care of my family, I try to stop and think: Are there other mothers out there doing the same thing I am? Is it any different for a mother who is in the Senate than it is for a mother who is making $20,000, when you go to the store and you have to spend that week's paycheck on blue jeans and tennis shoes, a set of tires to make your automobile safe to get your children to and from school or yourself to and from work? There is not a lot of difference, regardless of who you are. Giving these individuals the ability to take care of those family needs is critical.

We have not even talked about the aspect of how this can be a stimulative partner in what this overall tax bill was meant to do. It was meant to stimulate the economy. Why do we want to stimulate the economy anyway? We want to stimulate the economy because we want to strengthen our country, because we believe in this country and we believe in what makes up this country. There is no better place to look, in order to do that, than the American family.

So I praise my colleagues today for recognizing that there are a world of families out there we can help today—mothers and fathers, working hard, playing by the rules at their jobs. They are not eligible for these credits unless they are working, unless they are bringing home earnings, and unless they have children.

There is a whole group of individuals we could help here by giving them the opportunity to give something back to their country in strengthening this economy. Who else is going to be there to purchase the majority of items that will spur our economy and spur those companies that need to be driven?

In conclusion, I applaud all of my colleagues. This has been a unified effort among many people to try to do the right thing. I think, after all, that is what we are here in the Senate to do—the right thing on behalf of the working families of this great Nation.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield the Senator from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am going to vote against this amendment.

I want to state a few things. I would like to correct the RECORD and state a few facts. I have heard some people say this provision was stripped out of a provision in the tax bill and it therefore left low-income people without any benefits from President Bush's tax cut. That is factually inaccurate. The fact is that in the year 2001 we passed a tax bill, and many of the people who complained mostly about this provision voted against the 2001 bill and the 2003 bill. Now they come back and say: You didn't do enough in this one category.

We did a lot for low-income people. We reduced the tax rate from 15 percent to 10 percent. And we did it retroactively, well after we passed the bill.

We reduced that rate by a third—15 percent to 10 percent—and did it retroactively. We reduced every other rate on the books by 1 percentage point. I just mention that. We did a lot.

We increased the standard deduction by 20 percent. We increased the child tax credit from $500 to $1,000. It was $600. In the 2003 bill which the President just signed, we made it $1,000. That benefits families. It disproportionally benefits low-income people. We took millions of people off the tax rolls. They didn't have to pay taxes as a result of the fact that we reduced rates. And we passed tax credits. After we passed tax credits, millions of people who were taxpayers were no longer taxpayers.

Then we get into the issue of refundability. We already have an unearned income tax credit, which is one of the most plagued, inaccurate programs we have in the Federal Government. It is about a $30 billion-a-year program. Its error rate is in the 20-some-odd percent range. About a fourth of it is in error. There is a lot of fraud. There are a lot of inaccuracies. People claim children they don't have so they can get a bigger refund. Maybe some of it was inaccurate and maybe some if it was on purpose.

Some people say the Bush tax cut didn't benefit low-income families. That is factually incorrect. Let me give you an example. Before the Bush tax cut, if you had a low-income couple and both made minimum wage with a combined income of $21,000, they had personal exemptions—talking about, let us say, a family of four—$12,200; a standard deduction of $7,900; their taxable income is $850 at 15 percent tax; their income tax was $128; and for their earned income credit, we would write a check for $2,888. They received a net income tax refund of $2,761. Somebody said they pay payroll taxes. Yes, they could. That is a total of $1,607. So they received $1,154 after they paid income taxes and payroll taxes.

That was before President Bush's 2001 or 2003 tax bill passed. After the bills we just passed, they will receive a net refund in excess of income taxes and Social Security taxes of $2,332. That is a 102-percent increase. That is what the Government is writing them a check for. That is the amount left over after they paid income taxes and payroll taxes.

The question we are now really debating is, Do we want to have the Federal Government write bigger checks, and have bigger negative income taxes? Do we want to try to make the Income Tax Code more progressive? Usually when they say that, they mean lower income people pay a greater percentage.

Under present law, the upper 5 percent of the income tax bracket pay 50 percent of the tax; the lower 50 percent of the income tax bracket pay 5 percent of the tax. Yet some people say that is not progressive enough; that we need to have Uncle Sam write bigger checks to people even in multiples of their payroll taxes and income taxes combined—not equal to, not balancing out payroll taxes, but we want to write them in multiples.

Part of this amendment says let us increase the refundability far in excess of payroll and income taxes. I don't support that theory. That was in fact in the 2001 bill. Part of the tax bill we agreed to said we would have a percentage. The child tax credit would be refundable—10 percent. And, oh yes, in the year 2005, we would make that 15 percent.

The amendment on which we are going to vote would accelerate that reduction to 15 percent immediately. That would probably happen. It could have happened. It actually passed the Finance Committee and passed the floor of the Senate. Had we had greater support for the bill, it could have been in the conference report.

I hope before final passage, we can make the child credit permanent. I hope when the bill comes back from conference, we will make permanent a $1,000 tax credit for all individuals. Then we can make this change in addition.

I ask unanimous consent that the information titled ''Family of Four With Two Minimum Wage Workers'' be printed in the RECORD, along with the ''Child Credit/EIC Effect on Tax Burden'' information.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAMILY OF FOUR WITH TWO MINIMUM WAGE WORKERS

PRE-2001 BUSH TAX CUT	
Wages	$21,000
Personal exemptions	(12,200)
Standard deduction	(7,950)
Taxable Income	850
Tax rate	[1]15
Income Tax Before Credits	(128)
Earned income credit	2,888
Refundable child tax credit	.....
Net Income Tax	2,761
Payroll taxes	(1,607)
Net Refund in Excess of All Taxes	1,154
UNDER 2001 BUSH TAX CUT	
Wages	$21,000
Personal exemptions	(12,200)
Standard deduction	(9,500)
Taxable Income	.....
Tax rate	[1]10
Income Tax Before Credits	.....
Earned income credit	2,888
Refundable child tax credit	1,050
Net Income Tax	3,938
Payroll taxes	(1,607)
Net Refund in Excess of All Taxes	2,332
Increase	[1]102

[1] Percent.
Staff estimates based on 2003 tax parameters, June 4, 2003.

CHILD CREDIT/EIC EFFECT ON TAX BURDEN

Wage income	Tax before credits	EIC	Child credit	Net income tax	Payroll tax	Net taxes
HEAD OF HOUSEHOLD—TWO KIDS						
2,000	.....	(800)	.....	(800)	153	(647)
4,000	.....	(1,600)	.....	(1,600)	306	(1,294)
6,000	.....	(2,400)	.....	(2,400)	459	(1,941)
8,000	.....	(3,200)	.....	(3,200)	612	(2,588)
10,000	.....	(4,000)	.....	(4,000)	765	(3,235)
12,000	.....	(4,204)	(150)	(4,354)	918	(3,436)
14,000	.....	(4,204)	(350)	(4,554)	1,071	(3,483)
16,000	.....	(3,942)	(550)	(4,492)	1,224	(3,268)
18,000	185	(3,522)	(750)	(4,087)	1,377	(2,710)
20,000	385	(3,102)	(950)	(3,667)	1,530	(2,137)
22,000	585	(2,682)	(1,150)	(3,247)	1,683	(1,564)
24,000	785	(2,262)	(1,350)	(2,827)	1,836	(991)
26,000	985	(1,842)	(1,550)	(2,407)	1,989	(418)
28,000	1,278	(1,422)	(1,750)	(1,894)	2,142	248
30,000	1,578	(1,002)	(1,950)	(1,374)	2,295	921
32,000	1,878	(582)	(2,000)	(704)	2,448	1,744
34,000	2,178	(162)	(2,000)	16	2,601	2,617
36,000	2,478	.....	(2,000)	478	2,754	3,232
38,000	2,778	.....	(2,000)	778	2,907	3,685
40,000	3,078	.....	(2,000)	1,078	3,060	4,138
42,000	3,378	.....	(2,000)	1,378	3,213	4,591
44,000	3,678	.....	(2,000)	1,678	3,366	5,044
46,000	3,978	.....	(2,000)	1,978	3,519	5,497
48,000	4,278	.....	(2,000)	2,278	3,672	5,950
50,000	4,578	.....	(2,000)	2,578	3,825	6,403
MARRIED—TWO KIDS						
2,000	.....	(800)	.....	(800)	153	(647)
4,000	.....	(1,600)	.....	(1,600)	306	(1,294)
6,000	.....	(2,400)	.....	(2,400)	459	(1,941)
8,000	.....	(3,200)	.....	(3,200)	612	(2,588)
10,000	.....	(4,000)	.....	(4,000)	765	(3,235)
12,000	.....	(4,204)	(150)	(4,354)	918	(3,436)
14,000	.....	(4,204)	(350)	(4,554)	1,071	(3,483)
16,000	.....	(3,942)	(550)	(4,492)	1,224	(3,268)
18,000	.....	(3,522)	(750)	(4,272)	1,377	(2,895)
20,000	.....	(3,102)	(950)	(4,052)	1,530	(2,522)

CHILD CREDIT/EIC EFFECT ON TAX BURDEN—Continued

Wage income	Tax before credits	EIC	Child credit	Net income tax	Payroll tax	Net taxes
22,000	30	(2,682)	(1,150)	(3,802)	1,683	(2,119)
24,000	230	(2,262)	(1,350)	(3,382)	1,836	(1,546)
26,000	430	(1,842)	(1,550)	(2,962)	1,989	(973)
28,000	630	(1,422)	(1,750)	(2,542)	2,142	(400)
30,000	830	(1,002)	(1,950)	(2,122)	2,295	174
32,000	1,030	(582)	(2,000)	(1,552)	2,448	897
34,000	1,230	(162)	(2,000)	(932)	2,601	1,670
36,000	1,445	.....	(2,000)	(555)	2,754	2,199
38,000	1,745	.....	(2,000)	(255)	2,907	2,652
40,000	2,045	.....	(2,000)	45	3,060	3,105
42,000	2,345	.....	(2,000)	345	3,213	3,558
44,000	2,645	.....	(2,000)	645	3,366	4,011
46,000	2,945	.....	(2,000)	945	3,519	4,464
48,000	3,245	.....	(2,000)	1,245	3,672	4,917
50,000	3,545	.....	(2,000)	1,545	3,825	5,370

Staff estimates based on 2003 tax parameters, provided by Senator Don Nickles, June 4, 2003.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield the Senator from Texas 2 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am certainly going to support this bill and this vehicle. But I did hold it up for a few hours because I am concerned that we are not able to put marriage penalty relief in a permanent position on this bill. However, I have an agreement with the majority leader that he will bring it up this year. Working with the distinguished chairman of the committee, and hopefully with the ranking member, we must fix the marriage penalty.

What we have today is a situation in which we relieve the marriage penalty for 2 years, then for 4 years it comes back, then 2 years later it goes away, and then it comes back for good. This is outrageous. Our married couples do not need a rubber band; they need a Band-Aid. They need to be able to know that when they get married, it is not going to cost them $1,200 a year.

Two Navy lieutenants will lose more than $1,500 a year if the marriage penalty goes away in 2 years; two Army warrant officers will lose $852 a year. This is not right. I have the commitment from leadership that we will take up a bill this year that fixes this inequity, and I hope there will be a bipartisan effort. We cannot let people be unsure about their marriage penalty relief.

I thank the distinguished chairman of the Finance Committee and ask him if he will work with me to ensure that we take this up this year so we can get on and fix the child tax credit. Next on the agenda I hope will be marriage penalty relief.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I was a party to the conversation with the majority leader and the Senator from Texas. She has accurately stated what was discussed at that meeting. I will try my darnedest to fulfill it.

Mrs. HUTCHISON. Thank you, Mr. President. I appreciate it very much. We will have marriage penalty relief permanent this year. And we will have child tax credit relief permanent, I hope, in the very near future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield the Senator from Maine 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank Chairman GRASSLEY for all of his efforts and endeavors to move quickly to address this omission in the growth package that passed the U.S. Congress recently. I appreciate the fact that he has worked hard to assist us in reaching an agreement on this vital issue.

I also express my appreciation to the Senator from Montana, Mr. BAUCUS, in making the difference in bridging all of the efforts to reach this decision today in passing this legislation.

I especially thank my colleague, Senator LINCOLN, who has been a champion in this fight, both in the Senate Finance Committee on this issue and also on the refundability issue back in the 2001 tax cut, in which we included a refundable provision for the child tax credit. She certainly has been a strong ally and supporter, and I appreciate all of the efforts she has been involved in to make sure this accelerated refundability is a reality.

I am pleased to have worked with all of my colleagues on this issue. I know it was not easy. There are differences on both sides with respect to some of these issues. But I think in the final analysis we are addressing an inequity that existed in the tax package that we passed in the Congress a few weeks ago. I think this agreement ultimately closes the fairness gap in economic relief for working American families. It ensures that 6.5 million families who were left out of the jobs and growth package enacted this year will now benefit from the child tax credit. And by acting so quickly, it will also ensure that these families will share in the rebate checks that qualifying families will receive in August under the growth package as well.

This means 12 million children in low-income families will have the benefit of tax relief under the growth package. I think this is vitally important in redressing this wrong, in making sure we provide the kind of tax relief they deserve.

Now, I heard here that working families don't shoulder the burden in the Federal Tax Code, but that isn't true. They do pay taxes. They pay payroll taxes. In fact, payroll taxes have become an inordinate burden on working families.

The agreement ensures that 6.5 million low-income families who would have been left out of the jobs and growth packages enacted this month will now benefit from the child tax credit. And by acting quickly, it ensures these families will also share in the rebate checks qualifying families will receive in August under the growth package.

This agreement would not have been possible without the tenacious leadership of Senate Majority Leader FRIST, and Minority Leader DASCHLE, who kept negotiations on track so the Senate could complete work this week. So I deeply appreciate their efforts.

I thank my colleague, Senator LINCOLN, who has been a tireless champion in this fight. From the time I first offered the refundable child tax credit to the 2001 tax bill, Sentor LINCOLN has been a strong ally and supporter, and we worked together again this year to include refundability in the Finance Committee-passed growth package. Over the past week I have been proud to work with her once again to ensure families omitted from the child credit would receive the refundable credit they deserve.

I thank Finance Chairman GRASSLEY, who quickly stepped forward last week to address this omission from the jobs and growth package, and has worked so graciously with Senator LINCOLN and me to achieve this agreement. He and Ranking Member BAUCUS have made the difference in bridging differences over this legislation, and we appreciate their sincere efforts.

Today we join to finish the job that Senator LINCOLN and I started in 2001. At the signing of the Economic Growth and Tax Relief Reconciliation Act of 2001, which included the newly created partially refundable child tax credit, I wholeheartedly agreed with the President when he remarked that:

> Tax relief is a great achievement for the American people . . . tax relief is an achievement for families struggling to enter the middle class . . . (and) tax relief is compassionate and it is now on the way.

Those are the same reasons we introduced a bill along with Senators JOHN WARNER, JACK REED, JIM JEFFORDS, and others to ensure that we are as

compassionate today about our tax relief as we were then. This bill is responsible because it is fully offset, and it makes sense because it brings relief to working families while helping our economy.

The Lincoln-Snowe bill incorporated in this package makes the child tax credit refundable for families earing between $10,500 and $26,625, helping 12 million children—6.5 million families—and almost 73,000 children in my home State of Maine from nearly 44,000 families, who would not have received the full benefit under the original bill.

But that is not all—in addition to helping working families we are also talking about military families, and this legislation will treat members of the military and their families more fairly as well. I know that as chair of the Senate Armed Services Committee, Senator WARNER was deeply concerned about omitting the one million children living in active duty military and military veteran families. With this legislation, those families—including 900 in Maine—will now benefit from refundability. The bottom line is, these men and women have sacrificed for us, they deserve the credit—the child tax credit.

Our legislation would accelerate the refundable portion of the child tax credit under law from 10 to 15 percent retroactive beginning January 1 of this year. This would ensure the hard-working mothers and fathers of America, including members of the Armed Forces who earn less than $26,000 per year, will be able to benefit from the increase in the child tax credit that has just become law. It will also ensure the provision of the 2001 law that directly benefits them will also be accelerated as the law enacted last week accelerates all of the other child tax credit provisions.

I know some have said, this is tax relief for people who don't pay taxes. To that argument, I would point out two factors. First, the Federal income tax—while a large share of the tax burden facing Americans, are not the only taxes people pay. In fact, a larger tax burden on low-income workers is the payroll tax. The extent of this burden is exacerbated when one realizes that fully 33 percent of all jobs in my home State, for example, do not pay a livable wage.

Secondly, while I believe that all families could use a helping hand when it comes to paying for the rising costs of raising a family, once again, the children who would benefit from the enactment of this bill are children in working families—families that do pay taxes and, just like everyone else in these trying economic times, these people are struggling to get by.

Consider that, in order to be eligible for the partially refundable credit, a parent needs to surpass an income threshold that is currently at $10,500 per year. That means that a parent needs to work more than just a full-time minimum wage job. However, this provision benefits more than just minimum wage workers. This provision assists some of our younger families. For instance, the base pay for a first-year soldier is $16,000 and it affects workers in our health care and social service sectors, where, for instance, in Maine paramedics in 2001 were only making an average of $22,000, or where our home health aides were making only an average of $18,500 per year. These people are a critical part of our infrastructure and they deserve tax relief too.

That is why I was disappointed the conferees chose to remove this provision from the jobs and growth package—a provision which was included in the bill both as it passed the Finance Committee, and when it was passed by the Senate. Today, we have the opportunity to take a step to correct this inequity.

This bill also addresses provisions included in Chairman GRASSLEY's proposal addressing the definition of a child in the Tax Code, and in addressing a marriage penalty under the original bill. The ''uniform definition of a child'' consolidates five separate definitions of a child in the Federal Tax Code, simplifying and clarifying the law. As a result, more families will more easily qualify for the benefits they need and deserve.

Finally, the agreement will provide relief for married couples with children by addressing a marriage penalty under the existing child credit. Our agreement increases the threshold of the child tax credit for couples with children to $150,000.

Importantly—and in keeping with the principles that have guided me throughout the budget and tax process this year—our bill pays for this tax relief by extending customs user fees that will expire this year and would need to be extended anyway. And in doing so we are not growing our already ballooning national deficit. This is critical in ensuring we do not add the debt burden on the very children that will benefit from this bill.

Mr. President, Senate action today sends the message that relief for hard-working families won't take a back seat in America's tax code. It represents sound policy that Congress has already considered and adopted. It has the support of the White House, and I hope our colleagues in the House of Representatives will take up and pass this agreement promptly so it can be signed into law.

Mr. LAUTENBERG. Mr. President, I rise to express my strong support for the Lincoln-Snowe amendment to H.R. 1308 to reinstate the child tax credit for low-income working Americans.

The House and the Senate went to conference on the reconciliation bill. For the public at large, when we talk about a reconciliation bill, it is kind of arcane. The House and the Senate confer to get a bill together, with each side presenting the views of its Members. I am not sure I am making it more clear, but I want to make sure this is understood. When those conferees got together, they stripped out this tax credit for low-income working people. I thought that was a most outrageous act.

The Bush tax cut bill was already a handout to wealthy elites. It threw token benefits to some others and virtually nothing to working people. Taking out the tax credit for families earning between $10,500 a year and $26,625 a year added outrage to an insult.

When the President was forced, as a result of the agreements in the Congress, to reduce the tax cut to $350 billion, he and the House Republicans had to search for about $30 billion in ''fat'' to cut out of the bill to meet that target. Why didn't they slow down the reduction in the top rate? It is a pretty easy thing to do. What did they do instead? They went after low-income working families.

These are people who are working at or just above minimum wage. These are Americans who are feeding their families by laboring in cafeterias, cleaning offices, working late at night, working in the factories packing food or making clothing, working in retail chains and small stores across the country—jobs that are traditionally at the low end of the pay scale. These people work hard and are a significant part of our labor force.

I know there are those in the administration who do not have any idea what it is like to work for low wages and try to raise a family on them. I learned what it was like from my parents, who were brought here as child immigrants. They knew what it was like and I knew what it was like because my parents were poor. They worked hard and tried to give their children an example of respect for hard work, and to hold out ideals, even though there was little money.

The Lincoln-Snowe amendment is about restoring the American dream. It is about knowing that this country is a fair and honest place, where someone willing to work can still make a living. It is about knowing that this Government and this Congress respect hard work and loyalty to families. The Bush tax bill telegraphed a terrible shift in the message our Government is sending to the country. Despite the once revered view that hard work pays off and breeds respect, President Bush and the House Republicans failed to support that contention to millions of hard-working Americans.

Why did they do it? Why did they drop a tax benefit that would have helped almost 12 million children who have low-income working parents? Why? The tax credit for hard-working minimum wage families was thrown overboard to make room for even more tax cuts for the highest income earners in our country. The cost of the tax credit to low-income families was $3.5 billion—not an insignificant sum by any means. But we could have found

more than that by nicking the reduction to the top income tax rate by just a little bit.

This is the rate the people at the top of the income scale will pay. We are talking about people who make over $1 million a year. We are talking about the top 1 percent of the country, households with average incomes over $350,000 or so. These are the people who are going to profit most from the President's tax cut. We are going to reduce the rate, the income tax rate that they will have to pay.

If we only reduced that top rate to 35.3 percent instead of a flat 35 percent for the years 2003 through 2005, we would have saved $3.9 billion, and the cost of the tax credit for low-income families is $3.5 billion. That is a lot of money. But not in the context of a $350 billion tax cut package; it is only 1 percent. There would have been more than enough to save the child tax credit.

White House spokesmen repeatedly claimed that President Bush's tax bill would provide a tax cut for every American taxpayer. But that was not true. The final bill left out 8 million working Americans and almost 12 million children. The wealthy certainly got their tax cut. It was approximately $90 billion in tax cuts over 10 years that will go to 200,000 households nationwide with annual incomes of $1 million or more. That is about $450,000 per household.

President Kennedy said, ''To govern is to choose.'' To give massive tax cuts to people who are already well off, and then tell hard-working, low-income families, ''Sorry, there is nothing left for you,'' is awful. That is not a choice I want America to make.

Fortunately, after some gentle pressure from the media and outraged constituents, the Republican majority has seen how egregious that plan was and they now support the Lincoln-Snowe amendment. It is about time we did something to help families who are struggling, and not just the fortunate few who are coasting. We have the opportunity to repair some of the harm caused by the President's unfair tax plan with this amendment. I urge its adoption.

Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of this amendment offered today by Chairman GRASSLEY, and to add my voice to those of my colleagues who have risen today in support of it. I have long been a supporter of the refundable child credit. I was a leading proponent of the increase in the child tax credit for low-income families that was enacted as part of the 2001 tax bill, and I strongly supported this provision when it was added to the Senate version of the Tax Act passed last month.

The economic growth package the President signed into law last week gives tax relief to all working Americans, including low-income families, many of whom will see a substantial reduction in their taxes. But some low-income families could not receive the benefit of the increased child tax credit that the package provides because the 10 percent earned-income threshold was not accelerated to 15 percent as the Senate version of the package provided. This amendment restores the acceleration of that threshold as this Chamber originally provided.

More than 119,000 Mainers will benefit from the increase in the child tax credit that we approved as part of economic growth package. The action we take today expands the reach of this assistance to thousands more hard-working Maine families. As a member of the Senate Armed Services Committee, I was keenly aware that nearly 200,000 enlisted men and women could claim this credit for their children if we expanded the guidelines. Doing so sends exactly the right message of appreciation as many of them return home from fighting for the cause of freedom in Iraq.

Mr. ROCKEFELLER. Mr. President, I am very pleased to support Senator LINCOLN's legislation to make the recent increase in the child tax credit available to more families. I thank the Senator from Arkansas for her tenacious fight on behalf of America's working families. I was disappointed that the tax cuts passed by this Congress last month left out eight million children whose parents are working everyday and struggling to make ends meet. Today we will begin to correct that injustice.

In West Virginia, there are about 57,000 children whose parents earn between $10,500 and $26,625. While these parents currently receive some benefit from the child tax credit, they do not stand to get any additional benefit based on last month's tax cut. For average families, who don't make money from dividends or capital gains, the child tax credit was the most valuable provision included in the recent tax cut package. The families of 57,000 West Virginia children should not be left out. Let's be clear that these families pay taxes. Payroll tax, sales tax, excise tax, property tax—these families are struggling to make ends meet, and they are paying their fair share in tax.

It seems to me that families who are working hard but earning low wages are just the sort of families we ought to be seeking to help. These parents play by the rules, but struggle to provide the same things that all parents want to provide: enough food, a good home, schoolbooks, new shoes, perhaps a soccer uniform. In addition, we know that providing additional tax relief to these families will stimulate the economy, because these families are likely to immediately spend any additional cash.

During the recent tax cut debate, the Senate was right to increase the amount of the child tax credit that low-income working families could receive. But during partisan negotiations to finalize that tax bill, these families were abandoned in order to provide more tax cuts to wealthy investors. One of the reasons that I opposed the recent tax cut package was that I could not condone a deal that provided $150 billion in tax cuts to wealthy investors but dropped a provision to help our neediest working families that would cost just $3.5 billion. There are a lot of pieces of that deal that I wish we would undo. I realize that we won't. But at least today, by passing Senator LINCOLN's legislation, we will take one important step toward making those tax cuts more fair for America's working families.

The legislation before us today has a number of other important provisions. It will ensure that two single parents would not lose their child tax credit if they got married. The bill also simplifies the tax code, something we should seek to do with every new tax law. I am especially pleased that the bill includes a provision to offset the cost of these new tax cuts. I have serious concerns about the record deficits we face, especially in light of the enormous tax cuts recently enacted. This bill will not add a penny to our national debt.

In short, this is a balanced, responsible, and fair piece of legislation. While this bill does not do everything that I would like to do to improve the child tax credit and truly make it available to all low-income working families, it is still a major improvement on the tax cuts enacted last month. I hope that all of my colleagues will support this bill and send the message to hard working families that are struggling to make ends meet that we are on their side. And I ask all of my colleagues to encourage the House of Representatives to act quickly on this bill so that the President can sign it into law as soon as possible. Refund checks for the child tax credit increase are scheduled to be mailed this summer. If we act quickly we can ensure that an additional 8 million families will receive checks.

Mr. WARNER. Mr. President, I am pleased to join Senator BLANCHE LINCOLN, D–AR, and Senator OLYMPIA SNOWE, R–ME, in proposing important bipartisan legislation to accelerate the refundable portion of the child tax credit to low-income families. As chairman of the Senate Armed Services Committee, I have a special obligation to look after the welfare of the young men and women of the U.S. Armed Forces, up to 200,000 of whom could be eligible for and deserve this tax credit.

Over the past few weeks, we in Congress, have worked hard to pass the economic stimulus package to promote long-term economic stability, and to stimulate investment and new job creation. While these provisions will provide substantial relief to America's families, our work is not yet complete.

Included in the tax package were provisions to immediately increase the Child Tax Credit from $600 to $1,000 an important tax reform that we all support. However, the new law did not

make the necessary technical changes in the refundability component which is necessary for certain low-income individuals to take advantage of the increase. I believe in providing fair and equitable tax relief to all Americans, especially to those raising children, our Nation's future.

Providing tax relief is an important bipartisan achievement. Now we must build on this accomplishment by correcting this oversight and ensure that these hard working families are not ineligible for this needed benefit. The legislation I am cosponsoring will correct the inequity and provide low-income families, those who need it the most, the full tax credit.

The bill accelerates the refundable part of the new $1,000 child tax credit provision from 10 to 15 percent, so American families in the $10,500 to $26,625 income bracket, who were not included in the new tax law, would receive the same benefits as those families with children in other brackets.

The costs attributed to accelerating the child tax credit would be offset by closing corporate tax shelters. However, the important task before the Senate is to correct this oversight and provide these low-income families with fairness and the ability to take advantage of the increase in the child tax credit.

I am also cosponsoring related legislation introduced in the Senate by Finance Chairman GRASSLEY to correct this issue and also to make the child tax credit and the refundable portion of the tax credit permanent law.

It is my hope that we can pass either of these legislative proposals, or any other similar approach, to correct this inequity. We have a responsibility to American families trying to care for their children, using their resources as best they can, to provide fair and equal treatment under the Tax Code.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Three minutes 42 seconds credited to the Senator from Montana; 28 seconds to the Senator from Iowa.

Mr. BAUCUS. Mr. President, I rise to support the bill offered by my good friend, the senior Senator from Arkansas, Mrs. LINCOLN, and my good friend from Maine, Senator SNOWE. Their legislation ensures that our military and low- and middle-income parents will receive a check from the child tax credit.

The legislation repairs the damage done by the majority in the tax bill conference. Senator LINCOLN was successful in getting this provision included in the $350 billion tax bill that passed the Finance Committee and the Senate. But the provision was specifically stripped out before passage of the final version of the $350 billion tax bill.

Let me give you some examples of who does not benefit from the tax bill that was signed into law by President Bush last week.

First, a 24-year-old single mom with one child. She works hard every day to put food on the table, buy clothes for her daughter, and ensure adequate childcare for her daughter while she is at work.

She makes $15,000 a year. She pays $1,150 per year in payroll taxes. She pays $1,150 in Federal taxes yet gets zero benefit from the recently enacted tax bill. She will not see any check this summer.

Taxes are taxes. I would like to see someone tell her that her payroll taxes are less of a burden to her than an equal amount of income taxes paid by Bill gates.

Senators LINCOLN and SNOWE fixed that problem. The fix means $225 in her pocket this summer.

She sees a big chunk of her paycheck every week getting paid to the Government. She also pays a lot of other taxes—including sales taxes, excise taxes, and property taxes. She deserves equal treatment.

My second example illustrates the impact for military families. The Department of Defense has estimated that there are approximately 192,000 military families who earn between $10,000 and $25,000. And most of those 192,000 military families will not receive any tax relief from the $350 billion tax bill.

To make matters worse, the families of military personnel who are stationed in combat zones are really left out of the big tax cut.

In my second example, a Marine gunnery sergeant with 8 years service is stationed in Afghanistan for the last 6 months of 2002, and in Iraq from January through March of 2003. She has two children.

She receives an annual salary of $32,015 and hazardous duty pay of $150 per month. Because the income earned by our military while they are stationed in a combat zone is not included in taxable income, only $24,000 of her income is subject to tax. Under the bill that was passed last week, the check she gets this summer will only be $150.

I am pleased that at least she will see something. But if the Lincoln child tax credit had been preserved in the $350 billion tax bill, this Marine gunnery sergeant and her family would receive a check for $800 this summer just like the President has promised to other middle-income families. Unless we fix the problem, she will not see a dime of this.

The Lincoln/Snowe legislation ensures that we count a soldier's combat zone compensation for purposes of the child tax credit, even though that income is excluded for purposes of the income tax.

These examples illustrate just how unfair the tax bill was.

The big tax bill was not fair to working Americans or our military personnel. Clearly, the benefits were skewed heavily to the elites of this country.

One of the beauties of America is that we work to treat people equally. But the $350 billion tax bill did not come close to treating all Americans equally. Simply put, it was not fair.

Instead, the choice was made to lower the tax for dividend and capital gain income, rather than extend the child tax credit to hard-working, low-income taxpayers.

The bill that returned from conference—the one that was signed into law—also stripped out other provisions to provide tax relief to those serving our country in the armed services—those serving in Iraq, in Afghanistan, and all across the globe.

It is disturbing that we can pass this tax bill with all these benefits for the elite of our country. But the conferees specifically stripped out a provision that would exempt $6,000 of death benefit payments from income for our military families.

And, they specifically stripped out the child tax credit provision that put money into the hands of our military and lower and middle-income families.

There is no way around it. The big tax bill was simply unfair.

Senators LINCOLN and SNOWE are giving us the chance to right one of the wrongs—without increasing the deficit. Enactment of their legislation ensures that 12 million children are helped.

Without their legislation, the families of 8 million children will see absolutely no benefit from the increased child credit that was signed into law last week. These families will not receive any check this summer.

And, millions more families will see a check much smaller than the $400 promised.

In Montana, 54,000 kids—fully one-quarter of the children in Montana—will not benefit from the $350 billion tax bill. But the Lincoln/Snowe legislation would get a check out—this summer—to the working parents of thousands of Montana children.

Their legislation gets the child tax credit to millions of parents—without saddling their children with huge Government deficits—and without robbing the Social Security trust fund. They fix a $3.5 billion problem, and pay for it.

Unfortunately, some in the Republican leadership considered using this as an opportunity to spend another $130 billion in tax cuts. That was their idea of a ''fix.''

Moreover, they did not intend to pay for these extra tax cuts. Instead they wanted our children and grandchildren and our Nation's seniors to shoulder more of the burden.

In the past couple of days, we have been able to reach an agreement to correct the wrong created with the passage of the recent tax bill. I strongly support the Lincoln/Snowe child tax credit legislation. I urge my colleagues to stand united to get this legislation enacted into law this week. These families should not be asked to wait any longer.

They deserve to get their check this summer—just like all of the parents who were taken care of under the $350 billion tax bill.

This is the right thing to do. This is the fair thing to do. This is the moral thing to do.

Again, I thank the Senator from Arkansas, Mrs. LINCOLN. She has done a terrific job highlighting this issue and the need for this child tax credit provision.

Second, Senator SNOWE, as I have mentioned several times, has been tremendous in championing this cause. And I might say, with regard to the 2001 tax bill, she deserves the lion's share of the credit for the child tax credit provisions that are in that bill.

The chairman of the committee, Senator GRASSLEY, has been, as usual, just his terrific self in working with the various Senators to try to find an accommodation that makes sense.

I also thank Senator WARNER who focused on the impact of this bill on military families. In that respect, the bill will permit thousands of military families, especially those serving in combat zones, to benefit from the child credit. Without this provision in this pending measure, those military families would not get the benefit of the credit.

Finally—I know time is of the essence here—it is imperative that the House act on this matter within 2 weeks so that the checks can get to the millions of families covered by this bill. Otherwise, two sets of checks would have to be sent out, and I think that would be the height of inefficiency and a waste on the part of Uncle Sam. That would be the consequence of the failure of the other body to act within 2 weeks. So I call on the House to act.

I see the Senator from Virginia, the chairman of the Armed Services Committee. I yield the rest of any time I have to him.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the distinguished Senator.

Mr. President, I am not here to in any way suggest what went right, what went wrong. My understanding is there is a reconciliation of viewpoints now. We have before us the opportunity to provide for this child tax credit for a category of individuals who, for reasons that I am certain the record explains, were preempted from the legislation.

Upon learning this, as others did—largely through press accounts—I immediately called my distinguished chairman, Mr. GRASSLEY; I called my distinguished friend from Oklahoma, Senator NICKLES; I called Mrs. LINCOLN and could not get a phone through to Montana, but I made an effort to try to reach you.

Mr. BAUCUS. I beg your pardon.

Mr. WARNER. Rural electrification.

But anyway, Mr. President, I feel very strongly that the men and women of the Armed Forces—some 200,000-plus families—very much need this benefit. They are the ones who have fought in Iraq and Afghanistan and who are all throughout the world taking risks, basically, the enlisted ranks.

I feel strongly that this great institution—the Senate—wants to be on record that one of the reasons to go forward, hopefully, and adopt the measure now pending before us is on behalf of the men and women of the Armed Forces of the United States.

I thank the Chair and I yield back such time as I might have.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Iowa yield back his remaining time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield back the remaining amount of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 862.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nevada (Mr. ENSIGN and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) would vote ''yea.''

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—94

Akaka	Crapo	Landrieu
Alexander	Daschle	Lautenberg
Allard	Dayton	Leahy
Allen	DeWine	Levin
Baucus	Dodd	Lieberman
Bayh	Dole	Lincoln
Bennett	Domenici	Lott
Biden	Dorgan	Lugar
Bingaman	Durbin	McCain
Bond	Edwards	McConnell
Boxer	Enzi	Mikulski
Breaux	Feingold	Miller
Brownback	Feinstein	Murray
Bunning	Fitzgerald	Nelson (FL)
Burns	Frist	Nelson (NE)
Byrd	Graham (SC)	Pryor
Campbell	Grassley	Reed
Cantwell	Gregg	Reid
Carper	Hagel	Roberts
Chafee	Harkin	Rockefeller
Chambliss	Hatch	Santorum
Clinton	Hollings	Sarbanes
Cochran	Hutchison	Schumer
Coleman	Jeffords	Sessions
Collins	Johnson	Shelby
Conrad	Kennedy	Smith
Cornyn	Kerry	Snowe
Corzine	Kohl	Specter
Craig	Kyl	Stabenow
Stevens	Thomas	Wyden
Sununu	Voinovich	
Talent	Warner	

NAYS—2

Inhofe	Nickles

NOT VOTING—4

Ensign	Inouye
Graham (FL)	Murkowski

The amendment (No. 862) was agreed to.

Mrs. LINCOLN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill, as amended, having been read the third time, the question is, Shall it pass?

The bill (H. R. 1308), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1308) entitled ''An Act to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Relief for Working Families Tax Act of 2003''.

TITLE I—CHILD TAX CREDIT

SEC. 101. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.''.

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 102. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting ''($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)'' after ''$110,000'', and

(2) by striking ''$55,000'' in subparagraph (C) and inserting ''½ of the amount in effect under subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

''For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).''.

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 203. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 204. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 205. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 206. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE III—CUSTOMS USER FEES

SEC. 301. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2010''.

Amend the title so as to read: ''An Act to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.''.

The PRESIDING OFFICER. Under the previous order, the amendment to the title is agreed to.

The title was amended so as to read:

A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

ENERGY POLICY ACT OF 2003—CONTINUED

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Colorado.

AMENDMENT NO. 864

(Purpose: To replace ''tribal consortia'' with ''tribal energy resource development organizations,'' and for other purposes)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself and Mr. DOMENICI, proposes an amendment numbered 864.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CAMPBELL. Mr. President, it is an indisputable fact that Indian country contains some of the richest energy resources in the America.

Indian lands comprise approximately 5 percent of the land area of the United States, but contains an estimated 10 percent of all energy reserves in the United States, including: 30 percent of known coal deposits located in the western portion of the United States; 5 percent of known onshore oil deposits of the United States; and 10 percent of known onshore natural gas deposits of the United States.

Coal, oil, natural gas, and other energy minerals produced from Indian land represent more than 10 percent of total nationwide onshore production of energy minerals.

Even though in one year alone over 9.3 million barrels of oil, 299 billion cubic feet of natural gas, and 21 million tons of coal were produced from Indian land, representing $700 million in Indian energy revenue, the Department of the Interior estimates that only 25 percent of the oil and less than 20 percent of all natural gas reserves on Indian land have been fully developed.

It is ironic that many Indian people were forced on to the most arid, barren, and least productive lands in the 1800s and now they find themselves resource rich.

Despite what we may read in the Washington Post or the New York Times about the so-called rich Indians and Indian gambling, it is also indisputable that Indians are the most economically deprived ethnic group in the United States. Unemployment levels are far above the national average, in some cases as high as 70 percent. Per capita incomes are well below the national average. They have substandard housing, poor health, alcohol and drug abuse, diabetes, amputations, and a general malaise and hopelessness, even suicide among Indian youngsters.

In fact, in some reservations it is not uncommon to find one out of every two teenage girls and one out of every three boys who attempt suicide driven by despair and a dead end future. In that context, this amendment I am offering today tries to give them some help.

Given the extent of the economic deprivation in Indian country and the vast potential wealth residing in energy resources which could ameliorate this deprivation, it has long been a puzzle why these resources have not been more fully developed.

The answer lies partly in the fact that energy resource development is by its very nature capital intensive. Most tribes do not have the financial resources to fund extensive energy projects on their own and so must partner with private industry, or other outside entities, by leasing out their energy resources for development in return for royalty payments.

The unique legal and political relationship between the United States and Indian tribes sometimes makes this leasing process cumbersome.

As with most Indian law and policy, history plays an important part. Towards the end of the 19th Century, Indian tribes were forcibly removed to isolated areas and reservations where it was believed they would not hinder the westward expansion of a new and growing country.

The natural resources contained on these lands were taken into trust by the Federal Government to be administered for the benefit of Indian tribes. The ostensible reason for the trust was the belief that Indians were incapable and incompetent of administering such resources, and would be susceptible to land and resource predators.

By the way, that belief was prevalent with a lot of people in American Government and led the Surgeon General at the time to issue a request to the U.S. Army that Indian skulls be sent to DC to study and find out if Indians had the intelligence to own their own land. That, in turn, gave rise to the saying among modern Indian people that there are more dead Indians in Washington, DC, than live ones, because until the last couple of years there were over 16,000 remains, primarily skulls and upper body bones, warehoused in the Smithsonian. Just a few years ago, we passed a Museum of the American Indian bill, and one provision of that required that the Smithsonian and other Federal agencies start returning those bones.

A legal and bureaucratic apparatus was formed to administer this trust, and over a century later this apparatus remains in place in the Interior Department.

In her capacity as trustee of Indian resources, the Secretary of the Interior is required to examine all leases of Indian trust resources, to ensure that the terms of the lease benefit the tribe, and to ensure that the trust asset is not wasted.

The Committee on Indian Affairs has been informed over the year that the Secretarial approval process is often so lengthy that outside parties, who otherwise would like to partner with Indian tribes to develop their energy resources, are reluctant to become entangled in the bureaucratic red tape that inevitably accompanies the leasing of Tribal resources.

Hence, the framework that was originally designed to protect tribes has become an obstacle to development of Tribal resources, in that the bureaucratic impediments of trust administration are now a disincentive to outside investors.

To help remedy these problems, earlier this year I, along with Senator DOMENICI, introduced the Indian Tribal Energy Development and Self Determination Act of 2003 to provide assistance and encouragement to Indian tribes to develop their energy resources.

This was based really on last year's amendment to the Energy conference report, much of the same language. That report, of course, did not emerge from the conference committee and died with the end of the last Congress.

This assistance included:

The establishment of an Indian Energy Office; grants, loans, and technical assistance; capacity building; and regulatory changes to the rules governing the leasing of Indian lands for energy purposes.

At the same time, the Senator from New Mexico, Mr. BINGAMAN, introduced his own Indian energy bill that somewhat mirrored ours.

After the hearing and much debate the best of these two bills were melded together into a composite bill that made up title III of the bill before us now.

The amendment I am offering today contains refinements but not major changes of title III and I would like to walk through these provisions for the benefit of the Members who will be reviewing the RECORD tomorrow.

Section 2601 contains definitions. Its standard definitions section provides definitions for a number of terms including the following:

Director of the Office of Indian Energy Policy; Indian Tribe; and Vertical Integration.

Section 2602, the Indian Tribal Energy Resource Development, authorizes the Interior Secretary to provide assistance to Indian tribes in the form of development grants and grants for obtaining or developing managerial capacity needed for energy purposes.

It provides low-interest loans to Indian tribes and tribal energy development organizations to promote Indian energy development.

Section 2602 also provides assistance to Indian Tribes for purposes of energy efficiency and energy conservation; as well as planning, construction, operation, maintenance of electrical generation facilities on tribal lands.

Section 2603, the Indian Tribal Energy Resource Regulation authorizes the Secretary of Interior to make grants to Indian tribes and tribal energy development organizations to use, develop, administer, and enforce tribal laws governing the development and management of energy resources on their own lands.

This section helps tribes build the capacity, if they do not already have it, to develop their resources in an effective and safe way.

For instance, a tribe could use these funds to develop a tribal energy resource inventory; to carry out feasibility studies necessary to the development of energy resources; to develop and implement tribal laws and technical infrastructure to protect the environment; to train employees engaged in energy development and environmental protection; and other functions related to scientific and technical data development and collection.

Section 2604 establishes a voluntary process for those tribes that choose it to help develop their energy resources.

Under the process, an Indian tribe must first demonstrate to the Secretary of Interior that it has the technical and financial capacity to develop and manage its own resources.

Once it meets this burden, the tribe can negotiate energy resource development leases, agreements and rights-of-way with third parties without first obtaining the Secretary's approval. This will provide streamlining to the leasing process that is now burdened by an extensive Federal regulation I mentioned earlier.

Whether a tribe decides to avail itself of the new procedure in the section or continue under the current system will be entirely at the option and discretion of each tribe. None is required to do so. It is totally voluntary, tribe by tribe.

Under current law, in order to be valid, all leases, business agreements, and rights-of-way involving restricted land must be submitted to and approved by the Secretary of the Interior. Section 2604 of the Campbell amendment provides tribes with the obligation of submitting to the Secretary a proposed government-to-government agreement, a tribal energy resources agreement, sometimes called a TERA—and I will continue using that word for simplicity—that will set forth mandatory provisions for future leases, business agreements, and rights-of-way involving energy development on tribal lands.

Along with the proposed TERA, the tribe will have to make a demonstration to the Secretary that it has the experience and managerial and financial capacity to regulate and develop its own energy resources. If the Secretary approves the TERA, that TERA will govern future development of the tribe's energy resources. The TERA, by virtue of this section, will require tribal leases and agreements to have certain terms, require compliance with all applicable environmental laws, notice to the public, and consultation with the States as to potential off-reservation impacts. The TERA will provide for an environmental review process that will identify all significant impacts, inform the public, and allow the public to comment on the potential environmental impacts before any lease agreement or right-of-way is approved.

The Secretary will be required to review any direct effects of an approval of the TERA itself under NEPA. The subsequent tribal approval of leases, business agreements, and rights-of-way under TERA will not be subject to another review under NEPA. In other words, tribes will not be exempt from NEPA. It will be front-loaded so that the requirements are at the secretarial level, but if that agreement goes through, they will not have to go through the NEPA process two times.

The TERA will also require the Secretary to do an annual trust asset evaluation to modernize the tribe's energy development activities and allow her to reassume the responsibility over those activities if she finds an imminent jeopardy of trust assets. This section gives third parties who have or may sustain a significant adverse environmental impact as a result of the tribe's failure to comply with its TERA the standing to petition the Secretary to review the tribe's activities. This process both protects the tribe's status and certainly does not allow them to circumvent NEPA. If she finds the tribe in violation of TERA, she may suspend the leases or rights-of-way or suspend TERA altogether.

Section 2604 also discusses the Secretary's trust responsibility. It expressly states that the section does not absolve the United States from that responsibility and expressly states that the Secretary will continue to have a trust obligation to protect a tribe when another party to a lease agreement or right-of-way is in breach. It does not affect trust responsibility at all.

Section 2604 provides that the United States will not be liable to any party, including a tribe, for losses resulting in the terms of any lease agreements or right-of-way executed by the tribe pursuant to the approved TERA, which makes sense; Liability follows responsibility. If a tribe makes the leasing decisions, it should certainly be held responsible. If the United States continues to make the leasing decisions, it will continue to be held responsible. If Indian self-determination means anything, it means the right of tribes to make their own decisions and their responsibility to the tribes to live with those decisions.

Section 2605 deals with the Federal Power Marketing Administration. This section authorizes the Bonneville Power Administration and the Western Area Power Administration to encourage Indian energy development through a variety of means. It authorizes the power administrations to purchase power from Indian tribal generators to meet their own needs or energy needs on Indian lands, and it requires that any such power purchase must not cost more than the prevailing market price.

This section also authorizes the Energy Secretary to undertake a power allocation study with a report due within 2 years of the enactment of the title.

Section 2606 deals with Indian mineral development review. This section authorizes the Interior Secretary to undertake a review of all activities conducted under the Indian Mineral Development Act of 1982 and to report the results of that review to Congress. Included in the study would be recommendations for overcoming the barriers to greater mineral development on Indian lands, such as legal barriers, physical barriers, market barriers, and others.

Section 2607 authorizes the Energy Secretary, in tandem with the Interior Secretary and the Army Corps of Engineers, to undertake a feasibility study of developing a demonstration project that uses wind energy generated by tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply area to the Western Area Power Administration. A report of this study is due within 1 year of enactment.

That is the substance of this amendment. It is very important that the choice of the tribes is upheld, and it certainly is whether you want to participate or not.

For the record, I ask unanimous consent to have letters of support printed in the RECORD, including from the National Congress of American Indians which has over 300 tribal members, and the Council of Energy Resource Tribes with over 50 Members, and several letters from individual tribes, including the Chickasaw and the Cherokee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF AMERICAN INDIANS,
June 2, 2003.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman,
U.S. Senate, Committee on Indian Affairs, Hart Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: This letter is to offer general support for the Indian Tribal Energy Development and Self-Determination Act of 2003 (Title III). Since the release of your mark in April, NCAI has been working feverishly to offer a solution to the concerns expressed by tribal representatives. NCAI engaged in this effort so that we could provide general support for this significant piece of legislation once these concerns were addressed. Through this collaborative process, we believe this legislation has the potential to enhance economic development initiatives and will be of great benefit to economic development in Indian country.

As you may be aware, concerns were raised by a number of tribes and tribal advocates regarding some provisions of the Chairman's mark for this measure. We shared in their concern regarding provisions that significantly limit the United State's liability and release the Secretary of Interior from any accountability to Indian tribes for actions that she is required to undertake pursuant to the legislation. Additionally, we were concerned about the definition of ''tribal consortium'' which differed greatly from the definition that is traditionally employed in legislation affecting Indian tribes and offers federal money to non-tribal entities that should be going to Indian tribes. In addition to these two central concerns, we were not satisfied with provisions pertaining to environmental review and we had some general drafting-related issues.

Given these concerns, NCAI has convened several conference calls with tribal representatives including the Navajo Nation. Council of Energy Resources Tribes, and the International Council on Utility Policy, and developed a series of tribal recommendations for modifying Title III. We also convened with your staff and Senate Energy and Natural Resources Committee staff to discuss the tribal recommendations. Thereafter, your staff held a conference call for those same representatives and staffers from the Senate Energy and Natural Resource Committee. Although we are pleased that we were able to craft better language for the trust responsibility provisions, we are still concerned with some of the limitations.

Nonetheless, we realize that in this political climate, the language as currently revised is likely the best compromise that can be reached. We appreciate the effort of your staff and other committee staffers to negotiate language that attempts to address the tribal concerns in light of the current political environment. Again, I want to underscore that the tribal support comes from working with a group of tribal representatives and organizations from diverse perspectives, but not all perspectives. Because of this, our revised version of your mark may not reflect the needs and desires of all tribes who wish to utilize this legislation to develop their energy resources.

We would like to thank you and your staff for all of their hard work on this very important issue. I cannot stress enough how grateful we are to your commitment to developing legislative solutions to age-old problems in Indian country. Title III is just one more example of how Indian tribes benefit from your championship.

Sincerely,

JACQUELINE JOHNSON,
Executive Director.

COUNCIL OF ENERGY RESOURCE TRIBES,
Denver, CO, June 3, 2003.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the 53 CERT member Tribes, I am writing to express CERT's support for the Title III Indian Energy provisions of S. 14.

As you know, there are some provisions in section 2604 of the Title III of the bill as reported that has caused concern among CERT member Tribes. Fortunately, we believe those concerns have largely been addressed by language agreed to between Committee staff and representatives of CERT and several member Tribes. At this time, we believe we have reached agreement that addresses the concerns of CERT and the Southern Ute Indian Tribe, the Navajo Nation and the Jicarilla Apache Nation. We expect you will hear from each of those tribes as well.

CERT has agreed to language that insures that the Tribal Energy Resource Agreements (TERA) process is a voluntary, opt-in program for development of Tribal energy resources. We have also agreed to language to be certain that the public comment opportunities go to the environmental and other impacts of the development and not to the terms of the business agreements themselves. CERT accepts the revised language that better describes the Secretary's trust duties under this section. Finally, the scope of the Secretary's NEPA review of the TERA is settled.

While drafting final language for this section has been somewhat difficult, we compliment the staff of both the Senate Energy Comittee and the Senate Indian Affairs Committee for their dedication to resolving the remaining differences between us on language relating to trust protections and enviroinmental issues.

Again, we are pleased to support Title III with these changes to section 2604 and appreciate your steadfast support of the right of Indian Tribes to gain a better measure of control over the development of energy resources on their own lands.

Sincerely,

A. DAVID LESTER,
Executive Director.

SOUTHERN UTE INDIAN TRIBAL COUNCIL,
Ignacio, CO, May 27, 2003.

Re: Indian Tribal Energy Development and Self-Determination Act of 2003; S. 14, Title III

Chairman PETE V. DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DOMENICI: Approximately one month ago, the Southern Ute Indian Tribe submitted a statement of conceptual, but qualified, support for the Indian Tribal Energy Development and Self-Determination Act of 2003. Our Tribe's activities have shown that tribal energy development can provide tremendous economic development opportunities for tribes while simultaneously assisting the Nation in meeting its energy demands. For tribes that have demonstrated the capability to represent themselves effectively in energy development activities, we have long-advocated legislation that would provide the option of bypassing the stifling effects of the Bureau of Indian Affairs approval requirements applicable to tribal leases, business agreements and rights-of-way. The referenced legislation addresses this very matter; however, as Section 2604 of Title III emerged from the Senate Committee of Indian Affairs and the Senate Committee on Energy and Natural Resources, it contained a number of provisions that were objectionable to the Indian community.

Over the last month, committee staff members and representatives of tribes and Indian organizations have engaged in an intense dialogue about the problems in the draft legislation, and, as a result of their tireless efforts, proposed amendments have been developed that would eliminate the problems previously identified. A list of those proposed amendments is attached for references purposes. Among the different matters resolved to our satisfaction have been the following: (i) confirmation that Section 2604 is a voluntary program available to Tribes on an opt-in/opt-out basis; (ii) inclusion of pre-approval public notice and comment opportunities regarding the environmental impacts of a proposed tribal mineral lease, business agreement or right-of-way, but preservation of the confidentiality of the business terms of such documents; (iii) acceptable balancing of the limitations on and ongoing responsibility of the Secretary to perform trust duties associated with a participating tribe's activities undertaken pursuant to this legislation; and (iv) confirmation of the appropriate scope of NEPA review that would be associated with the Secretary's decision to approve a Tribal Energy Resource Agreement (''TERA''), which is the enabling document permitting a tribe to proceed with independent development of mineral leases, business agreements, or rights-of-way. Again, we helped develop and wholly support these amendments.

During the course of debate on this legislation, some have suggested that Section 2604 will eliminate effective environmental protection on affected tribal lands. We want to assure the members of the Senate that this is not the case. Energy resource development by a tribe generally carries with it a deep commitment to preserving one's backyard. Tribal leaders are directly accountable to their members for preserving environmental resources. In the Four Corners Region, it is not unusual for private landowners or BLM lessees to comment enviously on the environmental diligence employed by our Tribe in the development of our energy resources. We renew our invitation to members of the Senate to visit our Reservation and see firsthand our energy resource projects.

In conclusion, with the referenced amendments, we strongly support S. 14, Title III. We urge other members of the Senate to also support this legislation, and we commend those who have worked toward its development and passage.

Sincerely,

HOWARD D. RICHARDS, SR.,
Chairman.

NATIVE AMERICAN ENERGY GROUP, LLC,
Ft. Washakie, WY, May 7, 2003.

Senator PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Native American Energy Group (NAEG) is an Indian owned company working with tribes and allottees throughout the country to determine how best to develop oil and gas reserves and help provide for the energy security of this country while also protecting the interests of mineral owners. The recent Indian provisions of the Energy Bill are a big step in the right direction to accomplish positive results for the Indian people of this country.

One of the areas of contention is the environmental area with many people stating that these provisions will gut the NEPA process. While this is a legitimate concern, nowhere have I read or heard that this is the intent of these provisions. In fact recent language in the Bill clearly denotes compliance with all applicable tribal and federal environmental laws. Even without this new language though my understanding was always that the intent was not to gut environmental laws. Tribal governments with energy resources are pro-development but by the same token they are also pro-environment. This may seem a dichotomy of sorts but my read on this bill is that the language will strengthen tribal sovereignty, develop tribal capacities and make tribal and allotted oil and gas operations more accountable with less impacts. In addition, the federal trust oversight will not be diminished which is always a concern of tribal governments.

NAEG appreciates the work and coordination that goes into an effort of this magnitude and you and your staff are to be commended for the recent provisions as presented in the bill. The history and discussions surrounding this bill recognize the importance of bringing tribes into the mainstream of the energy picture of this country and providing the mechanisms for the technical, administrative and legislative efforts to occur.

The research your staff has undertaken in support of this bill very well explains the amounts of energy resources situated on tribal and allotted lands. This largely untapped resource can be a boost for this country as we seek to provide jobs and diversify our economy, while helping America meet its energy needs. Please share with the rest of the Senate Indian Committee our support for these endeavors and if there is any information we can provide to assist you in your work please do not hesitate to call me.

Sincerely,

WES MARTEL,
President.

CHEROKEE NATION,
Tahlequah, OK, June 2, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Hon. DANIEL K. INOUYE,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: It has come to my attention that several changes have been made to Title III of the Senate Energy bill. I understand that these changes will reduce any risk to Tribes, and wish to offer the Cherokee Nation's continued support of S. 14, the Energy Policy Act of 2003.

I thank the Committee for its hard work on this issue and for incorporating tribal recommendations into the bill. Your leadership is greatly appreciated.

Please feel free to contact my office if you have any questions or comments. I may be reached at (918) 456–0671.

Sincerely,

CHAD SMITH,
Principal Chief.

OFFICE OF THE GOVERNOR,
THE CHICKASAW NATION,
Ada, OK, June 5, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We support the inclusion of Title III, as it is, in Senate Bill 14. Thoughtful development of our tribal natural resources serves all Americans.

We are grateful for the opportunities and support Title III provide to the Chickasaw Nation, and for all of Indian Country, as we explore and develop our natural resources. The language allows us to exercise our own progressive style in development and regulation; yet, it provides for those tribes which prefer the more traditional approach.

Having a voice in the U.S. Department of Energy will highlight and expedite tribal energy issues. This is an opportunity for every tribe to enter into the nation's economic mainstream with the support of the federal government.

Your help, and that of Senators Bingaman and Domenici, is appreciated.

Sincerely,

BILL ANOATUBBY,
Governor.

THE MOHEGAN TRIBE,
Uncasville, CT, June 5, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Mohegan Tribe supports the inclusion of Title III in S. 14, the Energy Policy Act of 2003. Offering flexibility and support in developing natural resources throughout Indian Country, Title III creates opportunities in which all Indian nations can benefit. We also appreciate the hard work of Senators Domenici and Bingaman in this matter.

Sincerely,

MARK F. BROWN,
Chairman.

Mr. CAMPBELL. I say to my colleagues, in supporting the amendment, you are not only assisting Indian tribes and the development of energy resources but helping the United States become less dependent on foreign energy which I think is the goal of all.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEAPONS OF MASS DESTRUCTION IN IRAQ

Mr. BENNETT. Mr. President, I am going to take two literary allusions and put them together as the background for the points I wish to make. The first one is a novel that has become a worldwide classic called ''1984,'' written by George Orwell. You may recall that in this particular novel, George Orwell describes a terrifying future. And the principal character in his novel, Winston Smith, works at the Ministry of Truth.

His job at the Ministry of Truth is to go back over old newspapers and clip out things that contradict the current party line and send those down the memory hole; in other words, destroy them, so that if someone comes along and tries to determine whether there is any past support for the present position, the past has been scrubbed to the point where everything there agrees with the present position. Anything that was said previously that disagrees with the present position of Big Brother, the figure that controls the world in the novel, has been sent down the memory hole. It has been destroyed.

Keep that in mind as I take another literary allusion. This is an exact quote from Ben Bradlee, formerly editor of the Washington Post and one of

the great journalists of our time who said:

Journalism is the first rough draft of history.

I cite those two because I want to put them together in the debate that has occurred on the floor and even more so that is going on out in the world of the media—the debate about whether we had proper justification for going into Iraq. We are being told over and over again that the world was lied to, the American people were lied to, the Congress was lied to because we were told that Saddam Hussein had weapons of mass destruction. And since we haven't found any, that means we were deceived at the very beginning when the justification was given to us by the Bush administration to move ahead with respect to the operation in Iraq.

I submit to you, those who make that argument have tried to reconstruct their own memory holes. They have tried to take past information and scrub it from the record and pretend it was never there. In other words, to go back to Ben Bradlee's comment that ''journalism is the first rough draft of history,'' they are prepared, even this quickly after the journalists have reported what was said, to try to change the first draft of history and create, virtually overnight, a new history that never existed.

Well, my memory hole has not been used. I have not scrubbed from my memory a series of statements and comments that have been made prior to Iraq. And I intend to go through those comments here tonight to make it clear that those who claim that the President misled the Congress, the people, and the rest of the world with respect to his reasons for going into Iraq are, in fact, trying to rewrite history.

The record is very clear. It is very firm. And unless Winston Smith is suddenly somehow materialized to change history, the record stands in firm denunciation of those who are now attacking the President on this issue.

Let's go back to the question of weapons of mass destruction. I remember going to S–407 in this building, the room on the fourth floor where we go to receive confidential, highly classified briefings from administration officials. I remember sitting there and listening to Madeleine Albright, Secretary of State, outline for us in detail the reasons we had to attack Iraq. President Clinton, who appointed her Secretary of State, was even more pointed in his public statements of the fact that Iraq possessed weapons of mass destruction. In the President's phrase, ''Saddam Hussein will surely use them.'' We needed, according to the President and the Secretary of State, to move ahead militarily in Iraq.

I remember walking out of that meeting in S–407 convinced that the bombs would start falling within days. As it turned out, the administration changed its mind and moved away from that particular decision. They backed off. But they never backed off their statement that weapons of mass destruction were there, that weapons of mass destruction would be used, and that Saddam Hussein could not be trusted long term with weapons of mass destruction.

Vice President Gore—however much he has attacked this administration and its positions—has nonetheless stated on the record his firm belief that there were weapons of mass destruction in Iraq. I think it is clear that if President Bush were involved in some kind of sleight of hand to pretend that weapons were there when they were not, and create some sort of conspiracy among the members of his administration to peddle this false notion, former Vice President Gore would not be part of that conspiracy. As Vice President, he saw the intelligence briefings. He was in a position to evaluate how accurate they were, and Vice President Gore has said publicly on the record, speaking of Saddam Hussein on September 23:

We know that he has stored secret supplies of biological and chemical weapons throughout his country.

One of the men in Iraq who worked with Saddam Hussein in creating those weapons had a piece in the Wall Street Journal where he made this statement: ''Inspectors will never find them.'' Also, he pointed out that the artillery shells that had been found by the inspectors that were hollow were, in fact, a demonstration of the fact that there were weapons of mass destruction—that is, chemical and biological weapons—because when the inspectors said, oh, there is no problem here, the warheads are hollow and there is nothing there, this man who worked in Iraq to create these weapons said, of course, they are hollow; the weapons are not put into the artillery shells until just before they are to be used. The artillery shells are prepared for weapons of mass destruction—for chemical or biological weapons—and then stored hollow.

So instead of saying that the discovery of these weapons proves they don't have chemical or biological capability, in fact, the reverse is actually true. We do not have a storehouse in the American military of hollow artillery shells because we don't use chemical weapons. The Iraqis have hollow shells because they expect to put chemical agents in those shells. All of this is part of the record and was available prior to the current debate of those who just want to look back and find it.

Senator BOB GRAHAM, who used to be chairman of the Intelligence Committee when all of this intelligence was being developed, and is still the ranking member of that committee, had this to say when Colin Powell went before the United Nations and laid out the case:

I applaud Secretary Powell for finally making available to the world the information on which this administration will base its actions in Iraq. . . . In my judgment, the most significant information was the confirmation of a linkage between the shadowy networks of international terrorists and Saddam Hussein, the true coalition of evil.

All of this information was available to all these individuals prior to the time we went into Iraq, and all of them were satisfied that it was sound information. All of them were satisfied that it was real. And now the press is pretending that nobody—nobody—believed there were weapons of mass destruction in Iraq except the Bush administration, and that everybody simply took the Bush administration at its word and now is being betrayed by the facts because we have not found enough of it to satisfy them; we have only found hollow artillery shells; we have only found chemicals that could be used for pesticides.

I wonder if anyone has done an analysis of just how many pesticides Iraqi agriculture requires. Looking at the stores of chemicals they have found, chemicals that have dual use—yes, they could be pesticides or they could be a component part of a chemical weapon. Look at the quantities we have found and ask yourself: Do the Iraqis really need this much for pesticides? Or do they have another purpose?

We have not yet found Saddam Hussein. As KIT BOND said today at lunch, if we don't ever find Saddam Hussein, is that proof of the fact that he doesn't exist? If we don't find him, will that be evidence that the Bush administration made him up? If we don't find him, is that proof that he never was in Iraq? That same kind of reasoning is being applied here. We have not found all of the weapons of mass destruction that all of the critics would like to have as proof of their position, so our failure to have done that so far is, in their logic, proof that these weapons never existed or proof that they were never in Iraq.

I think Senator BOND's question is a legitimate one. If we don't find Saddam Hussein, does that mean he never existed or he was never in Iraq? Of course not. It means something happened. Either we killed him the first night with that first strike and his remains have been removed by the SSO—his central group of key supporters—so that his body will never be found or he has left the country or he was killed somewhere else. But we know he was there. Everybody knew he was there, and our failure to find him now does not mean he was not there when the attack began. Quite the contrary. Everybody is satisfied he was there.

The same thing applies to the weapons of mass destruction. As I have demonstrated, starting with President Clinton, we have known they were there, we have known they had them. If we cannot find them all, that means either they were destroyed by us or by the Iraqis or they have been moved somewhere. It doesn't mean they never existed. The evidence that they existed cannot go down the memory hole just to make the present arguments sound more convincing.

I read a commentator who quoted Deputy Secretary Wolfowitz, in what the commentator thought was a damning admission on this story, when he said:

> Yes, we had other reasons for going into Iraq, but we stressed weapons of mass destruction because that was the one everybody was focused on.

According to the commentator, that is a damning admission on the part of the Secretary that we had other motives, and that is part of the attack that is being mounted on the floor, that the Bush administration was duplicitous: They told us they were going after weapons of mass destruction, but they had other motives. And here, Secretary Wolfowitz has admitted it; a smoking gun.

Back to my memory. I remember very clearly that the Bush administration openly and directly said they had other motives. Let me go down them as I remember them.

Weapons of mass destruction—there are many countries that have weapons of mass destruction. If we were to go after the country in the world, other than ourselves, that has the highest stock of weapons of mass destruction, we would go after Russia. Why don't we? Because weapons of mass destruction alone are by no means justification for attacking another nation. They must be tied to other motives. This is what I am sure Deputy Secretary Wolfowitz was talking about.

Right now President Putin and President Bush have a good relationship. Russia and the United States have a trusting relationship. Why should we attack Russia just because it has weapons of mass destruction when that relationship exists?

Iraq was ruled by a tyrant, and not just your everyday tyrant but a brutal, bloody tyrant who had demonstrated that he not only possessed weapons of mass destruction, he was willing to use weapons of mass destruction and has done so—the only person in the world whose government has employed weapons of mass destruction against anyone else—in this case it was his own people—in the last half century. So, yes, there are other motives besides possessing weapons of mass destruction. They are the man's personality and his history.

We are not just interested in nations that have WMD. We are interested in brutal tyrants who will use weapons of mass destruction.

Next, Iraq was clearly a crossroads of terrorist activity. That is what Senator GRAHAM referred to, not just al-Qaida. Iraq was one of the principal financial supporters of the terrorist suicide bombings in Palestine. They offered a $100,000 reward to anyone who would kill himself as long as he took a few Jews with him. How many tyrants around the world are willing to harbor terrorists and support terrorists? The list gets a little smaller.

North Korea has weapons of mass destruction. North Korea is ruled by a brutal tyrant. But North Korea has not invaded any of its neighbors for half a century, and North Korea is not a haven for al-Qaida, Hamas, Hezbollah, and the other terrorist organizations. We are closing down here on the other motives.

Attacking your neighbors. Saddam Hussein has attacked his neighbors twice in the last dozen years, set off two major wars, and is responsible for killing more Muslims than any other person on the planet.

The other motives that the Bush administration had in dealing with Iraq were the totality of the situation. Yes, they wanted to deal with WMD. Yes, they wanted to deal with a tyrant who was brutalizing his own people. Yes, they wanted to deal with terrorism. And, yes, they wanted to deal with somebody who was threatening his neighbors. If you take that criteria and apply it to all the countries in the world, you come up with only one that qualifies on every count.

It was not the single issue that current commentators and candidates, pundits and pollsters are talking about that prompted President Bush to give the order to go ahead in Iraq. It is a distortion of history to hammer again and again on the fraud that says only weapons of mass destruction drove us to go into Iraq, and it is our failure to find weapons of mass destruction in this time period in Iraq that demonstrates we were wrong.

Nobody has gone to the last part of that sentence. Nobody has said yet that we were wrong to have taken out Saddam Hussein. They come close to that in their attack on the President. They say he lied. They say he manipulated. They say he distorted. But they cannot quite bring themselves to say we were wrong to have done it, and no one will say the world would have been a better place if we had not. Why? Because we have discovered some other things we did not know.

If you are going to talk about intelligence failures, our intelligence community did not know until we got into Iraq about the mass graves. We did not know about the prisons holding children who were put in there as young as 4 and 5 years of age and have been there for 5 years or more.

We did not know the details of the brutality of this man. We did not know that he treated his own population, those who were hostile to him or, indeed, simply suspect in his eyes, as brutally as Adolf Hitler treated the Jews in World War II in Germany. We did not know that. We have discovered that now. So no one will quite go to the point of saying we made a mistake, that Bush did the wrong thing.

One commentator closed his attack on the Bush administration with this interesting quibble, in my view. He said: It was the right war but it was fought for the wrong reason. I find it very difficult to reconcile those two. If it was the right war and has achieved the right result, it was the right thing to have done, and it was the right thing to have done for all of the reasons that people who hate this administration are now conveniently forgetting all of the historical buildup to this that has gone down the memory hole that people are now conveniently saying never happened.

This is a historic Chamber, and it has seen all kinds of debates, high and low. It has seen all standards of rhetoric, good and bad, and, yes, if I may, true and false. There has been a call for the rafters here to be ringing in a discussion of the Iraqi war and America's activity. I wanted to answer that call and do what I can to see that the rafters are ringing with the truth; that the rafters are ringing with real history, not invented history; that the rafters are ringing with a recognition that what the Bush administration has done in Iraq was the right thing to have done; it was based on sound and careful analysis that ran over two administrations; that was vetted thoroughly with our allies abroad, bringing Great Britain, Australia, Poland, and others, into the fight, and the result has demonstrated that the world is a safer place.

The Iraqi people live in a safer society, and the prospects for the future are better than would have been the case if we had gone to the brink, as President Clinton did, and then changed our minds. President Clinton thought the evidence was overwhelming but decided not to act. President Bush thought the evidence was overwhelming and did act, and the rafters should ring with at least one speech that applauds that decision and that level of leadership.

I say to my colleagues, I say to the country, I say to my constituents, I believe the history is there that justifies the decision, and I believe the evidence is there after the fact that more than justifies the decision.

In this case, America and her President can stand proud before the world as having done the right thing for the right reason.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING ROBERT AND ERMA BYRD ON THEIR 66TH WEDDING ANNIVERSARY

Mr. DASCHLE. Mr. President, last Thursday marked an important—and

extraordinary—milestone in the lives of two very special members of our Senate family.

On May 29, 1937—66 years and one week ago today—ROBERT CARLYLE BYRD and Erma Ora James were married.

The Senate was not in session on their actual anniversary, so I come to the floor today—one week later—to congratulate Senator and Mrs. Byrd on their remarkable achievement.

ROBERT and Erma Byrd both grew up in the hardscrabble coal country of West Virginia. They were high school sweethearts.

Of all of Senator BYRD's tremendous achievements—and there are many—I suspect the two that mean the most to him are convincing Erma James to marry him in the first place—and staying married to her all these years.

I have heard Senator BYRD say often that he could not do this job were it not for his wife's love and support. In his words: ''She is not only my wife, but also my best counselor. She has been a strong pillar of support in all my endeavors.''

The Byrds' marriage has brought them two wonderful daughters: Mona Byrd Fatemi and Marjorie Byrd Moore.

They have also been blessed with six grandchildren and three great-granddaughters.

After Mrs. Byrd and their family, the Senate and the Constitution, one of the things that Senator BYRD loves best—as we all know—is history—especially ancient history. So I think he may appreciate this thought from Homer:

> There is nothing more admirable than two people who see eye-to-eye keeping house as man and wife, confounding their enemies, and delighting their friends.

For 66 years, ROBERT and Erma Byrd have done for more than delight their friends.

Together, they have created a full and rich life. They have raised a family. And they have served the people of West Virginia, and America, well. We wish them many more years of happiness together.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on March 21, 2003. In Burbank, IL, an explosion caused by a powerful fireworks-type device damaged the 1989 Ford Econoline van of a Palestinian Muslim family and shook doors and windows of neighboring homes. The blast shattered the vehicle's windows and blew open the vehicle's door. The man who committed the crime is being held on bond and is being charged with arson, criminal property damage, and committing a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL HUNGER AWARENESS DAY

Mr. KENNEDY. Mr. President, the only problem I have with National Hunger Awareness Day is that it should be every day. Across the Nation, 33 million of our fellow citizens are living in poverty and they deserve our help.

In recent weeks, Congress has been focused on giving hundreds of billions of dollars in new tax breaks for the wealthiest Americans, yet we leave the cupboard bare for millions of parents and low-income families. This week, as we debate the energy bill, we are listening carefully to the concerns of big corporations like Halliburton, Exxon, and Entergy, but not nearly carefully enough to the concerns of all those who need our help the most.

It is a national scandal and disgrace that for so many millions of Americans, hunger is an issue today and every day. Since the year 2000, poverty and unemployment have been on the rise, while wages and income continue to fall. Hardworking parents have been forced to make impossible choices between feeding their children and paying the rent and medical expenses. These are choices no parent should have to make.

No child should go hungry. But every night, 13 million children go to sleep not knowing where or when they will get their next meal. As hunger and malnutrition continue, children are more likely to be absent from school to have behavioral problems, and to have trouble learning to read or do math. They are less likely to be friends with other children or learn from their surroundings, and more likely to miss school because of illness.

Clearly, we have to move to end child hunger. This year, Congress will reauthorize the Child Nutrition Act. The Act includes important initiatives, such as school breakfasts and school lunches, and food programs for summer school, after school, and childcare.

Studies demonstrate that at-risk, school-age children depend on school-based breakfasts and lunches for more than half of their daily meals. In the reauthorization, we must work to see that every child eligible for subsidized programs actually receives these important meals. Schools must be reimbursed for the actual costs of providing nutritionally balanced meals. We also need these programs to provide additional resources, encourage nutrition education, and to pay school employees a living wage.

We have a choice. Congress can continue to lavish more and more tax breaks on the wealthiest individuals and companies in the Nation, or we can invest in food for hungry children. The answer should be obvious to us all. We can and must ensure that no child is allowed to go hungry.

OKLAHOMA LOSS IN OPERATION IRAQI FREEDOM

Mr. NICKLES. Mr. President, over the past few months we've seen the fall of Saddam Hussein's brutal regime coupled with the dawning of a new day for the Iraqi people.

With major military combat operations in Iraq over and the security of our homeland bolstered, America and her allies are turning our efforts toward helping the Iraqi people build a free society.

Like many Americans, I was thrilled and heartened by the dramatic images of U.S. troops helping Iraqi citizens tear down statues and paintings of Saddam Hussein. The Iraqi people needed our help, our tanks, our troops, and our commitment to topple Saddam Hussein.

For the first time in their lives, many Iraqis are tasting freedom, and like people everywhere, they think it's wonderful. I'm proud of our military and America's commitment to make the people of the Middle East more free and secure.

Our military men and women surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own will seek to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But the journey towards a democratic Iraq has now been embarked upon. Like so many nations before it, Iraq now endures the growing pains common to a fledgling democracy. The uncertainty of today's Iraq, I am hopeful, will soon give way to the promise of a better future for the Iraqi people. And as we move closer to this goal, we must remember those who sacrificed for this noble cause.

Today, I rise to honor a man who made the ultimate sacrifice one can make for his country and the cause of freedom.

Specialist Jose A. Perez III was killed last week when his convoy was ambushed near Baghdad. Perez's convoy received fire from a rocket-propelled grenade while on a main supply route.

This San Diego, TX, native was stationed in Fort Sill. He came from a family with a proud military tradition who knows all to well the pain of losing a loved one. His uncle, Baldemar

''Billy'' Benavides, Jr. died in the Persian Gulf in 1992.

My heart breaks for this family that has given so much to our great Nation. Of his older brother, 9-year-old Joshua said, ''He was a very good hero, and he died for our freedom. I will never forget him.''

A good hero indeed.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Specialist Perez did not die in vain. He died so that many others could live in security and freedom. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

I yield the floor.

FBI BACKGROUND CHECK SYSTEM

Mr. LEVIN. Mr. President, earlier this week, the Federal Bureau of Investigation released a report on the efficiency and effectiveness of the National Instant Criminal Background Check System, also known as NICS. According to the report, the FBI has improved its ability to respond quickly to gun dealer requests for criminal background checks, with only nine percent of the transactions delayed. These improvements have increased the immediate response rate from an average of 71 percent in early 2001 to 91 percent in 2002.

According to the report, in 2001 the NICS system processed 8.9 million background checks, with approximately 125,000 denials of permission to purchase a gun. While, in 2002, the system performed over 8.4 million checks and denied approximately 121,000 of these purchases. I commend the FBI for its hard work and commitment to improving this important law enforcement tool.

Despite the success of the NICS System and the FBI's hard work, many guns are still being purchased without any background checks being performed. Under current Federal law, criminal background checks on gun purchasers are only required for sales by licensed firearm dealers. Consequently, criminals, fugitives, and terrorists are able to purchase firearms without any background check. They do this by purchasing guns at gun shows. I believe we should require a background check on every gun sale and close the loopholes in Federal law that criminals manipulate to buy and sell guns.

During the last Congress, I cosponsored the Gun Show Background Check Act introduced by Senator JACK REED. I believe this legislation would be a vital tool in preventing guns from getting into the hands of criminals and other ineligible buyers. This bill would simply apply existing law governing background checks to individuals buying firearms at gun shows. This bill is commonsense gun safety legislation that is supported by a number of major law enforcement organizations including the International Association of Chiefs of Police, the National Troopers Coalition, the International Brotherhood of Police Officers, the Police Executive Research Forum, the Major Cities Chiefs, the National Association of School Resource Officers, the National Black Police Association, the National Organization of Black Law Enforcement Executives, and the Hispanic American Police Command Officers Association.

I believe closing the gun show loophole is an important tool in reducing gun violence and preventing guns from getting into the hands of criminals and foreign terrorists. Since its inception, the National Instant Criminal Background Check System has prevented over 563,000 ineligible buyers from gaining access to guns, but many continue to slip through the gun show loophole. I urge my colleagues to join me in supporting this important piece of gun safety legislation.

FUNDING THE GLOBAL AIR TRAFFIC MANAGEMENT SYSTEM

Mr. INHOFE. Mr. President, I would like to take a moment and recognize the brave men and women who flew and supported the mission of the B–2 bomber. The B–2 is a critical asset of our U.S. military and must be supported in the future. The B–2 can carry up to 40,000 pounds of munitions and can strike up to 16 targets in a single pass. The first night of the bombing in Baghdad, 6 B–2s destroyed 92 targets on the first night. B–2s flew nonstop, 36–hour missions from Whiteman AFB in Missouri to Iraq, unscathed. The B–2s targeted everything from airfields to surface-to-air missiles, sometimes changing targets while airborne enroute to Iraq. No other military has this capability with such accuracy and survivability. It is essential we fund the Global Air Traffic Management, GATM, system, the Secure Nuclear Communications and Broadband Connectivity capabililty, and the repair of the Aft Deck Durability issue for the B–2. We must ensure the B–2 is maintained and modified to keep its lethal edge.

INDICTMENT OF CHARLES TAYLOR

Mr. LEAHY. Mr. President, yesterday I wanted to give a statement on the indictment of Charles Taylor by the Special Court in Sierra Leone, but due to the rapidly changing events in West Africa and the lack of floor time because of extensive debates on the Defense Authorization and Energy bills, I did not get an opportunity. What follows is the statement that I sent to the State Department, Special Court, and United Nations officials, yesterday, expressing my views on this serious issue.

I rise today to voice my strong support for the decision of the Special Court for Sierra Leone to indict Charles Taylor for ''bearing the greatest responsibility for war crimes, crimes against humanity, and serious violations of international humanitarian law in Sierra Leone.'' I commend the Court's prosecutor, David Crane, for taking this decisive action.

Since its inception, the Special Court has moved swiftly to indict key figures allegedly involved in some of the worst atrocities that occurred during the brutal civil war in Sierra Leone during the late 1990s. The Court has also made it a priority to emphasize outreach programs to further the reconciliation process and promote the rule of law throughout the country.

Despite important progress, we all know that the Court's work would be grossly deficient if those most responsible for these crimes were not brought to justice because they were too hard to catch, were high officials of a foreign government, or no longer resided inside of Sierra Leone. It would be like the United States deciding against pursuing the perpetrator of an act of terrorism on American soil, that killed or maimed thousands of individuals, because he left the country or was a high-ranking official in a foreign government. That would be unacceptable.

That is precisely why Congress expressed its clear intent that the Special Court for Sierra Leone should pursue those most responsible, irrespective of where they currently reside.

In the report that accompanied the Senate version of the Fiscal Year 2002 Foreign Operations bill, Report 107–58, Congress stated in unambiguous terms: ''To build a lasting peace, the Committee believes that it is imperative for the international community to support a tribunal in order to bring to justice those responsible for war crimes and other atrocities in Sierra Leone, irrespective of where they currently reside.''

This statement was later endorsed by the Conference Report to the Fiscal Year 2002 Foreign Operations bill, Report 107–345, which put the House of Representatives on record on this issue as well.

Even before these reports were issued, Senators FEINGOLD, FRIST, MCCONNELL and I wrote a letter to Secretary Powell, dated June 20, 2001, which stated: ''Because some of the individuals most responsible for the atrocities in Sierra Leone are no longer in the country, we believe it is imperative that the tribunal has the authority to prosecute culpable individuals—including senior Liberian officials—regardless of where they reside. This will prevent such persons from escaping justice simply by leaving the country.''

I can safely say that we had one individual especially in mind when we drafted that text: Charles Taylor. I was the principal author of the letter and two Congressional reports referenced above.

The involvement of Charles Taylor in the conflict in Sierra Leone is well documented and I will not go into great detail here. I will simply say that there is no doubt in my mind that he deserves to be brought to justice before the Special Court.

To its credit, the State Department took the advice of Congress. The State Department successfully negotiated an agreement that established the Special Court for Sierra Leone and which did

not contain geographic restrictions on the Prosecutor, allowing him to go after Charles Taylor.

Perhaps the Prosecutor for the Court, David Crane, best described the Special Court's mandate: ''My office was given an international mandate by the United Nations and the Republic of Sierra Leone to follow the evidence impartially wherever it leads.''

Today, acting on information that Charles Taylor was traveling to Ghana, the Special Court unsealed an indictment for Charles Taylor, originally approved March 7, 2003, and served the outstanding warrant for his arrest on Ghanaian authorities and transmitted the arrest warrant to INTERPOL.

Again, I commend the prosecutor for taking this step. While I understand there are some, including in the Administration, who are concerned about the impact that this may have on the peace process now underway in West Africa, I agree with Mr. Crane's comments on this sensitive issue:

To ensure the legitimacy of these negotiations, it is imperative that the attendees know they are dealing with an indicted war criminal. These negotiations can still move forward, but they must do so without the involvement of this indictee. The evidence upon which this indictment was approved raises serious questions about Taylor's suitability to be a guarantor of any deal, let alone a peace agreement.

The Ghanaian Government needs to act immediately. It needs to uphold the basic tenants of international law, apprehend Charles Taylor and hold him until arrangements can be made to transfer him to the Court. In addition, the State Department needs to send an unequivocal message to Accra that action on this issue is urgently needed.

This may be the only chance that we get for years to bring Charles Taylor to justice. It is imperative that, in its most important moment thus far, the United States and Ghana do everything in their power to apprehend Charles Taylor. If this does not occur, the world will have missed a golden opportunity to bring to justice one of the world's most heinous war criminals and advance the cause of international justice.

In closing, I would like to read into the RECORD Mr. Crane's statement issued today that describes the situation concerning Charles Taylor:

Today, on behalf of the people of Sierra Leone and the international community, I announce the indictment of Charles Ghankay Taylor, also known as Charles Ghankay Macarthur Dapkpana Taylor.

The indictment accuses Taylor of ''bearing the greatest responsibility'' for war crimes, crimes against humanity, and serious violations of international humanitarian law within the territory of Sierra Leone since 30 November 1996. The indictment was judicially approved on March 7th and until today, was sealed on my request to the Court.

My office was given an international mandate by the United Nations and the Republic of Sierra Leone to follow the evidence impartially wherever it leads. It has led us unequivocally to Taylor.

Upon learning that Taylor was travelling to Ghana, the Registrar of the Special Court served the outstanding warrant for his arrest on Ghanaian authorities and transmitted the arrest warrant to INTERPOL. This is the first time that his presence outside of Liberia has been publicly confirmed. The Registrar was doing his duty by carrying out the order of the Court.

Furthermore, the timing of this announcement was carefully considered in light of the important peace process begun this week. To ensure the legitimacy of these negotiations, it is imperative that the attendees know they are dealing with an indicted war criminal. These negotiations can still move forward, but they must do so without the involvement of this indictee. The evidence upon which this indictment was approved raises serious questions about Taylor's suitability to be a guarantor of any deal, let alone a peace agreement.

I am aware that many members of the international community have invested a great deal of energy in the current peace talks. I want to make it clear that in reaching my decision to make the indictment public. I have not consulted with any state. I am acting as an independent prosecutor and this decision was based solely on the law.

I also want to send a clear message to all factions fighting in Liberia that they must respect international humanitarian law. Commanders are under international legal obligation to prevent their members from violating the laws of war and committing crimes against humanity.

In accordance with Security Council resolutions 1315, 1470, and 1478, now is the time for all nations to reinforce their commitments to international peace and security. West Africa will not know true peace until those behind the violence answer for their actions. This office now calls upon the international community to take decisive action to ensure that Taylor is brought to justice.

Mr. FEINGOLD. Mr. President, yesterday the Special Court for Sierra Leone unsealed an indictment of President Charles Taylor of Liberia. Taylor is accused of crimes against humanity, war crimes, and serious violations of international humanitarian law. I commend the Court for taking its mandate seriously and for following the evidence where it led—directly to a sitting head of state.

I have long been a strong supporter of accountability mechanisms in Sierra Leone—both the Special Court and the Truth and Reconciliation that will address the horrible crimes committed by the foot soldiers in the field—soldiers who were, all too often, children. I have worked to ensure that the United States provides appropriate financial support to these mechanisms, and I have raised the importance of our political support at the highest levels. West Africa must break the cycle of violence and impunity, and all of us in the international community have a role to play in that effort.

The Special Court is charged with prosecuting those who bear the greatest responsibility for serious violations of international humanitarian law committed in Sierra Leone since November 1996. For over a decade, Sierra Leone was one of the most insecure places on Earth. Civilians not only suffered from deprivation and displacement, they also had to contend with the forced recruitment of child soldiers, widespread and brutal sexual violence, and horrifying murders and mutilations. Those responsible for these crimes abandoned all human decency in their simple quest for power and wealth.

The indictment announced yesterday had been sealed for months, but for years there has been no secret about one basic fact—Charles Taylor is a war criminal. I said so years ago, and it remains true today. He should be brought before the Court and held accountable for his actions.

I also strongly support continued American efforts to isolate and pressure the Taylor regime. But at the same time, the situation of the Liberian people cannot be overlooked. Pressuring and condemning Taylor is not a complete policy toward this troubled and volatile country. The armed rebel groups currently fighting for dominance in Liberia have proven all to willing to prey on Liberian civilians in their own lust for power. We must ask ourselves, what will Liberia look like in 10 years, and what will that mean for the Liberian people, for the West African region, and for international criminal networks? What steps can be taken today to influence that outcome? And then we must muster the will and the means to act before the trend most recently exemplified by crisis in Cote d'Ivoire dominates the region.

OKLAHOMA LOSS IN OPERATION IRAQI FREEDOM

Mr. NICKLES. Mr. President, over the past few months, we've seen the fall of Saddam Hussein's brutal regime coupled with the dawning of a new day for the Iraqi people.

With major military combat operations in Iraq over and the security of our homeland bolstered, America and her allies are turning our efforts toward helping the Iraqi people build a free society.

Like many Americans, I was thrilled and heartened by the dramatic images of U.S. troops helping Iraqi citizens tear down statues and paintings of Saddam Hussein. The Iraqi people needed our help, our tanks, our troops, and our commitment to topple Saddam Hussein.

For the first time in their lives, many Iraqis are tasting freedom, and like people everywhere, they think it's wonderful. I'm proud of our military and America's commitment to make the people of the Middle East more free and secure.

Our military men and women surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own will seek to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But the journey towards a domestic Iraq has now been embarked upon. Like so many nations before it, Iraq now endures the growing pains common to a fledgling democracy. The uncertainty of today's Iraq, I am hopeful, will soon give way to the promise of a better future for the Iraqi people. And as we move closer to this goal, we must remember those who sacrificed for this noble cause.

Today, I rise to honor a man who made the ultimate sacrifice one can make for his country and the cause of freedom.

Staff Sergeant Aaron Dean White, 27, died May 19 when the CH–46 transport helicopter he was in crashed into a canal in central Iraq.

White was an Oklahoma native. He grew up in Seminole County where he attended school until his junior year in high school. He then graduated from Shawnee High School in 1994 and immediately began his military career.

If you ask his mother, she will tell you that he had a ''calling to serve people.'' That call to service was put to good use in our Armed Forces.

White was trained in helicopter maintenance, but he could not get enough of flying. His pastor, Reverend Wesley Martin, explained his passion for flight: ''After he got his pilot's license, all he did was fly. He couldn't get enough of it. He loved to fly and he loved life.''

As a result, he volunteered for the gunner position on the helicopter that crashed. ''What a flight that must have been,'' said Martin. ''No equipment necessary—as he flew immediately into the heavens.''

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Staff Sergeant White did not die in vain. He died so that many others could live in security and freedom. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

I yield the floor.

THE NATIONAL SECURITY ASPECTS OF THE GLOBAL MIGRATION OF THE U.S. SEMICONDUCTOR INDUSTRY

Mr. LIEBERMAN. Mr. President, I rise today to express my concern about the loss to the U.S. economy of most of our high-end semiconductor chip manufacturing sector, the threat of the subsequent loss of the semiconductor research and design sectors, and the resulting serious national security implications.

The composition of the global semiconductor industry has changed dramatically in recent years. East Asian countries are leveraging these changing market forces through their national trade and industrial policies to drive a migration of semiconductor manufacturing to that region, particularly China, through a large array of direct and indirect subsidies to their domestic semiconductor industry. If this accelerating shift in manufacturing overseas continues, the U.S. will lose the ability over time to reliably obtain high-end semiconductor integrated circuits from trusted sources, at a time when these advanced processing components are becoming a crucial defense technology advantage to the U.S. Experts in the military and intelligence sectors have made clear that relying on semiconductor integrated circuits fabricated outside the U.S., e.g. in China, Taiwan and Singapore, is not an acceptable national security option. The economic impact in the U.S. of the loss of manufacturing, research and design has equally serious implications.

I would like to direct my colleagues' attention to a White Paper, that I am asking to be included in the CONGRESSIONAL RECORD, which outlines the fact that this off-shore migration of high-end semiconductor chip manufacturing is a result of concerted foreign government action, through an effective combination of government trade and industrial policies which have taken advantage of opportunities resulting from market forces and changes in the semiconductor industry. This White Paper lists a number of possible actions the defense and intelligence communities should consider to prevent this serious loss of U.S. semiconductor manufacturing and design capability. I have also requested that the Department of Defense, the National Security Agency, and the National Reconnaissance Office submit reports and plans of action to respond to this impending national security threat. I have asked that these reports provide an analysis of the semiconductor manufacturing issues that relate to defense and national security, as well as an analysis of the potential solutions that are discussed in the White Paper. I hope these reports will detail the steps that will be taken to counteract this loss of critical components for U.S. defense needs, as well as a timetable for the implementation of such steps. I note that the Armed Services Committee report on the bill we passed yesterday requests similar information.

I hope we can act promptly to avoid a potential national security crisis in terms of reliable access to cutting-edge technology necessary to the critical defense needs of our country. The loss goes beyond economics and security. What is at stake here is our ability to be preeminent in the world of ideas on which the semiconductor industry is based. A prompt, concerted effort by the defense and intelligence community in cooperation with industry can reverse this trend of off-shore migration of manufacturing, research and design that is now under way and that will become essentially irreversible if no action is taken in the next few months.

I ask consent that my ''White Paper on National Security Aspects of the Global Migration of the U.S. Semiconductor Industry'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHITE PAPER: NATIONAL SECURITY ASPECTS OF THE GLOBAL MIGRATION OF THE U.S. SEMICONDUCTOR INDUSTRY

The U.S. is facing an imminent threat to national security as a result of foreign government actions that have capitalized on the changing composition of the semiconductor industry. Our concern is the loss to the U.S. economy of the high-end semiconductor manufacturing sector, the potential subsequent loss of the semiconductor research and design sectors, and the grave national security implications that this would entail. East Asian countries are leveraging market forces through their national trade and industrial policies to drive a migration of semiconductor manufacturing to that region, particularly China. If this accelerating shift in manufacturing overseas continues, the U.S. will lose the ability to reliably obtain high-end semiconductor integrated circuits from trusted sources. This will pose serious national security concerns to our defense and intelligence communities. Historically, shifts in manufacturing result over time in the migration of research and design capabilities. This is especially true of leading-edge industries such as advanced semiconductor manufacturing, which requires a tight linkage and geographic proximity for research, development, engineering and manufacturing activities. The economic impact in the U.S. of the loss of manufacturing, research and design has equally serious implications.

The Pentagon's Advisory Group on Electron Devices (AGED) has warned that the Department of Defense (DoD) faces shrinking advantages across all technology areas due to the rapid decline of the U.S. semiconductor industry, and that the off-shore movement of intellectual capital and industrial capability, particularly in microelectronics, has impacted the ability of the U.S. to research and produce the best technologies and products for the nation and the war-fighter. This global migration has also been discussed in a recently released National Research Council/National Academy of Sciences report on the U.S. semiconductor industry, which details the significant growth in foreign programs that support national and regional semiconductor industries. This support is fueling the structural changes in the global industry, and encouraging a shift of U.S. industry abroad.

CRITICAL NATIONAL SECURITY APPLICATIONS

Studies have shown that numerous advanced defense applications now under consideration will require high-end components with performance levels beyond that which is currently available. These cutting-edge devices will be required for critical defense capabilities in areas such as synthetic aperture radar, electronic warfare, and image compression and processing. Defense needs in the near future will also be focused on very high performance for missile guidance (''fire and forget''), signal processing, and radiation-hardened chips to withstand the extreme environments of space-based communications and tactical environments. There are profound needs for much more advanced onboard processing capabilities for unmanned aerial vehicles undertaking both reconnaissance and attack missions, for cruise missiles and ballistic missile defense, and for

the infrastructure that connects these systems. As the military transforms to a ''network-centric'' force in the future, the DoD's Global Information Grid will demand extremely high-performance computation to overcome the technical barriers to a seamless communication network between terrestrial 24 and 48 color optical fiber and satellite platforms transmitting in 100+Mbps wireless. Such performance will also be necessary for ''last-mile'' extremely high-speed connectivity to platforms and to the soldier in the field, as well as for the high-speed encryption requirements for a secure communication system. Intelligence agencies will increasingly need the most advanced chips for very high-speed signal processing and data analysis, for real-time data evaluation, for sensor input and analysis, and for encryption and decryption.

As studies for DARPA have indicated, the next several generations of integrated circuits, which emerge at roughly eighteen-month intervals as predicted by Moore's Law, offer the potential for exponential gains in defense war-fighting capability. It is erroneous to believe that future U.S. war-fighting capability will be derived from chips one or two generations behind current state-of-the-art technology. Many of the integrated circuits and processing platforms that are coming in to use, and which are at the heart of DoD defense strategies, are clearly at the cutting edge in their capabilities.

With the dramatic new capabilities enabled by rapidly evolving chip technologies, DoD and the intelligence agencies will need to be first adopters of the most advanced integrated circuits, and will be increasingly dependent on such chips for a defense and intelligence edge. If the ongoing migration of the chip manufacturing sector continues to East Asia, DoD and our intelligence services will lose both first access and assured access to secure advanced chip-making capability, at the same time that these components are becoming a crucial defense technology advantage. Informed elements of the intelligence community therefore have made clear that relying on integrated circuits fabricated outside the U.S. (e.g. in China, Taiwan and Singapore) is not an acceptable national security option.

ECONOMIC IMPORTANCE AND CHANGES IN THE SEMICONDUCTOR INDUSTRY

The influence of the semiconductor industry to the U.S. economy in the last decade is difficult to overstate. The U.S. semiconductor sector currently employs 240,000 people in high-wage manufacturing jobs, and had sales totaling $102 billion in the global market in 2000 (50 percent of total worldwide sales). In 1999, this sector was the largest value-added industry in manufacturing in the U.S.—larger than the iron, steel and motor vehicle industries combined. The productivity growth in the U.S. in the 1990s was due in significant part to the computer production and advances in information technology that depended on the semiconductor industry. The economic implications of the potential migration of high-end semiconductor chip research, design and manufacturing to off-shore facilities has the potential to cause (and, it could be argued, is already causing) long-term damage to the economic growth of this country, with corresponding national security ramifications.

A fundamental change in the semiconductor industry has been, in very simplified form, that the price to performance curve has reduced revenue in the industry dramatically over the last decade. During the early 1960's, and continuing until about 1994, the compound annual growth rate in revenue of the industry was 16 percent. From 1994 to the present, the growth rate has been approximately 8 percent. This situation is combined with the very large costs associated with the development of new 300 mm fabrication facilities (''fabs''), as well as the increasing complexity and cost of research and design as the industry must develop methods other than the traditional scaling methods (making all aspects of the chips smaller and smaller) in order to increase performance. These factors, and the current recession, are driving the industry to consolidations. As those consolidations take place, new business models, such as fabless companies and consortia, come into play.

A PROCESS DRIVEN BY GOVERNMENT POLICY IN REACTION TO MARKET FORCES

The principal reason that China is becoming a center of semiconductor manufacturing is the effective combination of government trade and industrial policies which have taken advantage of opportunities resulting from market forces and changes in the semiconductor industry. In a sector characterized by rapidly increasing capital costs and the need to have access to large, rapidly growing markets, such as China's, Chinese government policies and subsidies can decisively change the terms of international competition. The impact of these incentives is accentuated as a result of the multi-year recession, which has sharply reduced revenue and increased the competition for markets to absorb the industry's characteristic high fixed costs. Government policies in Taiwan were already drawing new manufacturing capability, as well as tool and equipment makers, to its science and technology park complex. However, in the last two years, Chinese policy has resulted in a sharp upsurge in construction of fabrication facilities in that country, with plans for a great many more.

The U.S. high-tech industry has been in a recession the last two years, with sharply reduced sales and severe losses. The number of state-of-the-art U.S. chip manufacturing facilities is expected to sharply decrease in the next 3–5 years to as few as 1–2 firms that now have the revenue base to own a 300 mm wafer production fab, and likely less than a handful of firms. Although the U.S. currently leads the world semiconductor industry with a 50 percent world market share, the Semiconductor Industry Association estimates that the U.S. share of 300 mm wafer production capacity will be only approximately 20 percent in 2005, while Asian share will reach 65 percent (only 10 percent of this from Japan). The remaining state-of-the-art U.S. chip-making firms face great difficulty in attaining the huge amounts of capital required to construct next-generation fabs. This situation stands in contrast to that in China. To ensure that they develop the ability to build the next-generation fabrication facilities, the Chinese central government, in cooperation with regional and local authorities, has undertaken a large array of direct and indirect subsidies to support their domestic semiconductor industry. They have also developed a number of partnerships with U.S. and European companies that are cost-advantageous to the companies in the short-term. The Chinese government is successfully using tax subsidies (see below) to attract foreign capital from semiconductor firms seeking access to what is expected to be one of the world's largest markets. This strategy, which is similar to that employed by the European Union in early 1990s, is a means of inducing substantial inflows of direct investment by private firms. Indeed, much of the funding is Taiwanese, driven by the tax incentives and their need for market access, especially for commodity products such as DRAMs. The strategy does not rely on cheaper labor, as that is a small element in semiconductor production.

The Chinese are, however, able to increasingly draw on substantially larger pools of technically trained labor as compared to the U.S., from the large cohorts of domestic engineering graduates. Importantly, the output of Chinese universities is supplemented by large numbers of engineers trained at U.S. universities and mid-career professionals who are offered substantial incentives to return to work in China. These incentives for scientists and engineers, which include substantial tax benefits, world-class living facilities, extensive stock options taxed at par value, and other amenities, are proving effective in attracting expatriate labor. They also represent an important new dimension in an accelerating global competition for highly skilled IT labor.

The immediate and most powerful incentives for a highly leveraged industry are the direct and indirect subsidies, including infrastructure needed for state-of-the-art fabs, offered by the government. For example, the Chinese central government has undertaken indirect subsidies in the form of a substantial rebate on the value-added tax (VAT) charged on Chinese-made chips. While many believe this is an illegal subsidy under GATT trade rules, the impact of the subsidy on the growth of the industry may well be irreversible before—and if—any trade action is taken. There are a variety of other documented measures adopted by the Chinese government. The development of special government funded industrial parks, the low costs of building construction in China as compared to the U.S., and their apparent disinterest in the expensive pollution controls required of fabrication facilities in the U.S. all represent further hidden subsidies. The aggregate effect of these individual ''subsidies'' may be only a few tens of percentage points of decrease (literally, only 20–30 percent in the manufacturing costs of the chips, but in such a cost-driven industry, this difference appears to play an important role in driving the entire offshore migration process for these critical components. Essentially, these actions reflect a strategic decision and represent a concerted effort by the Chinese government to capture the benefits of this enabling, high-tech industry, and thereby threatening to be a monopoly supplier and thus in control of pricing and supply.

It is therefore important to understand that the current shift in manufacturing capacity to China is not entirely the result of market forces. It is equally important to recognize that even if some residual U.S. manufacturing capacity remains after this large-scale migration takes place, the shift of the bulk of semiconductor manufacturing will severely constrain the ability of the U.S. to maintain high-end research and development capabilities. Such directed government support has proven itself to be a severe threat to U.S. industry. For a variety of reasons, the U.S. government has never been able to provide such coordinated support. The results of this deficit have been devastating. The idea that national governments cannot contribute to the health and direction of such a ''consumer based'' industry is unfounded, particularly given the national security implications.

A PLAN OF ACTION

The stakes are real. The time for the country to react effectively is limited. There are things that can be done. If these steps are taken in a timely fashion, the collective impact of the measures will be more powerful in maintaining reliable first access to high-end semiconductor chip design and manufacturing in the U.S. These could include:

Active Enforcement of GATT trade rules. Currently the Chinese government is providing a 14 percent rebate on VAT to customers who buy Chinese-made semiconductor chips, essentially providing a large

subsidy of their domestic industry in clear violation of GATT rules. Thus, U.S.-made chips would pay a 17 percent VAT, and Chinese-made chips would pay a 3 percent VAT. Given the tight price competition of chips and the growing importance of the Chinese chip market, this is a very significant step towards ending U.S. production. It is important to ensure that GATT rules are properly enforced in this instance, and not allow government imposed advantages for foreign competitors to damage U.S. manufacturers. DoD should insist that the U.S. Trade Representative undertake prompt bilateral negotiations to remove these measures.

Joint production agreements. With the current downturn in the high-tech sector, it is probable that many chip manufacturing companies will be unable to acquire the necessary capital to invest in the $3+ billion required for new 12-inch water advanced chip fabrication facilities, which are radically increasing in cost. Title 15 of the U.S. code (sections 4301 through 4305) gives private technology companies facing global competition the ability to enter into joint production ventures with a waiver of certain antitrust laws. Under this provision, a group of companies could consolidate assets into a small number of chip fabrication plants, which could be jointly run by a cooperative of two to five companies. This cooperative investment in a fab could sharply reduce the risk and cost to each participating firm, and their agreements to purchase chips from the new fab could be the basis to obtain financing. The Department could encourage this kind of venture and offer contracting opportunities to meet DoD's own chip-making needs, thus being an additional guarantor of demand.

Business models. A variety of creative business models exist which can help the Department and intelligence agencies obtain improved access to advanced manufacturing lines. The Department and intelligence agencies can enter into agreements with a number of U.S.-based chip manufacturers within the context of one of these models to the mutual benefit of all parties. DoD should contract with selected U.S. fabs for long-term access, using any one or more types of contractual vehicles (such as ''take or pay''). DoD should also direct its aerospace end-users to employ the services of these domestic fabs. While DoD, NSA and NRO are only a very small piece of the semiconductor market, they can still use their residual contracting power to encourage retention of U.S. advanced chip manufacturing in a coordinated way. DoD and the intelligence agencies must pursue this avenue of creative government-industry cooperation, and must do so soon, as time is not on the side of the U.S. industrial base or the U.S. Government. It is important to note, however, that even a much stronger and better coordinated effort in this area alone will not resolve DoD's problems because over time without a strong domestic commercial semiconductor industrial base it will become very difficult for DoD to retain access to state of the art chips. DoD requires an industry with technology leadership, not just its own short term supply fix.

Encourage tax incentives for U.S. investment. As the next generation of chip fabrication facilities can cost at least $3 billion per plant, the manufacturing sector will require assistance in acquiring the investment capital necessary to develop the manufacturing capabilities for cutting edge semiconductor chips. DoD and the intelligence agencies should work with industry and propose targeted tax incentives, possibly in coordination with state and local government financing, to assist in meeting these investment costs. As noted above, these efforts cannot be delayed into the out-years, as time is of the essence.

Increase Science and Engineering Graduates. The unprecedented technical challenges faced by the industry will require technically trained talent to provide solutions to these problems. In order to effectively compete against the concerted effort by the Chinese to capture the semiconductor industry, it will be necessary to counter the growing disparity of trained talent in both physical sciences and engineering between East Asia and the U.S. Incentives need to be created for increasing university student training in these fields, in particular, of students who are U.S. citizens. The training over the past two decades of East Asian students in American universities, who increasingly return to their country of origin, is a partial cause of the present situation. Additionally, efforts need to be undertaken to encourage their retention in the U.S. Overall, DoD should focus on programs that increase the number of science and engineering graduates at the B.S. and M.S. level needed to provide the technical capabilities for the semiconductor industry.

Increases in Federal Funds for Research and Development (R&D). Levels of federal funding in the U.S. for research on microelectronics have been steadily decreasing, while at the same time, competitors in Asia and Europe have dramatically expanded public support for semiconductor R&D. This decline in U.S. research support is of particular concern because the industry is increasingly addressing extremely complex technical challenges for which no solution is readily apparent. The following points highlight this need for restoration of funding and describe possible steps that could be taken:

a. DARPA's annual funding of microelectronics research and development—the principle channel of direct federal financial support in this area—has declined since 1999, and is projected to decline further. DoD should consider restoring this funding.

b. SEMATECH, the private industry partnership with government which was created to help revive the weakened U.S. industry in 1987 through collaborative research and pooled manufacturing knowledge, was provided with government funds of $100 million per year, fully matched by industry funds. Since 1996, SEMATECH has no longer received any government fundings. Originally an entirely U.S. endeavor, SEMATECH has now had to become ''international'' to remain in operation, thereby destroying its original U.S.-centric focus. DoD should consider alternative mechanisms for cooperative R&D efforts with industry in critical research areas.

c. In the current harsh financial climate of the U.S. high-tech industry, the private sector will not be able to continue an adequate investment in research and development—there have in fact been widespread anecdotal report of major decreases in R&D efforts in the U.S. commercial electronics industry. The need is developing for processors based on the next generation of silicon chip technology (referred to as the ''90 nanometer'' generation), and the U.S. could find itself without a domestic manufacturing base, as the research for that technology generation should be under way now. The area of non-silicon semiconductors, which offer a level of speed performance exceeding that of silicon components, is clearly under-funded. For example, research is needed on nano-electronics, such as alternatives to silicon CMOS through nanotubes and nanowires. This technology will be important for next-generation military communications and radar systems (operating in consort with advanced silicon processor chips). Here too, the DoD must find ways to assist the U.S. non-silicon semiconductor manufacturing based by further encouraging R&D appropriate to DoD requirements.

d. I urge the Department and intelligence agencies to support increased government funding for R&D of advanced chip technologies and also to support the development of new DoD-specfic chip designs within the aerospace industry, which, like the fabs, are losing their capabilities as the chip designs themselves are increasingly conducted overseas. DoD's decades-long role in the support of such research has diminished in recent years. Rejuvenation of this long-standing DoD role in advanced R&D would help to assure that U.S. industry, to the extent that it can be retained, will lead the future shifts to the most advanced chip technology which DoD will need.

Cooperative Research Programs. Programs such as the Focus Research Center Program (FRCP) under the Microelectronics Advanced Research Corporation (MARCO) seek to overcome the growing challenges companies face in advancing microelectronics technologies through government-industry partnerships that focus on cutting-edge research deemed critical to the continued growth of the industry. The government's share of funding (25 percent) of this cooperative program has been supported through the Government-Industry Co-sponsoring of University Research (GICUR) program within the Office of Secretary of Defense. The funding targets for this program as outlined in the original ramp-up plan have not been met. In fact, this program has been zeroed out of the administration's FY 2004 budget. DoD should ensure that funding levels for this vital area of government-industry collaborative research be properly supported, and that when U.S. universities are the recipients of such funding, the training of U.S. citizens (in contrast to foreign students) is strongly emphasized.

Survey of Trade Practices. DoD should survey all possible technologies that the Chinese government may be targeting for subsidies that would assist in the transfer of U.S. chip-making and related fields to China, and then develop a list of those subsidies that are in violation of GATT trade rules and seek USTR action For those that are not in violation but nonetheless create a competitive ''edge'' for China, the Department and the intelligence agencies will need to develop counter strategies. The focus should aid to strengthen the entire electronics and IT ''food chain''—from semiconductor manufacturing equipment to semiconductors to computers and systems. This will require broad interagency coordination and cooperation. It would probably be necessary to form such a ''tiger team'' immediately, and to provide that team with the authority and resources to act to stem the deterioration of our defense-critical on-shore infrastructure.

The Semiconductor Equipment and Materials Industry. Over the last decade a fair fraction of U.S. semiconductor tooling and equipments capability has migrated off shore. This has been particularly true of the ''high technology'' end of the business—advanced lithography. The migration has had a significant impact on our ability to guide and direct development in the chip economy as a whole. For example, when ASML (a Dutch firm) tool over SVG–L (our last cutting edge lithography stepper supplier) the personnel base at the former SVG–L site, in part because of the recession, was reduced, and some advanced product development shifted to Europe. Along with the sale of SVG–L, Tinsley, an SVG–L subsidiary, which is the world's premier supplier of aspheric optical components widely used in defense surveillance systems, was also conveyed to ASML. Lithography patent battles that could affect sales and services to U.S. chip

makers using equipment from either of these companies are continuing. As another example, it is generally accepted throughout the industry that the photomask is a key gating element in semiconductor development today, and that mask development is one of the largest challenges currently facing the industry. The cost of photomask infrastructure development is currently outstripping available R&D resources by a factor of 4 to 5. A recent SEMATECH study indicated the shortfall at approximately $750 million. Outside the U.S., this shortfall is being met with Government sponsored development activities in hopes of taking over the market. A small number of U.S. merchant mask companies are currently spearheading an effort to establish a pre-competitive R&D activity focused on U.S. mask infrastructure development. The need, supported by SEMATECH, includes advanced tool evaluation and development, along with materials, metrology, and standards activities to improve future photomask manufacturing capability. The goal is to accelerate leading edge photomask infrastructure capability on-shore by building on prior and current mask industry investments. DoD should give full consideration to supporting this effort for a U.S. mask consortium. Overall, the ''tiger team'' should survey and make recommendations on what can be done to stimulate and grow what is left of the on-shore semiconductor equipment industry, including masks and lithography.

NECESSITY OF COMPREHENSIVE ACTION

If DoD and the intelligence agencies lose commercial advanced chip production capability, off of which they have sharply leveraged over the past two decades to greatly reduce their costs and to improve war-fighting capability, the ability to benefit from such cost-saving relationships will be permanently lost. DoD can attempt to achieve temporary solutions, such as building its own next generation government-owned chip fabrication facility, but this is likely to be both expensive and ineffective. If the best research and design capability shifts to China along with manufacturing, this approach will not work past the next generation or two of semiconductor chip production. In addition, such temporary solutions are not only unworkable over time if the U.S. wishes to retain the best capability that is required for defense and intelligence needs, but will be far more expensive than the solutions proposed above. This is because the opportunity to leverage off the commercial sector (an approach which the DoD and intelligence community rely upon at present) for new advances and cost savings will be lost. The U.S. policy goal should not be to seek to prevent China from obtaining significant chip-making capability in the very near future. That will happen. The issue is whether the U.S. can improve its competitive position and remove unfair distortions in order to retain significant on-shore manufacturing capacity.

CONCLUSIONS AND FURTHER ACTION

A prompt, concerted effort by the defense and intelligence community can reverse this trend of off-shore migration of manufacturing, research and design that is now underway and that will become essentially irreversible if no action is taken in the next few months. I am requesting a report and plan of action from DoD and the intelligence community, based on the steps enumerated above, on how they will act to prevent the national security damage that the loss of the U.S. semiconductor industry will entail.

The loss goes beyond economics and security. What is at stake here is our ability to be preeminent in the world of ideas on which the semiconductor industry is based. Much of applied physical science—optics, materials, science, computer science, to name a few—will be practiced at foreign centers of excellence. This stunning loss of intellectual capability will impede our efforts in all areas of our society.

I hope that by bringing attention to this matter, we can avoid a potential national security crisis in terms of reliable access to cutting edge technology necessary to the critical defense needs of our country. We are being confronted by one of the greatest transfers of critical defense technologies ever organized by another government and the time for action is overdue.

AUNG SAN SUU KYI: RELEASE HER UNHARMED

Mr. KENNEDY. Mr. President, Burma's brutal and illegitimate military government committed yet another vicious atrocity last week when Aung San Suu Kyi and many members of her democracy movement were suddenly assaulted by a paramilitary group. Some of her supporters were killed and many others were wounded. She herself was taken into so-called ''protective custody'' by the regime but little more is known of her whereabouts, her health, or the safety of the 20 or so people arrested with her.

The violent repression of these democracy activists is another sad and infuriating example of the continuing efforts by the Burmese government to block any genuine political reform in the country.

Only a year ago Suu Kyi was released from one of her numerous occasions of house arrest in Burma, this one lasting 19 months. Her release last spring came with the promise to release political prisoners and begin a new discussion with her party. That party, the National League of Democracy, legitimately won power in a 1990 election, but was denied the opportunity to take office in the government crackdown that followed.

This cruel attack is another example of a corrupt government that continues to commit flagrant human rights violations against its citizens, uses rape as a weapon of intimidation and torture against women, and forcibly enslaves child soldiers to fight their own people.

This new atrocity has outraged the world, and many governments have denounced it. Stronger action by the international community is long overdue, and we must act as well. Under S. 1182, the Burmese Freedom and Democracy Act, we call on the Burmese government to release Suu Kyi and her supporters immediately and with no additional harm. Our legislation will impose a total ban on import from Burma. It will freeze the Burmese government's assets in the United States. It will tighten the visa ban on their government officials. It will oppose any new international loans to its government.

I am very encouraged by the swift decision of President Bush and Secretary Powell to express their outrage and concern. Congress must do all it can to support the courageous struggle for democracy led by the heroic Aung San Suu Kyi. We pray that she will be released unharmed. She won the Nobel Prize for Peace in 1991 for her courageous leadership, and again and again she continues to show us why.

THE HOLOCAUST VICTIMS' ASSETS, RESTITUTION POLICY, AND REMEMBRANCE ACT

Mrs. CLINTON. Mr. President, today I join my colleagues in support of the Holocaust Victims' Assets, Restitution Policy, and Remembrance Act.

We are motivated by a desire to achieve justice for Holocaust victims and their families, and we recognize that if such justice is to be attained, the United States must continue to lead the world by example.

The United States has provided leadership in this area ever since American troops liberated the death camps. Most recently, the United States has been the driving force behind international settlements with foreign governments, the Swiss banks, the European insurance companies, and German corporations that benefited from slave labor. This legislation recognizes that the struggle for justice requires continued American leadership and that the foundation is the appropriate mechanism for that leadership.

Justice is timeless, and it is time for us to take the necessary steps and help Holocaust survivors reunite with their assets and belongings. For many survivors and family members, a painting, a piece of furniture, or a family heirloom is the only remaining connection between them and their loved ones who died in the Holocaust. This legislation is long overdue. I hope that it reunites many victims and families with those items that have been missing for too many years, and a reunion like that would be a bittersweet kind of justice.

The purpose of this act is to create a public/private foundation to integrate research that has been conducted by 23 international commissions in the area of Holocaust-era assets, to complete the research agenda that arises from that synthesis, and stimulate the transition to a contemporary restitution policy.

The foundation will be the single most effective facilitator of the identification and return of Holocaust-era assets to their rightful owners and heirs ever supported by the U.S. Government.

If the nations of the world are to be convinced of our lasting commitment to justice for Holocaust victims and if continued work on Holocaust assets issues is to be truly effective, the foundation must have the stamp of the Federal Government. But the Federal Government cannot, and should not, perform these tasks by itself.

It will coordinate the efforts of the Federal Government, State governments, the private sector, and individuals here, and abroad, to help people locate and identify assets who would

otherwise have no ability to do so. It will encourage policymakers to deal with contemporary restitution issues, including how best to treat unclaimed assets.

The foundation is authorized for 10 years, after which it will sunset and ''spin off'' its research results and materials to other appropriate public and private entities. It is able to accept private funds as well as public dollars.

The commission identified a number of policy initiatives that require U.S. leadership. These initiatives included, but are not limited to the need to: compile a report that integrates, synthesizes, and supplements the research on Holocaust-era assets that has been conducted around the world; review the degree to which other nations have implemented the principles adopted at various international conferences; work with organizations to provide for the coordinated and centralized dissemination of information about restitution programs; encourage the creation and expansion of mechanisms, including Alternative Dispute Resolution options, to assist claimants in obtaining the speedy resolution of their claims; and, support the establishment and maintenance of a computerized and searchable database of Holocaust victims' claims for the restitution of personal property.

The foundation will also encourage, and support, the efforts of State governments to facilitate the cross match of unclaimed property records with lists of Holocaust victims. It will work with the museum community to further stimulate provenance research into European paintings and Judaica. It will promote and monitor the implementation by major banking institutions of the agreement developed in conjunction with the New York Bankers Association. Finally, it will work with the private sector to develop and promote common standards and best practices for research on Holocaust-era assets.

The impetus for the foundation comes from the work of the Presidential Advisory Commission on Holocaust Assets in the United States chaired by Edgar M. Bronfman, Sr. The commission report, ''Plunder and Restitution: The U.S. and Holocaust Victims' Assets,'' was the most comprehensive examination ever conducted into how the Federal Government handled the assets of Holocaust victims that came into its possession or control.

The Congress has dealt with Holocaust issues on a nonpartisan basis, and I am confident it will consider this bill in the same spirit. I urge my colleagues to cosponsor it and look forward to its prompt adoption.

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE 25TH ANNIVERSARY OF MARIN SERVICES FOR WOMEN

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 25th anniversary of Marin Services for Women.

Since 1978, Marin Services for Woman MSW, has helped women recover from drug and alcohol abuse. It is the only agency in Marin County that provides alcohol and drug treatment programs designed to meet the specific needs of women and their families.

MSW works tirelessly to ensure the physical and emotional health of Bay Area women by working one-on-one with individuals and providing them with specialized treatment. MSW's treatment philosophy is a comprehensive, gender-specific, culturally responsible approach to alcohol and drug recovery. MSW respects and encourages each client's strengths and provides social, economic and political empowerment.

Throughout its 25 years of service, MSW has successfully provided a safe haven for women seeking recovery by providing female staff role models who reflect the diversity of the client population; residential and outpatient services that address the addiction patterns of women; and intensive case management to assist with employment status, access to housing, and use of outside health and social services. MSW's success in advancing community recovery by providing specialized treatment tailored to each individual woman has set a standard for care in the Bay Area.

For 25 years, Marin Services for Women has served as a beacon for women who have nowhere else to turn. Their dedication to the community is inspiring and impressive. I congratulate Marin Services for Women on their 25th anniversary and wish them another 25 years of success.•

IN RECOGNITION OF OFFICER MICHAEL SIEBERT, RECIPIENT OF THE CALIFORNIA AMERICAN LEGION LAW ENFORCEMENT OFFICER OF THE YEAR AWARD.

• Mrs. BOXER. Mr. President, I rise today to bring to the Senate's attention the exemplary achievements and outstanding service of Officer Michael Siebert of the San Francisco Police Department.

The American Legion, Department of California has chosen Officer Michael Siebert as its Law Enforcement Officer of the Year. Officer Siebert is receiving this award for his dedication to the betterment of his community and to law enforcement.

Officer Michael Siebert has dedicated himself to raising funds for children with catastrophic childhood diseases. In 1998, Officer Siebert volunteered to travel to Sydney, Australia, to take part in its ''Crop-A-Cop'' fundraising event. This event featured officers who raise charity funds earmarked for children with cancer. As part of the event, officers would shave their heads to demonstrate to children going through the horrors of chemotherapy that it was okay to have no hair. Not only did Officer Siebert shave his head, but he also returned to ''Crop-A-Cop'' in Australia the following year.

Through his efforts, in 1999, this event debuted in the United States. Not only did he succeed in having the San Francisco Police Department and the Sheriff's Department participate, but Officer Siebert enlisted agencies all over the State of California to take part. This year marked the fourth year of Officer Siebert's ''Buzz the Fuzz'' fundraiser.

Officer Siebert is an inspiration to all. Californians are extremely proud of Officer Siebert's dedication to his police work, the community, and to children who bravely face the devastation of cancer. He is most deserving of this award and the outpouring of admiration he receives from colleagues and friends. I am honored to pay tribute to him, and I encourage my colleagues to join me in wishing Officer Michael Siebert much continued success in his law enforcement career.•

COMMEMORATING JOE CENOZ ON 50 YEARS OF SERVICE TO THE AMERICAN LEGION CALIFORNIA BOYS STATE

• Mrs. BOXER. Mr. President, I would like to take a few minutes to recognize a constituent, Joe Cenoz, who will, at the end of the month, mark his 50th year of exemplary service to the American Legion California Boys State program.

Since 1935, the Boys State program has brought together high school boys from across their States to immerse them in a week of education about, and simulation of, their State government. The California program began in 1938, and Mr. Cenoz is the first counselor in the history of the California Boys State program to reach 50 years of service. His work has touched the lives of nearly 50,000 young Californians and 3,000 staff members who have served with and under his guidance.

Mr. Cenoz began his 50 years of service with the California Boys State program in 1951 as a city counselor. In 1955, he also assumed the role of political party counselor, helping to guide the Boys State delegates through the process of partisan politics. In 1961, Mr. Cenoz was elevated to the role of county counselor. In this role, he worked with the delegates of the three cities that made up the county, while continuing his role as political party counselor.

In 1974, Mr. Cenoz moved to the role of assistant chief counselor, guiding the California Boys State counseling staff and delegates through the weeklong program. He became the chief

counselor in 1981, assuming overall responsibility for the activities that make up the California Boys State program. The 2003 California Boys State session will be Mr. Cenoz's 23rd serving as chief counselor.

In 1980, Mr. Cenoz was invited to join the staff of Boys Nation. Boys Nation is an extension of the Boys State program. Annually, two boys from each Boys State program around the country are selected to represent their home States at the 10-day Boys Nation program in Washington, DC.

Mr. Cenoz has been a leader outside of the California Boys State program as well, serving in the U.S. Navy and the Navy Reserve as a submariner from 1941 to 1953. He served in both World War II and the Korean war. Additionally, Mr. Cenoz served as a police officer with the city of Pomona, beginning in 1951, and retiring at the rank of lieutenant in 1980.

Mr. Cenoz's actions demonstrate his dedication to serving his country and the State of California, and I offer my hearty congratulations to him for his 50 years of service to the California Boys State program.●

RECOGNIZING OFFICER CLAYTON HARMSTON, RECIPIENT OF THE CALIFORNIA AMERICAN LEGION LAW ENFORCEMENT OFFICER OF THE YEAR FOR VALOR AWARD

● Mrs. BOXER. Mr. President, I rise today to bring to the Senate's attention the exemplary achievements and outstanding service of Officer Clayton Harmston of the San Francisco Police Department.

The American Legion, Department of California has chosen Officer Clayton Harmston as its Law Enforcement Officer of the Year for Valor. Officer Harmston is receiving this award for the extraordinary heroism he displayed in the line of duty on July 7, 2002.

On that day, Officer Harmston and his partner stopped a vehicle that was operating in a suspicious manner. During the vehicle stop, Officer Harmston approached the passenger, who was just paroled from State prison. The passenger refused to submit to a search and immediately attacked Officer Harmston. A struggle ensued, Officer Harmston was knocked to the ground face-first, and then the parolee drew his loaded weapon on Officer Harmston. Although injured and dazed, Officer Harmston demonstrated great presence of mind and warned his partner of the gun. When Harmston's partner distracted the parolee, Officer Harmston displayed remarkable courage by attempting to pull the gun away from the parolee. During the struggle, the parolee shot Officer Harmston who was able to roll away to cover, where a gun battle began. The gunman was struck and fell to the ground, refusing to release his weapon until it was taken from his grip.

Officer Clayton Harmston, despite his injuries, used all his abilities and resources to protect his partner and ultimately end this dangerous situation. Officer Harmston is an inspiration to all. It is because of the courage and valor of police officers such as Clayton Harmston that our streets are safer.

Californians are extremely proud of Officer Harmston. He is most deserving of the American Legion, Department of California's Law Enforcement Officer of the Year for Valor award and of the admiration that he receives from colleagues and friends. I am honored to pay tribute to him, and I encourage my colleagues to join me in wishing Officer Harmston much continued success in his law enforcement career.●

TRIBUTE TO CAPTAIN CHARLES A. BUSH

● Mr. WARNER. Mr. President, I rise today to recognize and pay tribute to an outstanding officer, CPT Charles A. Bush, on the occasion of his retirement from the Department of the Navy. It is a great honor for me to take this opportunity to thank Captain Bush and his family for his 27 years of distinguished and dedicated service to our Nation. Over the last quarter of a century, he has proudly and selflessly served his Nation in defense of freedom.

Few of us can appreciate the true awe of the U.S. aircraft carrier as well as Captain Bush can. During his career he served the aircraft carrier community in many facets: naval aviator, engineer officer, maintenance coordinator, and most recently as program manager for in-service aircraft carriers.

During his tenure as program manager, Captain Bush oversaw the construction of the USS *Harry S Truman*, CVN 75, and *Ronald Reagan*, CVN 76, the complete refueling and complex overhaul of the first Nimitz-class carrier, USS *Nimitz*, CVN 68, the commencement of the second Nimitz-class carrier to undergo a refueling and overhaul—the USS *Dwight D. Eisenhower*, CVN 69, as well as the maintenance planning for the in-service carrier force at the highest possible level of readiness.

His innovative concepts, motivational leadership, and personal energy have produced exactly what was required to support these national assets—dramatic streamlining of processes and organizations, reduced maintenance cost and cycle time, and a government and commercial workforce trained for and ready to take these concepts forward. The culmination of his efforts can be no better illustrated than by the successful surge of carriers in support of both Operation Enduring Freedom and Operation Iraqi Freedom. Captain Bush's son, Nicholas, now has the distinct honor to continue the family's great service to our Nation onboard the USS *Nimitz*. Nicholas is a naval flight officer assigned to VAQ–135, NAS Whidbey Island, WA, and was recently deployed in support of Operation Iraqi Freedom.

It is my honor to recognize Captain Bush for his distinguished service to our Nation. As a veteran of World War II and Korea, I have the highest respect for those who serve in uniform, and I appreciate and honor all the men and women who have served, and continue to serve, in defense of freedom. Recalling our national anthem, to our veterans and Armed Forces, I say, we would not be ''the land of the free'' were we not also the ''home of the brave.'' My colleagues and I wish Captain Bush and his family continued success and the traditional naval wish of ''Fair winds and Following seas'' as he closes out his military career.●

TRIBUTE TO COMPANY C 5TH BATTALION 112TH ARMOR

● Mr. PRYOR. Mr. President, I stand before you today in tribute of the Company C 5th Battalion 112th Armor currently stationed at the Pine Bluff Arsenal. Along with the people of my State as well as those across the Nation. I would like to offer my sincere appreciation and farewell to this group of 238 personnel that will be relieved of their duty at the Arsenal in a transfer of authority on June 11, 2003.

This exceptional group of young men and women hailing from Arkansas and Texas came together in an unusual display of diversity in September of 2002 in order to provide extensive base security as a Chemical Site Defense Force. Under the creed, ''One flag, One Team, One Fight,'' this company is a combination of 169 men and women from five Army Companies in Northeast Texas, as well as 69 personnel from my home State of Arkansas. For those not schooled in the procedures of the National Guard, this interstate combination is rare. On top of this is the fact that within ''Tank Fantillery,'' which is the adopted nickname of the company, there is also an unusual mixture of tankers, infantrymen and an artillery battery. Under the direction of CDR Robert Eason, ''Tank Fantillery'' has shown their dedication, unity, and diversity as they have joined in the fight against terrorism by successfully fulfilling their protective duties at the Pine Bluff Arsenal Chemical Munitions facility. Now, coming to the end of their term of duty, I feel that it is appropriate for us to offer them our gratitude and congratulations on the completion of their objective.

Later this month the transfer of authority will take place, and this group of personnel will be relieved of the protective duties that they have held for the last 10½ months. Such an occasion offers the chance to honor these men and women that display a level of dedication to their country that too few of us share. All of the world should be so lucky as to have such dedicated and honorable soldiers committed to their protection. It is with a warm heart that I salute these men and women and wish them luck in all of their future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 361. An act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 1954. An act to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 177. Concurrent resolution recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

The message further announced that the House insists upon its amendment to the bill (S.3) to prohibit the procedure commonly known as partial-birth abortion, an asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members to be the managers of the conference on the part of the House: From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. HYDE, and Mr. NADLER.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 192. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people.

The message further announced that the House has passed the following bills, without amendment:

S. 222. An act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

S. 273. An act to provide for expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 361. An act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

H.R. 1474. An act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 177. Concurrent resolution recognizing and commending the members of the United States Armed Forces and their leader, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations; to the Committee on Armed Services.

H. Con. Res. 190. Concurrent resolution to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2547. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of Transportation, case number 02–08, in the amount of $5,380,764, received on May 20, 2003; to the Committee on Appropriations.

EC–2548. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 01–03, in the amount of $1,919,682, received on May 27, 2003; to the Committee on Appropriations.

EC–2549. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Navy, case number 00–02, in the amount of $1,321,000, received on May 27, 2003; to the Committee on Appropriations.

EC–2550. A communication from the Assistant Secretary, Indian Affairs, Division of Transportation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN 1076–AE34)'' received on June 1, 2003; to the Committee on Indian Affairs.

EC–2551. A communication from the Chair, Federal Election Commission, transmitting, pursuant to law, the submission of 7 recommendations for legislative action, received on June 1, 2003; to the Committee on Rules and Administration.

EC–2552. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, the Second Report of the Dwight D. Eisenhower Memorial Commission; to the Committee on Rules and Administration.

EC–2553. A communication from the Director, Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities Evaluation of Tinnitus (2900–AK86)'' received on May 27, 2003; to the Committee on Veterans' Affairs.

EC–2554. A communication from the Associate Deputy Administrator, Government Contracting and Business Development, Small Business Administrator, transmitting, pursuant to law, the report relative to Minority Small Business and Capitol Ownership Development, received on June 1, 2003; to the Committee on Small Business and Entrepreneurship.

EC–2555. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Job Corps Centers (3245–AF02)'' received on May 20, 2003; to the Committee on Small Business and Entrepreneurship.

EC–2556. A communication from the Regulations Officer, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Claimant Identification Pilot Projects (0960–AF79)'' received on May 27, 2003; to the Committee on Finance.

EC–2557. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guideline: Leasing Promotions—Lease Stripping Transactions (UIL 9300.03–00)'' received on May 27, 2003; to the Committee on Finance.

EC–2558. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report entitled ''Collateral Valuation Improvement Act of 2003'' received on May 27, 2003; to the Committee on Finance.

EC–2559. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the Designation of an acting officer for the position of Chief Financial Officer for the Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC–2560. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a confirmation for the position of Member, IRS Oversight Board, Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC–2561. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Public Affairs for the Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC–2562. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Management for the Department of the Treasury, received on June 1, 2003; to the Committee on Finance.

EC–2563. A communication from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Anticipating Income and Reporting Changes (0584–AB57)'' received on May 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2564. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Pesticide Tolerance (FRL 7306–8)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2565. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerance (FRL 7308–6)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2566. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Additions to Quarantined Areas (Doc. 02–114–2)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2567. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sapote Fruit Fly (Doc. No. 03–032–1)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2568. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Canada Because of BSE (Doc. No. 03–058–1)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2569. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Beef from Uruguay (Doc. No. 02–109–3)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2570. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Tobacco Payment Program (RIN 0560–AG96)'' received on May 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2571. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Cottonseed Payment Program (RIN 0560–AG97)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2572. A communication from the Administrator, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on imports (2003 Amendments) (Doc. No. CN–03–002)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2573. A communication from the Administrator, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Revision of User Fees for 2003 Crop Cotton Classification Services to Growers (CN–02–006) (RIN 0581–AC71)'' received on June 1, 2003; to the Special Committee on Aging.

EC–2574. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Raisins Produced from Grapes Grown in California; Modification to the Raisins Diversion Program (Doc. No. FV03–989–FIR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2575. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Spearmint Oil Produced in the Far West; Increased Assessment Rate (Doc. No. FV03–985–2 FR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2576. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Marketing Year (Doc. No. FV03–982–1 FIR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2577. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2003–2004 Marketing Year'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2578. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Raisins Produced from Grapes in California; Reduction in Production Cap for 2003 Diversion Program (Doc. No. FV03–989–3FIR)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2579. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Requirements for the USDA ''Produced From'' Grademark for Shell Eggs (Doc. No. PY–02–007) (RIN 0581–AC24)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2580. A communication from the Administrator, Tobacco Programs, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Flue-Cured Tobacco Advisory Committee, Amendment to Regulations (Doc. No. TB–02–14)'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2581. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Official Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems'' received on May 21, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2582. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report rule entitled ''Fees for Official Inspection and Official Weighing Services'' received on June 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2583. A communication from the Director, Office of Management and Budget (OMB), Executive Office of the President, transmitting, pursuant to law, the OMB's second annual report relative to the agency's Information Technology security, received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2584. A communication from the Deputy Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report entitled ''Fiscal Year 2004 Annual Performance Plan'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2585. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–92 ''Fiscal Year 2003 Budget Support Temporary Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2586. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–90 ''Operations Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2587. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–91 ''Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2588. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–81 ''Central Detention Facility Monitoring Temporary Amendment Act of 2003'' received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2589. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, the annual report on the inventory of activities of the Board, received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2590. A communication from the Director, Employment Service, Office of Personal Management, transmitting, pursuant to law,

the report on ''Excepted Service—Temporary Organizations (3206–AJ70)'' received on June 1, 2003; to the Committee on Governmental Affairs.

EC–2591. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Semiannual Report to Congress prepared by the Board's Inspector General (IG), received on May 27, 2003; to the Committee on Governmental Affairs.

EC–2592. A communication from the Office of the Executive Director, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report relative to the Commission's compliance to the Sunshine Act, received on May 20, 2003; to the Committee on Governmental Affairs.

EC–2593. A communication from the Director, Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the report on the agency's 2002 Government in the Sunshine Act, received on May 21, 2003; to the Committee on Governmental Affairs.

EC–2594. A communication from the Acting Director, Director of Selective Service, transmitting, pursuant to law, the report on the Selective Service System's (SSS) Performance Measurement Plan for FY 2004, received on May 20, 2003; to the Committee on Governmental Affairs.

EC–2595. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress and the Management Response of the Securities and Exchange Commission, received on June 1, 2003; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 116. A resolution commemorating the life, achievements, and contributions of Al Lerner.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By the HATCH for the Committee on the Judiciary.

R. Hewitt Pate, by Virginia, to be an Assistant Attorney General.

David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2004.

Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit.

J. Ronnie Greer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mark R. Kravitz, of Connecticut, to be United States District Judge for the Distict of Connecticut.

John A. Woodcock, Jr., of Maine, to be United States District Judge for the District of Maine.

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of 4 years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1188. A bill to repeal the two-year limitation on the payment of accrued benefits that are due and unpaid by the Secretary of Veterans Affairs upon the death of a veteran or other beneficiary under laws administered by the Secretary, to allow for substitution of parties in the case of a claim for benefits provided by the Secretary when the applicant for such benefits dies while the claim in pending, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN:

S. 1189. A bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1190. A bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 1191. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Ms. STABENOW):

S. 1192. A bill to establish a Consumer and Small Business Energy Commission to assess and provide recommendations regarding recent energy price spikes from the perspective of consumers and small businesses; to the Committee on Energy and Natural Resources .

By Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY):

S. 1193. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, and Mr. DOMENICI):

S. 1194. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. FRIST, Mr. ALEXANDER, Mrs. LINCOLN, Mr. BUNNING, Mr. SMITH, Mr. GRAHAM of Florida, Mr. SANTORUM, Mr. KERRY, Mr. KENNEDY, and Mr. HATCH):

S. 1195. A bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain public hospitals are included in the best price exemptions for the medicaid drug rebate program; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. FITZGERALD, and Mr. HAGEL):

S. 1196. A bill to eliminate the marriage penalty permanently in 2003; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. LAUTENBERG, and Mr. DORGAN):

S. 1197. A bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1198. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mrs. LINCOLN, and Mr. MCCAIN):

S. 1199. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CANTWELL (for herself, Mr. WARNER, Mr. BINGAMAN, Mr. CHAFEE, Mrs. CLINTON, Mr. HARKIN, and Mr. HOLLINGS):

S. 1200. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Mr. BUNNING, Mr. DURBIN, Mr. ROBERTS, Mrs. MURRAY, Mr. SMITH, Ms. LANDRIEU, Mr. DEWINE, Mr. CORZINE, Mr. DASCHLE, and Mrs. LINCOLN):

S. 1201. A bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1202. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI (for himself, Mr. BINGAMAN, and Mr. CAMPBELL):

S. 1203. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1204. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1205. A bill to provide discounted housing for teachers and other staff in rural areas of States with a population less than 1,000,000 and with a high population of Native Americans or Alaska Natives; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA:

S. Res. 160. A resolution to express the sense of the Senate that the federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS):

S. Res. 161. A resolution commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 50

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 68

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 296

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 296, a bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 384

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 491

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 652

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 652, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 794

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 794, a bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 908

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 908, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 970

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1008

At the request of Mr. CAMPBELL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1008, a bill to provide for the establishment of summer health career introductory programs for middle and high school students.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1046

At the request of Mr. HOLLINGS, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1053

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Minnesota

(Mr. DAYTON) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1110

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1110, a bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes.

S. 1157

At the request of Mr. BROWNBACK, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. WARNER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1157, a bill to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

S. 1162

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1162, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

S. 1170

At the request of Mr. WYDEN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1170, a bill to designate certain conduct by sports agents relating to signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

S. 1182

At the request of Mr. MCCONNELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1182, a bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

S. 1182

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1182, supra.

S. 1184

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1184, a bill to establish a National Foundation for the Study of Holocaust Assets.

S. RES. 153

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 153, a resolution expressing the sense of the Senate that changes to athletics policies issued under title IX of the Education Amendments of 1972 would contradict the spirit of athletic equality and the intent to prohibit sex discrimination in education programs or activities receiving Federal financial assistance.

S. RES. 159

At the request of Mr. PRYOR, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 159, a resolution expressing the sense of the Senate that the June 2, 2003, ruling of the Federal Communications Commission weakening the Nation's media ownership rules is not in the public interest and should be rescinded.

AMENDMENT NO. 853

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 853 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1190. A bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN: Mr. President, I rise today with my colleague from Texas, Senator KAY BAILEY HUTCHISON, to introduce the Next Generation Hispanic-Serving Institution Act. This bill will strengthen provisions in Title V of the Higher Education Act, HEA, by providing our Hispanic-Serving Institutions with both graduate opportunities and reductions in regulatory barriers.

According to the 2000 census Hispanics make up 12.5 percent of the American population. Currently Hispanics constitute 10 percent of the college enrollment. By 2050 the Hispanic population will grow to 25 percent. It is in our national interest to ensure that this population is well educated so that they will be ready to take their place as professionals, scientists, inventors, and well-informed citizens.

Hispanic-Serving Institutions, HSIs, serve students of all backgrounds and ethnicities in 13 States. Colleges and universities become eligible for HSI status if at least 50 percent of their student population receives need-based financial assistance, 25 percent is Hispanic, and 50 percent of their Hispanic population is low-income. It is at these HSIs that the largest growth in advanced degrees awarded to Hispanics is occurring. Between 1991 and 2000 the number of Hispanic students earning master's degrees at HSIs grew 136 percent and the number of receiving doctoral degrees grew by 85 percent. Currently over 25 percent of the Hispanics who obtained these degrees did so at HSIs. As a nation, we need to expand the capacity of Hispanic-Serving Institutions, support their undergraduate programs, and encourage them to offer quality graduate and professional degree programs.

The Next Generation Hispanic-Serving Institution Act will strengthen our Hispanic-Serving Institutions by: Establishing a competitive grant program for HSIs to support their masters and doctoral degree programs. Eliminating the current requirement for HSIs to show that 50 percent of their Hispanic population is low-income. This requirement is difficult for the institutions to meet because they cannot collect the necessary student data. Eliminating the 2-year wait-out period between HSI grants allowing continuous funding of existing programs. Adding, as an authorized activity, programs that support student transfers from 2-year to 4-year institutions. Raising the funding for the Title V HSI grant program to $175,000,000. Allocating $125,000,000 for a new grant program to support HSI masters and doctoral programs.

The State of New Mexico houses 19 HSIs within its border. The New Mexico HSIs serve the entire State and their student populations are very diverse. Over the years these 19 institutions have worked diligently to educate and support all students. They have graduated outstanding teachers, scientists, and other professionals. The Next Generation Hispanic-Serving Institution Act supports the valuable work that these and all other HSIs are currently doing and gives them new resources they need to expand their offerings.

I urge my colleagues to support this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1190

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 ''Next Generation Hispanic Serving Institutions Act''.

TITLE I—GRADUATE OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS

SEC. 101. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds the following:

''(1) According to the United States Census, by the year 2050, 1 in 4 Americans will be of Hispanic origin.

''(2) Despite the dramatic increase in the Hispanic population in the United States, the National Center for Education Statistics reported that in 1999, Hispanics accounted for only 4 percent of the master's degrees, 3 percent of the doctor's degrees, and 5 percent of first-professional degrees awarded in the United States.

''(3) Although Hispanics constitute 10 percent of the college enrollment in the United States, they comprise only 3 percent of instructional faculty in college and universities.

''(4) The future capacity for research and advanced study in the United States will require increasing the number of Hispanics pursuing postbaccalaureate studies.

''(5) Hispanic-serving institutions are leading the Nation in increasing the number of Hispanics attaining graduate and professional degrees.

''(6) Among Hispanics who received master's degrees in 1999–2000, 25 percent earned them at Hispanic-serving institutions.

''(7) Between 1991 and 2000, the number of Hispanic students earning master's degrees at Hispanic-serving institutions grew 136 percent, the number receiving doctor's degrees grew by 85 percent, and the number earning first-professional degrees grew by 47 percent.

''(8) It is in the National interest to expand the capacity of Hispanic-serving institutions to offer graduate and professional degree programs.

''(9) Research is a key element in graduate education and undergraduate preparation, particularly in science and technology, and Congress desires to strengthen the role of research at Hispanic serving-institutions. University research, whether performed directly or through a university's nonprofit research institute or foundation, is considered an integral part of the institution and mission of the university.

''(b) PURPOSES.—The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand and enhance the postbaccalaureate academic offerings of high quality that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and low-income individuals complete postsecondary degrees.

"SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined under section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary shall not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) COOPERATIVE ARRANGEMENTS.—Section 524 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting ''and section 513'' after ''section 503''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 528(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are authorized to be appropriated to carry out part A of this title $175,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(d) CONFORMING AMENDMENTS.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) in section 502—

(A) in subsection (a)(2)(A)(ii), by striking ''section 512(b)'' and inserting ''section 522(b)''; and

(B) in subsection (b)(2), by striking ''section 512(a)'' and inserting ''section 522(a)'';

(2) in section 521(c)(6) (as redesignated by subsection (a)(2)), by striking ''section 516'' and inserting ''section 526''; and

(3) in section 526 (as redesignated by subsection (a)(2)), by striking ''section 518'' and inserting ''section 528''.

TITLE II—REDUCING REGULATORY BARRIERS FOR HISPANIC-SERVING INSTITUTIONS

SEC. 201. DEFINITIONS.

Section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (7).

SEC. 202. AUTHORIZED ACTIVITIES.

Section 503(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1101b(b)(7)) is amended to read as follows:

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''.

SEC. 203. ELIMINATION OF WAIT-OUT PERIOD.

Section 504(a) of the Higher Education Act of 1965 (20 U.S.C. 1101c(a)) is amended to read as follows:

''(a) AWARD PERIOD.—The Secretary may award a grant to a Hispanic-serving institution under this title for 5 years.''.

SEC. 204. APPLICATION PRIORITY.

Section 521(d) of the Higher Education Act of 1965 (as redesignated by section 101(a)(2)) is amended by striking ''(from funds other than funds provided under this title)''.

By Mr. LEAHY:

S. 1191. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in June 1999, the United States Supreme Court issued a pair of decisions that altered the legal landscape with respect to intellectual property. I am referring to Florida Prepaid v. College Savings Bank and its companion case, College Savings Bank v. Florida Prepaid. The Court ruled in these cases that States and their institutions cannot be held liable for damages for patent infringement and other violations of the Federal intellectual property laws, even though they can and do enjoy the full protection of those laws for themselves.

Both Florida Prepaid and College Savings Bank were decided by the same five-to-four majority of the justices. This slim majority of the Court threw out three Federal statutes that Congress passed, unanimously, in the early 1990s, to reaffirm that the Federal patent, copyright, and trademark laws apply to everyone, including the States.

I believe that there is an urgent need for Congress to respond to the Florida Prepaid decisions, for two reasons.

First, the decisions opened up a huge loophole in our Federal intellectual property laws. If we truly believe in fairness, we cannot tolerate a situation in which some participants in the intellectual property system get legal

protection but need not adhere to the law themselves. If we truly believe in the free market, we cannot tolerate a situation where one class of market participants have to play by the rules and others do not. As Senator SPECTER said in August 1999, in a floor statement that was highly critical of the Florida Prepaid decisions, they ''leave us with an absurd and untenable state of affairs,'' where ''States will enjoy an enormous advantage over their private sector competitors.''

The second reason why Congress should respond to the Florida Prepaid decisions is that they raise broader concerns about the roles of Congress and the Court. Over the past decade, in a series of five-to-four decisions that might be called examples of ''judicial activism,'' the current Supreme Court majority has overturned Federal legislation with a frequency unprecedented in American constitutional history. In doing so, the Court has more often than not relied on notions of State sovereign immunity that have little if anything to do with the text of the Constitution.

Some of us have liked some of the results; others have liked others; but that is not the point. This activist Court has been whittling away at the legitimate constitutional authority of the federal government. At the risk of sounding alarmist, this is the fact of the matter: We are faced with a choice. We can respond—in a careful and measured way—by reinstating our democratic policy choices in legislation that is crafted to meet the Court's stated objections. Or we can run away, abdicate our democratic policy-making duties to the unelected Court, and go down in history as the incredible shrinking Congress.

About four months after the Florida Prepaid decisions issued, I introduced a bill that responded to those decisions. The Intellectual Property Protection Restoration Act of 1999 was designed to restore Federal remedies for violations of intellectual property rights by states. I have continued to refine this legislation over the years, and in February 2002, as Chairman of the Judiciary Committee, I held the Committee's first hearing on the issue of sovereign immunity and the protection of intellectual property.

Today, I am pleased to be introducing the Intellectual Property Protection Restoration Act of 2003, which builds on my earlier proposals and on the helpful comments I have received on those proposals from legal experts across the country. I am proud to have the House leaders on intellectual property issues, Representatives Smith and Berman, as the principal sponsors of the House companion bill.

This bill has the same common-sense goal as the three statutes that the Supreme Court's decisions invalidated: To protect intellectual property rights fully and fairly. But the legislation has been re-engineered, after extensive consultation with constitutional and intellectual property experts, to ensure full compliance with the Court's new jurisprudential requirements. As a result, the bill has earned the strong support of the U.S. Copyright Office and the endorsements of a broad range of organizations including the American Bar Association, the American Intellectual Property Law Association, the Business Software Alliance, the Intellectual Property Owners Association, the International Trademark Association, the Motion Picture Association of America, the Professional Photographers of America Association, and the Chamber of Commerce.

In essence, our bill presents States with a choice. It creates reasonable incentives for States to waive their immunity in intellectual property cases, but it does not oblige them to do so. States that choose not to waive their immunity within two years after enactment of the bill would continue to enjoy many of the benefits of the Federal intellectual property system; however, like private parties that sue States for infringement, States that sue private parties for infringement could not recover any money damages unless they had waived their immunity from liability in intellectual property cases.

This arrangement is clearly constitutional. Congress may attach conditions to a State's receipt of Federal intellectual property protection under its Article I intellectual property power just as Congress may attach conditions on a State's receipt of federal funds under its Article I spending power. Either way, the power to attach conditions to the federal benefit is part of the greater power to deny the benefit altogether. And no condition could be more reasonable or proportionate than the condition that in order to obtain full protection for your federal intellectual property rights, you must respect those of others.

I am encouraged by the Supreme Court's recent decision in Nevada Department of Human Resources v. Hibbs, which, although very narrow, suggests that certain Justices may be starting to realize that the Court has gone too far in sacrificing ordinary people's rights at the altar of sovereign immunity. By upholding the Family and Medical Leave Act as applied to the States, the Hibbs case also suggests that a very carefully crafted law, which simply does what is necessary to protect important rights, will be upheld.

I hope we can all agree on the need to protect the rights of intellectual property owners. A recent GAO study confirmed that, as the law now stands, owners of intellectual property have few or no alternatives or remedies available against State infringers—just a series of dead ends.

We need to assure American inventors and investors, and our foreign trading partners, that as State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies. I want to emphasize the international ramifications here. American trading interests have been well served by our strong and consistent advocacy of effective intellectual property protections in treaty negotiations and other international fora. Those efforts could be jeopardized by the loophole in U.S. intellectual property enforcement that the Supreme Court has created.

Senator BROWNBACK made this point at a Judiciary Committee hearing on February 27, 2002. He said, ''When states assert sovereign immunity for the purpose of infringing upon intellectual property rights, it damages the credibility of the United States internationally, and could possibly even lead to violations of our treaty obligations. Any decrease in the level of enforcement of intellectual property rights around the world is likely to harm American businesses, because of our position as international leaders in industries like pharmaceuticals, information technology, and biotechnology.''

The Intellectual Property Protection Restoration Act restores protection for violations of intellectual property rights that may, under current law, go unremedied. We unanimously passed more sweeping legislation in the early 1990s, but were thwarted by the Supreme Court's shifting jurisprudence. We should enact this legislation without further delay.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 1191

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Intellectual Property Protection Restoration Act of 2003''.

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) help eliminate the unfair commercial advantage that States and their instrumentalities now hold in the Federal intellectual property system because of their ability to obtain protection under the United States patent, copyright, and trademark laws while remaining exempt from liability for infringing the rights of others;

(2) promote technological innovation and artistic creation in furtherance of the policies underlying Federal laws and international treaties relating to intellectual property;

(3) reaffirm the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws; and

(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the

United States Constitution by infringing Federal intellectual property.

SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION.

(a) AMENDMENT TO PATENT LAW.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d)(1) No remedies under section 284 or 289 shall be awarded in any civil action brought under this title for infringement of a patent issued on or after January 1, 2004, if a State or State instrumentality is or was at any time the legal or beneficial owner of such patent, except upon proof that—

''(A) on or before the date the infringement commenced or January 1, 2006, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

''(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

''(2) The limitation on remedies under paragraph (1) shall not apply with respect to a patent if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2004; or

''(B) the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent.

''(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2006, the court may stay the proceeding for a reasonable time, but not later than January 1, 2006, to afford the State an opportunity to waive its immunity as provided in paragraph (1).''.

(b) AMENDMENT TO COPYRIGHT LAW.—Section 504 of title 17, United States Code, is amended by adding at the end the following:

''(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

''(1) No remedies under this section shall be awarded in any civil action brought under this title for infringement of an exclusive right in a work created on or after January 1, 2004, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

''(A) on or before the date the infringement commenced or January 1, 2006, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

''(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

''(2) The limitation on remedies under paragraph (1) shall not apply with respect to an exclusive right if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2004; or

''(B) the party seeking remedies was a bona fide purchaser for value of the exclusive right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

''(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2006, the court may stay the proceeding for a reasonable time, but not later than January 1, 2006, to afford the State an opportunity to waive its immunity as provided in paragraph (1).''.

(c) AMENDMENT TO TRADEMARK LAW.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

''(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

''(1) No remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2004, or any right of the owner of a mark first used in commerce on or after January 1, 2004, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

''(A) on or before the date the violation commenced or January 1, 2006, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

''(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

''(2) The limitation on remedies under paragraph (1) shall not apply with respect to a right of the registrant or owner of a mark if—

''(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2004; or

''(B) the party seeking remedies was a bona fide purchaser for value of the right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

''(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2006, the court may stay the proceeding for a reasonable time, but not later than January 1, 2006, to afford the State an opportunity to waive its immunity as provided in paragraph (1).''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO PATENT LAW.—Section 296 of title 35, United States Code, and the item relating to section 296 in the table of sections for chapter 29 of such title, are repealed.

(2) AMENDMENTS TO COPYRIGHT LAW.—Section 511 of title 17, United States Code, and the item relating to section 511 in the table of sections for chapter 5 of such title, are repealed.

(3) AMENDMENTS TO TRADEMARK LAW.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(A) by striking subsection (b);

(B) in subsection (c), by striking ''or (b)'' after ''subsection (a)''; and

(C) by redesignating subsection (c) as subsection (b).

SEC. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES.

In any action against an officer or employee of a State or State instrumentality for any violation of any of the provisions of title 17 or 35, United States Code, the Trademark Act of 1946, or the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), remedies shall be available against the officer or employee in the same manner and to the same extent as such remedies are available in an action against a private individual under like circumstances. Such remedies may include monetary damages assessed against the officer or employee, declaratory and injunctive relief, costs, attorney fees, and destruction of infringing articles, as provided under the applicable Federal statute.

SEC. 5. LIABILITY OF STATES FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY.

(a) DUE PROCESS VIOLATIONS.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that deprives any person of property in violation of the fourteenth amendment of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(b) TAKINGS VIOLATIONS.—

(1) IN GENERAL.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that takes property in violation of the fifth and fourteenth amendments of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(2) EFFECT ON OTHER RELIEF.—Nothing in this subsection shall prevent or affect the ability of a party to obtain declaratory or injunctive relief under section 4 of this Act or otherwise.

(c) COMPENSATION.—Compensation under subsection (a) or (b)—

(1) may include actual damages, profits, statutory damages, interest, costs, expert witness fees, and attorney fees, as set forth in the appropriate provisions of title 17 or 35, United States Code, the Trademark Act of 1946, and the Plant Variety Protection Act; and

(2) may not include an award of treble or enhanced damages under section 284 of title 35, United States Code, section 504(d) of title 17, United States Code, section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117 (b)), or section 124(b) of the Plant Variety Protection Act (7 U.S.C. 2564(b)).

(d) BURDEN OF PROOF.—In any action under subsection (a) or (b)—

(1) with respect to any matter that would have to be proved if the action were an action for infringement brought under the applicable Federal statute, the burden of proof shall be the same as if the action were brought under such statute; and

(2) with respect to all other matters, including whether the State provides an adequate remedy for any deprivation of property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

(e) EFFECTIVE DATE.—This section shall apply to violations that occur on or after the date of enactment of this Act.

SEC. 6. RULES OF CONSTRUCTION.

(a) JURISDICTION.—The district courts shall have original jurisdiction of any action arising under this Act under section 1338 of title 28, United States Code.

(b) BROAD CONSTRUCTION.—This Act shall be construed in favor of a broad protection of intellectual property, to the maximum extent permitted by the United States Constitution.

(c) SEVERABILITY.—If any provision of this Act or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected.

By Mr. DURBIN (for himself and Ms. STABENOW):

S. 1192. A bill to establish a Consumer and Small Business Energy Commission to assess and provide recommendations regarding recent energy price spikes from the perspective of consumers and small businesses; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, today I am introducing the Consumer and Small Business Energy Commission Act. I am pleased to have the support of the Senator from Michigan, Senator STABENOW, in introducing this legislation. This legislation will allow us to better understand the causes of energy price spikes from the consumer and small business perspectives, and better address this pressing issue.

The Consumer and Small Business Energy Commission Act would establish a Consumer and Small Business Energy Commission. The members would be appointed on a bipartisan basis by the Speaker and Minority Leader of the House and the Majority and Minority Leaders of the Senate, as well as the President. The Commission would be comprised of representatives of consumer groups, the energy industry, small businesses, and the Administration. The Commission will study the causes of energy price spikes and issue recommendations on how to avert price spikes in the future.

Sine 1990, residential heating oil, residential natural gas, commercial natural gas, industrial natural gas, and gasoline have all had significantly fluctuating prices. Gasoline price spikes have become commonplace in the Midwest. Escalating home heating and cooling bills have crippled family budgets in the Midwest and Northeast. Farmers and industries dependent on natural gas for the production of fertilizer and other chemical products have also suffered economically. Most recently, natural gas prices have skyrocketed and gasoline prices have shown little sign of falling from the historic highs of the past few months.

We need a comprehensive study of these problems. Some past studies have assessed the long-range supply and demand for energy product. The Federal Trade Commission studied gasoline price spikes in the Midwest, and Senator LEVIN has embarked on a series of hearings exploring gasoline pricing issues. Other studies have investigated narrow or specific abuses of market power in the energy industry, such as in California. The Consumer and Small Business Energy Commission will look at the entire picture, focusing on price fluctuations of all consumer energy products. The list of potential causes that need to be studied includes: insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, possible regulation problems, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient investment in research and development of alternative sources, opportunistic behavior by energy companies, and abuse of market power.

We need to give consumers and small businesses a voice. When consumers go to pay their grocery bills, or their tuition bills, or even their residential electricity bills in most states, and when small businesses go to pay for raw materials, prices are fairly predictable. But when they go to pay for their heating and cooling, natural gas, or gasoline, families and businesses face the frustrating reality of wild price swings.

We need to bring consumers and small businesses to the table together with representatives of the energy industry and government. We need these groups to work collectively, and to consider the range of possible causes of energy price spikes.

A measure very similar to this bill enjoyed strong, bipartisan support last year, and passed as an amendment to the Senate energy bill by a vote of 69–30. The minor changes to this bill include adding direct representation of small businesses to the Commission, expanding the participation of Administration representatives in the study phase, and establishing an Executive Committee to expedite the issuance of the final report, which will include recommendations.

By enacting the Consumer and Small Business Energy Commission Act, we will be able to better understand the causes of energy price spikes and hopefully avert them in the future. I urge my colleagues to join me as a cosponsor of this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1192

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 ''Consumer and Small Business Energy Commission Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there have been several sharp increases since 1990 in the price of electricity, gasoline, home heating oil, natural gas, and propane in the United States;

(2) recent examples of such increases include—

(A) unusually high gasoline prices that are at least partly attributable to global politics;

(B) electricity price spikes during the California energy crisis of 2001; and

(C) the Midwest gasoline price spikes in spring 2001;

(3) shifts in energy regulation, including the allowance of greater flexibility in competition and trading, have affected price stability and consumers in ways that are not fully understood;

(4) price spikes undermine the ability of low-income families, the elderly, and small businesses (including farmers and other agricultural producers) to afford essential energy services and products;

(5) energy price spikes can exacerbate a weak economy by creating uncertainties that discourage investment, growth, and other activities that contribute to a strong economy;

(6) the Department of Energy has determined that the economy would be likely to perform better with stable or predictable energy prices;

(7) price spikes can be caused by many factors, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, over-regulation or under-regulation, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient research and development of alternative energy sources, opportunistic behavior by energy companies, and abuses of market power;

(8) consumers and small businesses have few options other than to pay higher energy costs when prices spike, resulting in reduced investment and slower economic growth and job creation;

(9) the effect of price spikes, and possible responses to price spikes, on consumers and small businesses should be examined; and

(10) studies have examined price spikes of specific energy products in specific contexts or for specific reasons, but no study has examined price spikes comprehensively with a focus on the impacts on consumers and small businesses.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Consumer and Small Business Energy Commission established by section 4(a).

(2) CONSUMER ENERGY PRODUCT.—The term ''consumer energy product'' means—

(A) electricity;

(B) gasoline;

(C) home heating oil;

(D) natural gas; and

(E) propane.

(3) CONSUMER GROUP FOCUSING ON ENERGY ISSUES.—The term ''consumer group focusing on energy issues'' means—

(A) an organization that is a member of the National Association of State Utility Consumer Advocates;

(B) a nongovernmental organization representing the interests of residential energy consumers; and

(C) a nongovernmental organization that—

(i) receives not more than ¼ of its funding from energy industries; and

(ii) represent the interests of energy consumers.

(4) ENERGY CONSUMER.—The term ''energy consumer'' means an individual or small business that purchases 1 or more consumer energy products.

(5) ENERGY INDUSTRY.—The term ''energy industry'' means for-profit or not-for-profit entities involved in the generation, selling, or buying of any energy-producing fuel involved in the production or use of consumer energy products.

(6) EXECUTIVE COMMITTEE.—The term ''Executive Committee'' means the executive committee of the Commission.

(7) SMALL BUSINESS.—The term ''small business'' has the meaning given the term

''small business concern'' in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 4. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Consumer and Small Business Energy Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 20 members.

(2) APPOINTMENTS BY THE SENATE AND HOUSE OF REPRESENTATIVES.—The majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 4 members, of whom—

(A) 2 shall represent consumer groups focusing on energy issues;

(B) 1 shall represent small businesses; and

(C) 1 shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 1 member from each of—

(A) the Energy Information Administration of the Department of Energy;

(B) the Federal Energy Regulatory Commission;

(C) the Federal Trade Commission; and

(D) the Commodities Future Trading Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission not later than the earlier of—

(1) the date that is 30 days after the date on which all members of the Commission have been appointed; or

(2) the date that is 90 days after the date of enactment of this Act, regardless of whether all members have been appointed.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission, excluding the members appointed under subparagraphs (B), (C), and (D) of subsection (b)(3).

(f) EXECUTIVE COMMITTEE.—The Commission shall have an executive committee comprised of all members of the Commission except the members appointed under subparagraphs (B), (C), and (D) of subsection (b)(3).

(g) INFORMATION AND ADMINISTRATIVE EXPENSES.—The Federal agencies specified in subsection (b)(3) shall provide the Commission such information and pay such administrative expenses as the Commission requires to carry out this section, consistent with the requirements and guidelines of the Federal Advisory Commission Act (5 U.S.C. App.).

(h) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes in major United States consumer energy products since 1990.

(B) MATTERS TO BE STUDIED BY THE COMMISSION.—In conducting the study, the Commission shall—

(i) focus on the causes of the price spikes, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, any over-regulation or under-regulation, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient research and development of alternative energy sources, opportunistic behavior by energy companies, and abuses of market power;

(ii) examine the effects of price spikes on consumers and small businesses;

(iii) investigate market concentration, opportunities for misuse of market power, and any other relevant market failures; and

(iv) consider—

(I) proposals for administrative actions to mitigate price spikes affecting consumers and small businesses;

(II) proposals for legislative action; and

(III) proposals for voluntary actions by energy consumers and the energy industry.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Executive Committee shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by energy consumers and the energy industry to protect consumers from future price spikes in consumer energy products, including a recommendation on whether energy consumers need an advocate on energy issues within the Federal Government.

(i) TERMINATION.—

(1) DEFINITION OF LEGISLATIVE DAY.—In this subsection, the term ''legislative day'' means a day on which both Houses of Congress are in session.

(2) DATE OF TERMINATION.—The Commission shall terminate on the date that is 30 legislative days after the date of submission of the report under subsection (h)(2).

By Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY):

S. 1193. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased today to introduce the Capital Construction Fund Qualified Withdrawal Act of 2003. My friends and colleagues, Senator SMITH and Senator MURRAY, join me in introducing this important bill.

In January of 2000, a fishery disaster was declared by the Secretary of Commerce for the West Coast groundfish fishery. Due to major declines in fish population, the Pacific Fisheries Management Council decreased groundfish catch quotas by 90 percent. Today, the groundfish fishery in Oregon and adjoining States in the Pacific Northwest continues to face daunting challenges as a result of this disaster. Fishery income has dropped 55 percent and over a thousand fishers face bankruptcy. The Pacific Fishery Management Council has called for a 50 percent reduction in fishing capacity as part of their strategic plan for the recovery of the fishery. This legislation supports this effort by reforming the Capital Construction Fund in a way that will ease the groundfish fishers' transition away from fishing.

The Capital Construction Fund, CCF, Merchant Marine Act of 1936, amended 1969, 46 U.S.C. 1177, has been a way for fishers to accumulate funds, free from taxes, for the purpose of buying or refitting fishing vessels. It was conceived at a time when the federal government wanted to help capitalize and expand American fishing fleets. The program was a success: it led to a larger U.S. fishing fleet. However, fish populations declined and the U.S. commercial fishing fleet is now over-capitalized. The CCF's usefulness has not kept up with the times, and now it exacerbates problems facing U.S. fisheries, including the West Coast groundfish fishery.

Now is the time to help fishers, who wish to do so, to leave the fleet.

In Oregon, the amounts in CCF accounts range from $10,000 to over $200,000. This legislation changes current law to allow fishers to remove money from their CCF for purposes other than buying new vessels or upgrading current vessels, without losing up to 70 percent of their CCF funds in taxes and penalties. This legislation changes the CCF so fishers who want to opt out of fishing are not penalized for doing so.

This bill takes a significant step towards helping fishermen and making the West Coast groundfish fishery and the commercial fishing industry sustainable by amending the CCF to allow non-fishing uses of investments. This bill amends the Merchant Marine Act of 1936 and the Internal Revenue Code to allow funds currently in the CCF to be rolled over into an IRA or other types of retirement accounts, or to be used for the payment of an industry fee authorized by the fishery capacity reduction program, without adverse tax consequences to the account holders. This bill will also encourage innovation and conservation by allowing fishers to use funds deposited in a CCF to develop or purchase new gear that reduces bycatch.

I look forward to working with my colleagues to pass this legislation.

By Mr. DEWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, and Mr. DOMENICI):

S. 1194. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today, along with Senators DOMENICI, LEAHY, GRASSLEY, and CANTWELL, to introduce the ''Mentally Ill Offender Treatment and Crime Reduction Act of 2003.'' This bipartisan measure would, among other things, create a program of planning and implementation grants for communities so they may offer more treatment and other services to mentally ill offenders. Under this bill, programs receiving grant funds would be operated collaboratively by both a criminal justice agency and a mental health agency.

The mentally ill population poses a particularly difficult challenge for our criminal justice system. People afflicted with mental illness are incarcerated at significantly higher rates than the general population. According to the Bureau of Justice Statistics, while only about five percent of the American population has a mental illness, about 16 percent of the State prison population has such an illness. The Los Angeles County Jail, for example,

typically has more mentally ill inmates than any hospital in the country.

Unfortunately, however, the reality of our criminal justice system is that jails and prisons do not provide a therapeutic environment for the mentally ill and are unlikely to do so any time soon. Indeed, the mentally ill inmate often is preyed upon by other inmates or becomes even sicker in jail. Once released from jail or prison, many mentally ill people end up on the streets. With limited personal resources and little or no ability to handle their illness alone, they often commit further offenses resulting in their re-arrest and re-incarceration. This ''revolving door'' is costly and disruptive for all involved.

Although these problems tend to manifest themselves primarily within the prison system, the root cause of our current situation is found in the mental health system and its failure to provide sufficient community-based treatment solutions. Accordingly, the solution will necessarily involve collaboration between the mental health system and criminal justice system. In fact, it also will require greater collaboration between the substance abuse treatment and mental health treatment communities, because many mentally ill offenders have a drug or alcohol problem in addition to their mental illness.

The purpose of the ''Mentally Ill Offender Treatment and Crime Reduction Act'' is to foster exactly this type of collaboration at the Federal, State, and local levels. The bill provides incentives for the criminal justice, juvenile justice, mental health, and substance abuse treatment systems to work together at each level of government to establish a network of services for offenders with mental illness. The bill's approach is unique, in that it not only would promote public safety by helping curb the incidence of repeat offenders, but it also would promote public health, by ensuring that those with a serious mental illness are treated as soon as possible and as efficiently and effectively as possible.

Among its major provisions, this legislation calls for the establishment of a new competitive grant program, which would be housed at the U.S. Department of Justice, but administered by the Attorney General with the active involvement of the Secretary of Health and Human Services. To ensure that collaboration occurs at the local level, the bill would require that two entities jointly submit a single grant application on behalf of a community.

Applications demonstrating the greatest commitment to collaboration would receive priority for grant funds. If applicants can show that grant funds would be used to promote public health, as well as public safety, and if the program they propose would have the active participation of each joint applicant, and if their grant application has the support of both the Attorney General and the Secretary of Health and Human Services, then it would receive priority for funding.

Additionally, the bill would permit grant funds to be used for a variety of purposes, each of which embodies the goal of collaboration. First, grant funds may be used to provide courts with more options, such as specialized dockets, for dealing with the non-violent offender who has a serious mental illness or a co-occurring mental illness and drug or alcohol problem. Second, grant funds could be used to enhance training of mental health and criminal justice system personnel, who must know how to deal appropriately with the mentally ill offender. Third, grant funds could be devoted to programs that divert the criminal justice system into treatment those non-violent offenders with severe and persistent mental illness. Finally, correctional facilities may use grant funds to promote the treatment of inmates and ease their transition back into the community upon release from jail or prison.

In specifically authorizing grant funds to be used to promote more options for courts to deal with mentally ill offenders, this bill builds on legislation that I introduced two years ago with my colleague from Ohio, Congressman TED STRICKLAND. That measure, which became law, authorized $10 million per year for the establishment of more mental health courts. I have long supported mental health courts, which enable the criminal justice system to provide an individualized treatment solution for a mentally ill offender, while also requiring accountability of the offender. The legislation we are introducing today would make possible the creation or expansion of more mental health courts, and it also would promote the funding of treatment services that support such courts.

In addition to making planning and implementation grants available to communities, the ''Mentally Ill Offender Treatment and Crime Reduction Act'' also calls for an Interagency Task Force to be established at the federal level. This Task Force would include the Attorney General and the Secretary of Health and Human Services, as well as the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Commissioner of Social Security. The Task Force would be charged with identifying new ways that federal departments can work together to reduce recidivism among mentally ill adults and juveniles.

Finally, the bill would direct the Attorney General and Secretary of Health and Human Services to develop a list of ''best practices'' for criminal justice personnel to use when diverting mentally ill offenders from the criminal justice system.

Ultimately, this is a good bill and one that is long overdue. I encourage my colleagues to support this important legislative measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1194

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 ''Mentally Ill Offender Treatment and Crime Reduction Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

SEC. 3. PURPOSE.

The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

(1) reduce rearrests among adult and juvenile offenders with mental illness, or co-occurring mental illness and substance abuse disorders;

(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

(3) maximize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

(5) promote adequate training for mental health treatment personnel about criminal

offenders with mental illness and the appropriate response to such offenders in the criminal justice system;

(6) promote communication between criminal justice or juvenile justice personnel, mental health treatment personnel, nonviolent offenders with mental illness, and other support services such as housing, job placement, community, and faith-based organizations; and

(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.

SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

"SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) APPLICANT.—The term 'applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

''(2) COLLABORATION PROGRAM.—The term 'collaboration program' means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

''(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

''(B) a mental health agency.

''(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term 'criminal or juvenile justice agency' means an agency of a State or local government that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

''(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

''(A) IN GENERAL.—The terms 'diversion' and 'alternative prosecution and sentencing' mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

''(B) APPROPRIATE USE.—In this paragraph, the term 'appropriate use' includes the discretion of the judge or supervising authority and the leveraging of justice sanctions to encourage compliance with treatment.

''(5) MENTAL HEALTH AGENCY.—The term 'mental health agency' means an agency of a State or local government that is responsible for mental health services.

''(6) MENTAL HEALTH COURT.—The term 'mental health court' means a judicial program that meets the requirements of part V of this title.

''(7) MENTAL ILLNESS.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

''(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

''(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities.

''(8) PRELIMINARILY QUALIFIED OFFENDER.—The term 'preliminarily qualified offender' means an adult or juvenile who—

''(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

''(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

''(B) has faced or is facing criminal charges and is deemed eligible by a designated pretrial screening and diversion process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Department of Health and Human Services.

''(10) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

''(b) PLANNING AND IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders in order to promote public safety and public health.

''(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

''(A) mental health courts or other court-based programs for preliminarily qualified offenders;

''(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel in procedures for identifying the symptoms of mental illness and co-occurring mental illness and substance abuse disorders in order to respond appropriately to individuals with such illnesses;

''(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

''(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

''(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

''(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

''(3) APPLICATIONS.—

''(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

''(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

''(4) PLANNING GRANTS.—

''(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

''(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

''(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

''(D) AMOUNT.—The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

''(E) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2003.

''(5) IMPLEMENTATION GRANTS.—

''(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

''(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

''(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

''(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services is integrated with the provision of substance abuse treatment services, where appropriate;

''(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

''(iv) involve, to the extent practicable, in developing the grant application—

''(I) individuals with mental illness or co-occurring mental illness and substance abuse disorders; or

''(II) the families and advocates of such individuals under subclause (I).

''(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

''(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

''(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

''(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify individuals with mental illness or co-occurring mental illness and substance abuse disorders.

''(ii) SERVICES.—Applicants for an implementation grant shall—

''(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

''(II) specify plans for making mental health treatment services available and accessible to mentally ill offenders at the time of their release from the criminal justice system, including outside of normal business hours;

''(III) ensure that preliminarily qualified offenders served by the collaboration program will have access to effective and appropriate community-based mental health services, or, where appropriate, integrated substance abuse and mental health treatment services;

''(IV) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

''(V) include strategies to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

''(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

''(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

''(F) FINANCIAL.—Applicants for an implementation grant shall—

''(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

''(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as medicaid, medicare, and the State Children's Insurance Program); and

''(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

''(G) OUTCOMES.—Applicants for an implementation grant shall—

''(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

''(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

''(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

''(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

''(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

''(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

''(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

''(I) criminal justice system personnel to identify and respond appropriately to the unique needs of an adult or juvenile with mental illness or co-occurring mental illness and substance abuse disorders; or

''(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

''(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

''(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

''(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

''(3) have the support of both the Attorney General and the Secretary.

''(d) MATCHING REQUIREMENTS.—

''(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

''(A) 80 percent of the total cost of the program during the first 2 years of the grant;

''(B) 60 percent of the total cost of the program in year 3; and

''(C) 25 percent of the total cost of the program in years 4 and 5.

''(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

''(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

''(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

''(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

''(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

''(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

''(5) develop a uniform program evaluation process; and

''(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

''(f) INTERAGENCY TASK FORCE.—

''(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

''(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

''(A) identify policies within their departments which hinder or facilitate local collaborative initiatives for adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders; and

''(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to adults and juveniles with mental illness or co-occurring mental illness and substance abuse disorders.

''(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section—

''(1) $100,000,000 for each of fiscal years 2004 and 2005; and

''(2) such sums as may be necessary for fiscal years 2006 through 2008.''.

(b) LIST OF ''BEST PRACTICES''.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of ''best practices'' for appropriate diversion from incarceration of adult and juvenile offenders.

(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

''Sec. 2991. Adult and juvenile collaboration programs.''.

Mr. LEAHY. Mr. President, I have joined today with Senators DEWINE, GRASSLEY, CANTWELL, and DOMENICI to introduce legislation that will help State and local governments reduce crime by providing more effective treatment for the mentally ill. All too often, people with mental illness rotate repeatedly between the criminal justice system and the streets of our communities, committing a series of minor offenses. Law enforcement officers' ever scarcer time is being occupied by these offenders, who divert them from their more urgent responsibilities. Meanwhile, offenders find themselves in prisons or jails, where little or no appropriate medical care is available for them. This bill give State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public's safety, and mentally ill offenders.

I held a Judiciary Committee hearing last June on the criminal justice system and mentally ill offenders. At that

hearing, we heard from State mental health officials, law enforcement officers, corrections officials, and the representative of counties around our Nation. All agreed that people with untreated mental illness are more likely to commit crimes, and that our State mental health systems, prisons and jails do not have the resources they need to treat the mentally ill, and prevent crime and recidivism. As this legislation's findings detail, more than 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, about 20 percent of youth in the juvenile justice system have serious mental health problems, and up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives. This is a serious problem that I hear about often when I talk with law enforcement officials and others in Vermont.

Under this bill, State and local governments can apply for funding to a. create or expand mental health courts or other court-based programs, which can divert qualified offenders from prison to receive treatment; b. create or expand programs to provide specialized training for criminal justice and mental health system personnel; c. create or expand local treatment programs that serve individuals with mental illness or co-occurring mental illness and substance abuse disorders; and d. promote and provide mental health treatment for those incarcerated in or released from a penal or correctional institution.

This legislation brings together law enforcement, corrections, and mental health professionals—indeed, officials from each of these fields in Vermont have offered their advice and support in drafting this bill. They know that the States have been dealing with the unique problems created by mentally ill offenders for many years, and that a Federal response is overdue. I look forward to working with them, and with Senator DEWINE, Representative TED STRICKLAND, and other Members, to see this bill enacted this Congress.

Mr. GRASSLEY. Mr. President, I am pleased today to be once again introducing with Senator DEWINE the Mentally Ill Offender Treatment and Crime Reduction Act of 2003. This bipartisan bill authorizes the Attorney General to administer a grant program to assist communities in planning and implementing services for mentally ill offenders. These grants will increase public safety by fostering collaborative efforts by criminal justice, mental health, and substance abuse agencies. I have seen these types of collaborative programs work in Iowa and I know that they can work elsewhere.

We have an obligation to ensure that the public is protected from these offenders who suffer from mental illness. The Bureau of Justice Statistics has reported that over 16 percent of adults incarcerated in U.S. jails and prison have a mental illness. In addition, the Office of Juvenile Justice and Delinquency Prevention has reported that over 20 percent of youth in the juvenile justice system have serious mental health problems. This grant program will help increase public safety, as well as reduce the number of mentally ill adults and juveniles incarcerated in correctional facilities.

These grant dollars may be used by States and localities to establish mental health courts or other diversion programs, create or expand community-based treatment programs, provide in-jail treatment and transitional services, and for training of criminal justice and mental health system employees. The state of Iowa and a number of its counties are already leading the way in finding creative and collaborative programs to address the problems presented by these mentally ill criminals. Working together, the criminal justice, mental health, and substance abuse professionals can make a difference in the lives of this special class of offenders and also increase the safety of the public.

I want to thank Senator DEWINE for his leadership on this important issue. He has drafted a bill that reflects a common sense approach to a serious public safety issue. I also want to encourage my colleagues to support this important piece of legislation.

Ms. CANTWELL. Mr. President, I am proud to join with Senator DEWINE and Senator PATRICK LEAHY along with Senators GRASSLEY and DOMENICI in cosponsoring this important legislation. This bill will take steps to reduce the prevalence of the mentally ill in the criminal justice system by providing more effective treatment. Forty percent of the mentally ill in this country come in contact with the criminal justice system, many for minor but repeated offenses. This wastes tremendous law enforcement resources that can be better focused on more urgent responsibilities and results in many of the mentally ill sitting in jail cells where little treatment is available to them. My State has already taken some forward looking action in this area, and this legislation is an important next step.

The Mentally Ill Crime Reduction Act of 2003 funds new grants that will give States the tools they need to work collaboratively to break the cycle of mentally ill people repeatedly moving through the corrections system. This legislation will allow more jurisdictions to follow Seattle's lead in creating mental health courts that monitor individuals to keep them in treatment and out of jail. It will provide much needed funding to mental health and substance abuse programs, and it will provide critical dollars for treatment of those incarcerated in or released from prisons. The legislation has the support of Washington State Corrections Director Joe Lehman and the Washington Department of Social and Health Services as well as the National Alliance for the Mentally Ill and the Council of State Governments. I'd like to especially thank the Bazelon Center for its work in this area.

Last year, the Council on State Governments Criminal Justice/Mental Health Consensus Project issued a report that detailed the imbalance of the mentally ill in the criminal justice system. The Project found that, while those suffering from serious mental illness represent approximately five percent of the population of this country, they represent over 16 percent of the prison population. Of that 16 percent, nearly three-quarters also have a substance abuse problem, and nearly half were incarcerated for committing a nonviolent crime. In some jurisdictions recidivism rates for mentally ill inmates can reach over 70 percent. Police, judges and prosecutors are usually without options of what to do with mentally ill patients, given the lack of health services, and thus many end up in jail for minor crimes. The Los Angeles County Jail alone holds as many as 3,300 individuals with mental illness, more than any state hospital or mental health institution in the United States.

Each time a mentally ill individual is incarcerated, his or her mental condition will likely worsen. Once incarcerated, people with mental illness are particularly susceptible to harming themselves or others. This environment exacerbates their mental illness, yet access to effective counseling or medication is severely limited. This in turn brings on depression or delusions that immobilize them; many have spent years trying to mask torments or hallucinations with alcohol or drugs and on average spend more time in prisons.

This problem is particularly acute in the area of juvenile offenders. The Office of Juvenile Justice and Delinquency Prevention reports that over 20 percent of children in the juvenile justice system, over 155,000, have serious mental health problems. This bill creates specialized training programs for juvenile and criminal justice agency personnel in identifying symptoms of mentally ill individuals that will help identify and treat juveniles at an earlier stage.

The prevalence of people with mentally illness in the criminal justice system comes at a high price to taxpayers. In King County, WA, officials identified 20 people who had been repeatedly hospitalized, jailed or admitted to detoxification centers. These emergency services cost the county approximately $1.1 million in a single year. In contrast, an Illinois Cooperative Program which brought criminal justice and mental health service personnel together to provide services to those mentally ill patients released from jail calculated that the 30 individuals in the study spend approximately 2,200 days less in jail, and 2,100 fewer days, in hospitals than they had the previous year, for a savings of $1.2 million dollars.

In 1997, Seattle Fire Department Captain Stanley Stevenson was murdered by an individual who had been found incompetent by the local municipal court but was released because of the lack of alternative options. This murder was the impetus for the creation of a Task Force that led directly to the formation of the King County Mental Health Court in 1999. The primary reason why this Court has been growing more effective in dealing with mentally ill offenders is that it has increased cooperation between the mental health and criminal justice systems, institutions that have traditionally not worked closely together. Building on the model of the drug court, the mental health court closely monitors compliance with treatment regimens by assembling a team proficient in dealing with the mentally ill and at using the stick of the criminal justice system to make that treatment work. The vast majority of these mentally ill individuals are responsive to treatment.

This program has progressed well and is becoming an effective means of helping mentally ill offenders, assuring public safety, and running a more cost efficient system. Yet to allow this system to continue to expand in Seattle and other communities in Washington State, as well as to allow other States to begin using these types of programs, federal grant funding is critical. That is what this bill provides.

Collaboration between mental health, substance abuse, law enforcement, judicial, and other criminal justice personnel is also critical to the success of our mental health court program in Seattle. It is only through full coordination between the criminal justice and the mental health treatment community at the Federal and the local level that these efforts will be successful.

Similarly, only through full coordination at the Federal and local level will this bill be able to make a critical difference. I believe that some additional improvements can be made to strengthen that critical coordination and I look forward to working with Senator DEWINE and Senator LEAHY to accomplish that goal. I welcome the introduction of this legislation and look forward to working with my cosponsors to make this bill law in the next Congress.

By Mr. KYL (for himself, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. FRIST, Mr. ALEXANDER, Mrs. LINCOLN, Mr. BUNNING, Mr. SMITH, Mr. GRAHAM of Florida, Mr. SANTORUM, Mr. KERRY, Mr. KENNEDY, and Mr. HATCH):

S. 1195. A bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain public hospitals are included in the best price exemptions for the medicaid drug rebate program; to the Committee on Finance.

Mr. KYL. Mr. President, I rise today with Senators BINGAMAN, ROCKEFELLER, MCCAIN, FRIST, ALEXANDER, LINCOLN, BUNNING, SMITH, BOB GRAHAM, SANTORUM, KERRY, KENNEDY and HATCH to introduce a modest but important piece of legislation, the Safety Net Hospital Pharmacy Access Act. This legislation would correct a small error in current law that prohibits safety-net hospitals from being able to negotiate with pharmaceutical companies for the lowest prices they can get.

Let me provide some background on this problem. In 1990, Congress established the Medicaid drug-rebate program to ensure that the Medicaid program pays no more than a pharmaceutical manufacturer's ''best price'' for a covered outpatient drug. So whatever was the lowest price the manufacturer offered to anyone, this becomes the price Medicaid pays under this ''best price'' rule.

Unfortunately, this rule provides an incentive for pharmaceutical manufacturers not to offer deep discounts to anyone, given that these prices may become the new price that Medicaid pays. Given this, in 1992 Congress exempted some organizations from the Medicaid best price calculations so that pharmaceutical manufacturers would offer them lower drug prices. These organizations include the VA, the Department of Defense, and section 340B covered entities. These 340B hospitals are so called because they fall under section 340B of the Public Health Services Act, which defines 12 categories of publicly funded safety net providers. There are approximately 160 hospitals in the country that fall under the 340B program. These hospitals often bear the burden of providing a substantial amount of uncompensated care in dealing with the indigent or the uninsured.

Unfortunately, the Center for Medicare and Medicaid Services interpreted the 1992 law as only applying to outpatient drugs purchased by these entities. Therefore, drugs purchased for inpatient use at the 340B hospitals are covered by the Medicaid best price rule. This means these hospitals actually pay more for these drugs than for drugs that they can negotiate their own prices for in the outpatient setting. The legislation I am introducing today corrects this problem by allowing the 340B hospitals to also negotiate for lower drug prices in the inpatient setting.

This is an important correction since these hospitals are often providing free care to the indigent and the uninsured. And let me be clear that this legislation would not require pharmaceutical companies to provide discounts to these hospitals. All this legislation would do is allow the hospitals to negotiate for lower prices. However, in my discussion with representatives of hospitals that would be affected by this law, they believe they would be able to save money.

For instance, the Maricopa County hospital, which is the public hospital for the city of Phoenix, believes that it could save up to $1 million a year. Since this hospital constantly runs in the red because of the massive amount of uncompensated care it is required under federal law to provide, such savings would be very helpful.

I want to thank the bill's cosponsors. I also want to urge my colleagues to take a close look at this important legislation. I am going to work to see that it is passed this year.

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. FITZGERALD, and Mr. HAGEL):

S. 1196. A bill to eliminate the marriage penalty permanently in 2003; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from one of the most egregious, anti-family aspects of the tax code—the marriage penalty. Relieving American taxpayers of this burden has been one of my highest priorities as a U.S. Senator.

Last week President Bush signed into law a $350 billion jobs and economic growth package to put Americans back to work and stimulate the economy. The bill provides immediate marriage penalty relief by enlarging the standard deduction and the 15 percent tax bracket for married couples filing jointly to twice that as for single filers. This provision will save 34 million married couples an average of $589 this year alone.

Enacting marriage penalty relief is a giant step for tax fairness, but it may be fleeting. The Jobs and Growth Act was just signed, but even as the ink dries a tax increase on married couples looms in the near future. Since the bill was restricted by artificial limitations to $350 billion, the marriage penalty provisions will only be in effect for two years. In 2005, marriage will again be a taxable event for millions of Americans. Similar restrictions were placed on the 2001 tax cut, so, while relief will be phased in by 2009, it will disappear for good in 2011 unless we act decisively.

Millions of couples across America will be penalized once more by our tax code simply because they are married. Without marriage penalty relief, 48 percent of married couples will again pay the government an average $1,400 more in taxes.

Given the state of the economy and the difficulty many families face in making ends meet, we must make sure we do not backtrack on this important reform.

Without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle, and the benefits of marriage are well established. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or

to suffer from child abuse. Research indicates they are less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

The bill I am offering would make the marriage penalty relief in the Jobs and Growth Act permanent. It also will accelerate changes to the earned income tax credit that were passed in the 2001 tax reform bill. This will reduce the marriage penalty on lower income couples.

We cannot be satisfied until couples never again must decide between love and money. Marriage should not be a taxable event.

I call on the Senate to finish the job we started and say ''I do'' to providing permanent marriage penalty relief today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1196

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 ''Permanent Marriage Penalty Relief Act of 2003''.

SEC. 2. ACCELERATION OF MARRIAGE PENALTY RELIEF PROVISIONS.

(a) ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(A) by striking ''the applicable percentage of the dollar amount in effect under subparagraph (D)'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C)'';

(B) by adding ''or'' at the end of subparagraph (B);

(C) by striking subparagraph (C);

(D) by redesignating subparagraph (D) as subparagraph (C); and

(E) by striking the last sentence.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (4) of section 63(c) of such Code is amended by striking ''(2)(D)'' each place it appears and inserting ''(2)(C)''.

(B) Paragraph (7) of section 63(c) of such Code is repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

(1) IN GENERAL.—Paragraph (8) of Section 1(f) of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended to read as follows:

''(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2002, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1 of such Code is amended by striking ''PHASEOUT'' and inserting ''ELIMINATION''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(c) MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.—

(1) INCREASED PHASEOUT AMOUNT.—

(A) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to amounts) is amended by striking '''increased by—'' and all that follows and inserting ''increased by $3,000.''.

(B) INFLATION ADJUSTMENT.—Paragraph (1)(B)(ii) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(ii) in the case of the $3,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 2002.

(2) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—

(A) IN GENERAL.—Paragraph (2) of section 6213(g) of such Code is amended by striking ''and'' at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting '', and'', and by inserting after subparagraph (L) the following new subparagraph:

''(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on January 1, 2003.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENT.—Sections 303(g) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303 (other than subsection (g) of such section 303) of such Act (relating to marriage penalty relief).

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. LAUTENBERG, and Mr. DORGAN):

S. 1197. A bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, imagine for a moment you have gone to the doctor to have a medical condition evaluated. Uncertain as to what your injury may be, your doctor sends you to a specialist for a medical imaging examination to determine the extent of your injury and the proper course of treatment for it.

Or, imagine, having heard the dreaded diagnosis of cancer, going to the same facility for radiation therapy.

In either case, our sense of concern and anxiety about our medical condition will serve to focus our attention on ourselves, and not on the caregivers providing us with the treatment we need to recover, or in the case of cancer, to survive.

But, what would you say if you knew that the individual helping to direct your diagnosis or the one providing your course of treatment is someone who has done nothing more to earn his credentials than spend a few weeks getting some on the job training.

Imagine how you would feel and the level of trust you would have in a system that allowed such a thing to happen.

Unfortunately, that's an all too common occurrence with the present state of our health care system.

But, it is a problem that we can solve with the passage of legislation I am introducing today.

The Consumer Assurance of Radiological Excellence, RadCARE, Act will ensure that there are coherent standards in place for those who plan and deliver radiation therapy treatments. I am pleased to be joined by my distinguished colleague from Massachusetts, Senator KENNEDY, as well as Senators DASCHLE, LAUTENBERG, and DORGAN, in this effort, which will bring peace of mind and restore the confidence of the health consumer in the treatment they receive from those who perform radiologic procedures. It will also increase awareness of the skills of these health care professionals and raise the level of visibility their profession enjoys in the public eye.

It is important that we establish standards for personnel who perform radiologic procedures because physicians depend upon medical imaging examinations to diagnose disease and identify and treat injuries of all kinds. The quality of a radiologic procedure hinges upon the expertise of the professionals who assist in administering them.

Currently, 15 States as well as the District of Columbia do not regulate or register radiologic personnel.

To address that lack of attention, the RadCARE Act will strengthen the Consumer-Patient Radiation Health and Safety Act of 1981. The current law calls for States to establish voluntarily a set of educational and credentialing standards for radiologic and medical imaging personnel. Yet many States still do not have licensing laws in place that meet the standards recommended by the Federal Government. The RadCARE Act will require that radiologic and medical imaging personnel meet a minimum credentialing standard.

The RadCARE Act will not affect states that have a suitable licensing system or those that have mandated higher standards than required by Federal law. If a state has no meaningful

regulations or licensing system, however, then the Federal standards will apply. The RadCARE Act also has a provision to ensure access to quality healthcare in rural regions where a one-size-fits all approach may not be applicable. Enforcement of the RadCARE Act would be achieved by restricting Medicare and Medicaid reimbursement to facilities that employ personnel who meet the minimal federal standards.

The RedCARE Act will improve the safety of radiological procedures by reducing the risk of harmful overexposure to radiation. Healthcare costs will also be lowered by decreasing the number of repeated procedures due to personnel error. Additionally, the RadCARE Act will enable radiologists and other healthcare professionals to have access to quality information so that patients receive the best health care possible.

This legislation is supported by a variety of organizations concerned with the quality of these procedures, including the American Society of Radiologic Technologists, the Society of Nuclear Medicine Technologist Section, the American Association of Medical Dosimetrists, the Nuclear Medicine Technology Certification Board, the Association of Vascular and Interventional Radiographers, and the other members of the Alliance for Quality Medical Imaging and Radiation Therapy, which represents the more than 275,000 medical imaging and radiation therapy professionals in the United States.

When it comes right down to it, it's a big enough battle to fight the cancers or the injuries to our bodies that require such invasive treatments or diagnosis. We shouldn't have to worry about the level of competence of those who are providing us with the services we so desperately require for the maintenance of our health.

I urge my colleagues to join me in supporting and passing this much needed legislation. It respects the power of the states who have addressed this problem as it provides minimum standards for those who have not.

More importantly, its enactment into law will do a great deal to increase the level of confidence of the American health consumer in our healthcare system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1197

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 ''Consumer Assurance of Radiologic Excellence Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) More than 300,000,000 medical imaging examinations and radiation therapy treatments are administered annually in the United States.

(2) Seven out of every 10 Americans undergo a medical imaging examination or radiation therapy treatment every year in the United States.

(3) The administration of medical imaging examinations and radiation therapy treatments and the effect on individuals of such procedures have a substantial and direct effect upon public health and safety and upon interstate commerce.

(4) It is in the interest of public health and safety to minimize unnecessary or inappropriate exposure to radiation due to the performance of medical imaging and radiation therapy procedures by personnel lacking appropriate education and credentials.

(5) It is in the interest of public health and safety to have a continuing supply of adequately educated persons and appropriate accreditation and certification programs administered by State governments.

(6) Persons who perform or plan medical imaging or radiation therapy, including those employed at Federal facilities or reimbursed by Federal health programs, should be required to demonstrate competence by reason of education, training, and experience.

(7) The protection of public health and safety from unnecessary or inappropriate medical imaging and radiation therapy procedures and the assurance of efficacious procedures are the responsibilities of both the State and the Federal Governments.

(8) Facilities that conduct medical imaging or radiation therapy engage in and affect interstate commerce. Patients travel regularly across State lines to receive medical imaging services or radiation therapy. Facilities that conduct medical imaging or radiation therapy engage technicians, physicians, and other staff in an interstate market, and purchase medical and other supplies in an interstate market.

(9) In 1981, Congress enacted the Consumer-Patient Radiation Health and Safety Act of 1981 (Public Law 97-35) which established minimum Federal standards for the accreditation of education programs for persons who perform or plan medical imaging examinations and radiation therapy treatments and for the certification of such persons. The Act also provided the States with a model State law for the licensing of such persons.

(10) Twenty-two years after the enactment of the Consumer-Patient Radiation Health and Safety Act of 1981—

(A) 13 States do not require licensure of any kind for persons who perform or plan medical imaging examinations and radiation therapy treatments;

(B) 37 States license, regulate, or register radiographers;

(C) 28 States license radiation therapists;

(D) 22 States license nuclear medicine technologists;

(E) 8 States license or require board certification of medical physicists; and

(F) no States regulate or license medical dosimetrists.

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

(1) to ensure the accreditation of education programs for, and the licensure or certification of, persons who perform, plan, evaluate, or verify patient dose for medical imaging examinations and radiation therapy treatments; and

(2) to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

''Subpart 4—Medical Imaging and Radiation Therapy

"SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

''(a) IN GENERAL.—The Secretary shall establish standards to assure the safety and accuracy of medical imaging or radiation therapy. Such standards shall include licensure or certification, accreditation, and other requirements determined by the Secretary to be appropriate.

''(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

''(c) REQUIREMENTS.—Under the standards established under subsection (a), the Secretary shall ensure that individuals prior to performing or planning such imaging or therapy—

''(1) have successfully completed a national examination approved by the Secretary under subsection (d) for individuals who perform or plan medical imaging or radiation therapy; and

''(2) meet such other requirements relating to medical imaging or radiation therapy as the Secretary may prescribe.

''(d) APPROVED BODIES.—

''(1) IN GENERAL.—The Secretary shall certify private nonprofit organizations or State agencies as approved bodies with respect to the accreditation of educational programs or the administration of examinations to individuals for purposes of subsection (c)(1) if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

''(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for accreditation or for undertaking examinations), and other additional standards as the Secretary may require.

''(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

''(A) comply with the standards described in paragraph (2);

''(B) notify the Secretary in a timely manner before the approved body changes the standards of the body; and

''(C) provide such other information as the Secretary may require.

''(4) WITHDRAWAL OF APPROVAL.—

''(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

''(B) EFFECT OF WITHDRAWAL.—If the Secretary withdraws the certification of an approved body under subparagraph (A), the accreditation of an individual or the completion of an examination administered by such body shall continue in effect until the expiration of a reasonable period, as determined by the Secretary, for such individual to obtain another accreditation or to complete another examination.

''(e) EXISTING STATE STANDARDS.—Standards for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations,

established by a State prior to the effective date of the standards promulgated under this section, shall be deemed to be in compliance with the requirements of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

''(f) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

''(g) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to ensure that all programs that involve the performance of or payment for medical imaging or radiation therapy, that are under the authority of the Secretary, are performed in accordance with the standards established under this section.

''(h) ALTERNATIVE STANDARDS FOR RURAL AREAS.—The Secretary shall determine whether the standards developed under subsection (a) must be met in their entirety with respect to payment for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a ''rural area''. If the Secretary determines that alternative standards for such rural areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards. Alternative standards developed under this subsection shall apply in rural areas to the same extent and in the same manner as standards developed under subsection (a) apply in other areas.

''(i) REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement this section.

''(j) DEFINITIONS.—In this section:

''(1) APPROVED BODY.—The term 'approved body' means a nonprofit organization or State agency that has been certified by the Secretary under subsection (d)(1) to accredit or administer examinations to individuals who perform or plan medical imaging or radiation therapy.

''(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure or article, excluding medical ultrasound procedures, intended for use in the diagnosis or treatment of disease or other medical or chiropractic conditions in humans, including diagnostic X-rays, nuclear medicine, and magnetic resonance procedures.

''(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

''(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

''(B) the act of positioning a patient to receive such an exposure.

''(4) PLAN.—The term 'plan' with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

''(5) RADIATION THERAPY.—The term 'radiation therapy', means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.''.

By Mr. DODD:

S. 1198. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Focus on Committed and Underpaid Staff for Children's Sake Act. I am pleased that Senators KENNEDY, MURRAY, and BINGAMAN are joining me as original cosponsors and that companion legislation is being introduced in the House today by Representatives GEORGE MILLER and PATRICK KENNEDY.

The need for child care has become a daily fact of life for millions of parents nationwide. Sixty-five percent of mothers with children under age six and 78 percent of mothers with children ages 6 to 13 are in the labor force. Each day, 13 million preschool children, including 6 million infants and toddlers, spend some part of their day in child care.

The quality of that care has a tremendous impact on the critical early years of children's development. And, the most powerful determinant of the quality of child care is the training, education, and pay of those who spend 8–10 hours a day caring for our children.

Yet, what we know about the child care field is alarming. Despite the fact that continuity of care is critical for the emotional development of children, staff turnover at child care centers averages 30 percent per year—four times greater than the turnover rate for elementary school teachers.

We as a society say there is no more important task than helping to raise a child. Yet, according to the Bureau of Labor Statistics, we pay the average child care worker about $16,500 a year—barely above the poverty level for a family of three. Few child care providers have basic benefits like health coverage or paid leave. Only a small fraction of child care workers have graduated from college.

We pay people millions of dollars a year to throw baseballs, to shoot basketballs and to swing golf clubs. What does that say about our priorities when at the same time we pay those who care for our most precious resource—our children—poverty-level wages?

A report by the University of California, Berkeley and the Center for Child Care Workforce on child care providers' pay, training and education highlighted the current crisis in the child care field. In a survey of child care centers in three California communities, the study found that three-quarters of all child care staff employed in 1996 were no longer on the job in 2000. Some centers reported 100 percent turnover. Additionally, nearly half of the child care providers who had left had a Bachelor's degree, compared to only one-third of the new teachers. Some 49 percent, nearly half, of those who had left their job, left the child care field entirely.

It's clear that if we want to attract quality teachers to the child care field, the pay has to better reflect the value we place on their work. We can't attract them and we can't keep them if we don't pay them a living wage.

The legislation I am introducing today will provide states with funds to increase child care worker pay based on the level of education—the greater the level of education, the greater the increase in pay. In addition, the legislation will provide scholarships of up to $1,500 for child care workers who want to further their early childhood education training by getting a college degree, an Associate's degree, or a child development associate credential.

The legislation also includes a separate allotment to states to address access to health care coverage by child care workers. States would be free to develop their own creative methods to improve access to health care, but the intent is to ensure that an industry that works with children—who as many parents know, often come down with a variety of illnesses, particularly preschool age children—would have greater access to comprehensive and affordable health care coverage.

We will never make significant strides in improving the quality of child care in this Nation if we fail to address one of the leading problems—attracting and retaining a quality child care workforce. It is time to invest in our children by investing in those who dedicate their lives to caring for our children.

I ask unanimous consent to print a short summary of the bill following my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE FOCUS ACT: FOCUS ON COMMITTED AND UNDERPAID STAFF OR CHILDREN'S SAKE ACT

Background: According to the Department of Labor, the average wage for a child care provider is $8.16 an hour—$16,980 per year. Despite the important role child care providers play in early childhood development and learning, child care providers earn less than bus drivers ($29,430), barbers ($21,190), and janitors ($19,800). The turnover rate in the child care field is high—30 percent. But, to offer compensation to attract and retain high quality staff, child care programs would be required to charge fees that many parents would not be able to afford. Current law reimbursement rates, which are woefully inadequate for center-based and family day care homes already shut out too many parents from the child care market.

The FOCUS Act: The purpose of the FOCUS Act is to establish a Child care Provider Retention and development Grant Program, a Child Care Provider Scholarship Program, and to improve access to health coverage by child care workers and their dependents in order to reward and promote retention of committee, quality child care providers.

Child Care Provider Retention and Development Grant Program: The FOCUS Act provides grants to states to supplement the

wages of full-time child care workers who have a child development associate (CDA) credential by at least $1,000. A child care worker who has a Bachelors Degree in child development or early child education shall receive a grant of at least twice as much as grants made to providers who have an Associates degree in the area of child development or early child education. Grants to providers with an AA degree shall be at least 150 percent of grants made to those with a CDA. States shall provide grants in progressively larger dollar amounts to child care providers to reflect the number of years worked as a child care provider.

Child Care Provider Scholarships: The FOCUS Act provides grants to states for child care providers who have been employed for at least a year in the child care field—maximum grant is $1,500, to further staff education and training. FOCUS Act scholarships are not counted against other federal education aid.

Health Care Coverage for Child Care Providers: The FOCUS Act provides grants to states to provide better access to health coverage for child care workers. States retain a great deal of flexibility in determining how they will improve access to health care and health coverage by child care providers.

Funding: For FY 2004, the FOCUS Act authorizes $500 million for wage and scholarship initiatives and $200 million for health care initiatives. Such sums are authorized for fiscal years 2005–2008.

Of the $500 million for wage and scholarship initiatives, 67.5 percent is for grants to attract and retain a quality child care workforce and 22.5 percent is for scholarships to promote a child care workforce better educated on childhood development.

Set-aside: 3 percent for Indian Tribes and tribal organizations.

Funding formula: based on the number of children under age 5 and the percentage of children receiving free or reduced price lunches. 90/10 funding 1st year; 85/15 funding 2nd year; 80/20 funding 3rd year; 75/25 funding fourth and subsequent years.

By Mr. FEINGOLD (for himself, Mrs. LINCOLN, and Mr. MCCAIN):

S. 1199. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs.

I am please to be joined in this effort by the Senator from Arkansas, Mrs. LINCOLN, and the Senator from Arizona, Mr. MCCAIN.

Three years ago, the Wisconsin Department of Veterans Affairs, WDVA, launched a statewide program called ''I Owe You.'' Under the direction of Secretary Ray Boland, the program encourages veterans to apply, or to reapply, for benefits that they earned from their service in the United States military.

As part of this program, WDVA has sponsored six events around Wisconsin called ''Supermarkets of Veterans Benefits'' at which veterans can begin the process of learning whether they qualify for Federal benefits from the Department of Veterans Affairs, VA. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin's County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible. More than 11,000 veterans and their families have attended the supermarkets, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of Federal, State, and local agencies. I was proud to have members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and pre-registration for internment in veterans cemeteries.

The Institute for Government Innovation at Harvard University's Kennedy School of Government recognized the ''I Owe You'' program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was also featured in the March/April 2003 issue of Disabled American Veterans Magazine.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are Federal benefits that we owe to our veterans and it is the Federal Government's responsibility to make sure that they receive them. The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I am introducing today was spurred by the overwhelming response to the WDVA's ''I Owe You'' program and the supermarkets of veterans benefits. If more than 11,000 Wisconsin veterans are unaware of benefits that may be owed to them, it is troubling to think how many veterans around our country are also unaware of them. We can and should do better for our veterans, who selflessly served our country and protected the freedoms that we all cherish. And it is important to address gaps in the VA's outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of dedicated military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA's outreach responsibilities around the country, my bill would create a statutory definition of the term ''outreach.''

My bill also would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of being forced to compete for scarce funding with other crucial VA programs.

I have long supported efforts adequately fund VA programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with State Departments of Veterans Affairs regarding outreach activities and would give the VA grant-making authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA's ''I Owe You Program.'' Grants that are awarded to State departments under this program could be used to enhance outreach activities and to improve activities relating to veterans claims processing, which is a key component of the VA benefits process. State departments that receive grants under this program may choose to award portions of their grants to local governments, other public entities, or private or non-profit organizations that engage in veterans outreach activities.

I am pleased that this bill has the support of a number of national and Wisconsin organizations that are committed to improving the lives of our Nation's veterans, including: Disabled American Veterans; Paralyzed Veterans of America; Vietnam Veterans of America; the National Association of County Veterans Service Officers; the National Association of State Directors of Veterans Affairs; the Wisconsin Department of Veterans Affairs; the Wisconsin Association of County Veterans Service Officers; the Wisconsin Department of Disabled American Veterans; the Wisconsin Department of Veterans of Foreign Wars; the Wisconsin Paralyzed Veterans Association; and the Wisconsin State Council, Vietnam Veterans of America.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1199

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 Outreach Improvement Act of 2003''.

SEC. 2. DEFINITION OF OUTREACH.

Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(34) The term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws.''.

SEC. 3. AUTHORITIES AND REQUIREMENTS FOR ENHANCEMENT OF OUTREACH OF ACTIVITIES DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—OUTREACH

''§ 561. Outreach activities: funding

''(a) The Secretary shall establish a separate account for the funding of the outreach activities of the Department, and shall establish within such account a separate subaccount for the funding of the outreach activities of each element of the Department specified in subsection (c).

''(b) In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested for such fiscal year for activities as follows:

''(1) For outreach activities of the Department in aggregate.

''(2) For outreach activities of each element of the Department specified in subsection (c).

''(c) The elements of the Department specified in this subsection are as follows:

''(1) The Veterans Health Administration.

''(2) The Veterans Benefits Administration.

''(3) The National Cemetery Administration.

''§ 562. Outreach activities: coordination of activities within Department

''(a) The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

''(1) The Office of the Secretary.

''(2) The Office of Public Affairs.

''(3) The Veterans Health Administration.

''(4) The Veterans Benefits Administration.

''(5) The National Cemetery Administration.

''(b) The Secretary shall—

''(1) periodically review the procedures maintained under subsection (a) for the purpose of ensuring that such procedures meet the requirement in that subsection; and

''(2) make such modifications to such procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

''§ 563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach

''(a) It is the purpose of this section to assist States in carrying out programs that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive veterans' or veterans'-related benefits, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans' and veterans'-related benefits and programs (including under State veterans' programs).

''(b) The Secretary shall ensure that outreach and assistance is provided under programs referred to in subsection (a) in locations proximate to populations of veterans and other individuals referred to in that subsection, as determined utilizing criteria for determining the proximity of such populations to veterans health care services.

''(c) The Secretary may enter into cooperative agreements and arrangements with veterans agencies of the States in order to carry out, coordinate, improve, or otherwise enhance outreach by the Department and the States (including outreach with respect to State veterans' programs).

''(d)(1) The Secretary may award grants to veterans agencies of States in order to achieve purposes as follows:

''(A) To carry out, coordinate, improve, or otherwise enhance outreach, including activities pursuant to cooperative agreements and arrangements under subsection (c).

''(B) To carry out, coordinate, improve, or otherwise enhance activities to assist in the development and submittal of claims for veterans' and veterans'-related benefits, including activities pursuant to cooperative agreements and arrangements under subsection (c).

''(2) A veterans agency of a State receiving a grant under this subsection may use the grant amount for purposes described in paragraph (1) or award all or any portion of such grant amount to local governments in such State, other public entities in such State, or private non-profit organizations in such State for such purposes.

''(e) Amounts available for the Department for outreach in the account under section 561 of this title shall be available for activities under this section, including grants under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new items

''SUBCHAPTER IV—OUTREACH

''561. Outreach activities: funding.

''562. Outreach activities: coordination of activities within Department.

''563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach.''.

By Mr. GRAHAM of South Carolina (for himself, Mr. DORGAN, Mr. BUNNING, Mr. DURBIN, Mr. ROBERTS, Mrs. MURRAY, Mr. SMITH, Ms. LANDRIEU, Mr. DEWINE, Mr. CORZINE, Mr. DASCHLE, and Mrs. LINCOLN):

S. 1201. A bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth; to the Committee on Health, Education, Labor, and Pensions.

Mr. DORGAN. Mr. President, today I am happy to be joining my colleague Senator LINDSEY GRAHAM in introducing the YMCA Healthy Teen Act. Senator GRAHAM and I are introducing this bill along with Senators BUNNING, CORZINE, DASCHLE, DEWINE, DURBIN, LANDRIEU, LINCOLN, MURRAY, ROBERTS, and SMITH. This bipartisan legislation will address a critical issue for our Nation's future: the health of our children.

Unfortunately, there has been an alarming trend in recent years towards increased obesity in our Nation's youth. On average, America's young people spend 4 hours a day watching television, 1 and ½ hours a day listening to music, 30 minutes watching videos, and 20 minutes playing video games. Only 13 percent of students walk or bike to school. Only one State, Illinois, requires daily physical education in schools. The Surgeon General has reported that 13 percent of children and adolescents are overweight, more than double the number who were overweight in 1970.

We are rapidly becoming a country of the unfit, the inactive, and the unhealthy—and our young people are suffering the consequences of a sedentary lifestyle. If ignored, obesity in children leads to obesity in adulthood—and the numerous health problems that come with it including diabetes, heart disease, stroke, chronic obstructive pulmonary disease, and cancer. These five diseases alone account for more than two-thirds of all deaths in the United States, and caring for them comes at a tremendous cost to society—close to $117 billion annually.

On top of the need for increased physical activity and healthier lifestyles, the evidence is all around us that our young people today also need some extra care and support. Kids today face challenges and obstacles that I never dreamed about when I was growing up in Regent. Although recent promising evidence show that rates of smoking, drinking and the use of illegal drugs among 8th, 10th, and 12th graders fell simultaneously in 2002, still half of all high school seniors have reported using illicit drugs at least once in their lifetime.

These challenges arise in part from the temptations kids face when they have too much idle time on their own. Every day, millions of American teens are left unsupervised after school. Studies have shown that teens left unsupervised during those hours are more likely to smoke, drink alcohol, engage in sexual activity, and become involved in delinquent behavior than teens who participate in structured, supervised afterschool activities. Also, nearly 80 percent of teens who are involved in afterschool activities are A or B students, while only half of those who are not involved earn those grades.

To address these crucial issues facing America's youth, I propose we turn to an exemplary organization dedicated to improving kids' lives, the YMCA. Nearly 2.4 million teenagers—1 out of every 10—are involved in a program offered by their local YMCA. In 2001, total membership rolls reached their highest level in history, with 18.3 million men, women, and children—half of them under 18—receiving a vast range of services from their local YMCAs.

In the past year and a half, I visited three of the six YMCAs that serve

North Dakota teens. Through programs focused on education, healthy lifestyles, physical activity, leadership, and service learning, these North Dakota YMCAs helped 12,500 teens in my State develop character, build confidence, and become healthier within the last year alone.

I have seen firsthand what a difference a safe, structured, and healthy afterschool environment can make for our youth. In those communities in North Dakota and across the country, the YMCA is a place to learn, a place to play sports, a place to meet friends, and a place to simply shed the problems that youths face every day in school and at home and just have some fun. North Dakota teens embrace the countless opportunities presented to them at their YMCAs with enthusiasm, and I have no doubt they are not alone.

While the YMCA is national in scope, they are local in control and every program is designed and evaluated to meet the communities' unique needs. I am confident that this bill will help the YMCA to reach more teens and continue to provide successful solutions for our Nation's teens and families.

To serve more teens in need of healthier lifestyles and safe and structured afterschool programs, the YMCA has set the goal of doubling the number of teens served to one in five teens by 2005. This ambitious campaign is called the Teen Action Agenda.

The bill that Senator GRAHAM and I offer today provides funding to help the YMCA reach teens who need safe and structured activities that will promote physical activity and healthy lifestyles. This piece of legislation authorizes Federal appropriations of $20 million per year for fiscal years 2004 through 2008 for the YMCA to implement its Teen Action Agenda. This funding would in turn be distributed to local YMCAs that are located in all 50 States and the District of Columbia. Similar legislation was passed in the 105th Congress for the Boys and Girls Club and in the 106th Congress for the Police Athletic League to aid in their efforts to reach out to youth.

Each program funded through this initiative would include physical activity and nutritional education components, and could also focus on other health risks faced by teenage youths, such as tobacco, drugs, and risky behaviors that lead to injury and violence.

This bill will encourage public-private partnerships and leverage additional funding for teen programs. It contains a matching component that will be met by the YMCA through local and private support. The YMCA in 2001 raised $777 million in public contributions, double the annual contribution levels of a decade ago, and continues to grow and gain support from communities for its work. The matching component, along with the support the YMCA programs receive from national corporate sponsors, will turn $20 million in Federal funds into $50 million that will be invested in proven programs that serve teens who are most in need.

Adolescence is an opportune time to instill in children positive eating habits and exercise routines that will carry over into adulthood. The YMCA is an established and proven organization that is in the position to reach out and influence thousands of teenagers. This legislation is an opportunity for us to do something for the health of our Nation's teenagers, when they now face greater risks and challenges than ever before. Again, for the sake of our children's future, I urge my Senate colleagues to join Senator GRAHAM and me in cosponsoring this piece of legislation.

By Mr. ENZI (for himself, Mr. BINGAMAN and Mr. CAMPBELL):

S. 1203. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, one of the great benefits of the revolution in information technology has been its effect on education. With the information superhighway and the number of online research and information sources it has made available, modern technology and higher education have become inseparable.

The notion of distance learning and the access it provides to students—especially those in rural areas—could use a little more support, however, so that is why I am introducing the Distance Learning and Online Education Act of 2003.

This legislation builds on principles already found in the Higher Education Act to help reach populations that have traditionally been excluded from attending institutions of higher education.

Wyoming is a very rural State. There is only one four year school in the entire State, and there are only seven community colleges. If you include the University of Wyoming's satellite campuses, that adds up to nine institutions of higher education in an area of nearly one hundred thousand square miles. By contrast, there are one hundred twenty nine institutions of higher education in the State of Massachusetts, which makes up an area roughly one tenth the size of Wyoming. In fact, the only State that has fewer institutions of higher education is Alaska.

Expanding access to higher education for our rural communities has been a challenge for many years. Now, the Internet has made it possible for prospective students in rural communities, far removed from the university campus, to attend college online. They may now spend their time studying, rather than commuting back and forth between school.

At present, the most significant barriers that distance learners and online education programs must face are those that were created by the Higher Education Act. Under current law, students attending institutions that enroll more than half of their students in distance programs are ineligible for Federal student financial assistance. As a result, many of the communities that this assistance is designed to reach have been excluded from sharing in its benefits, including students from rural communities, single mothers, working professionals, and a range of others who are interested in attending college but who cannot afford to do so.

The legislation that I introduce today corrects this problem by creating an avenue for online and distance educators to reach out to rural communities and non-traditional students by making them eligible for federal student assistance. It creates an eligibility standard for these institutions that helps to ensure they will provide high quality education programs, while it also protects Federal funding from fraud and abuse.

The Distance Learning and Online Education Act ensures students will receive a high quality education by requiring online educators to become accredited by an agency that has an appropriate focus on distance education. As provided under current law, the accrediting body must also be recognized by the Secretary of Education as an agency that can determine the institution's eligibility under Title IV of the Higher Education Act. This is a slightly higher standard than is expected of the brick and mortar institutions that have been entrusted with Title IV funding since the Higher Education Act was originally passed.

My bill will also protect against any fraud and abuse of Title VI funds by requiring distance educators to demonstrate their financial responsibility. In addition to meeting the default rates already established in current law, institutions interested in becoming eligible must also have a record free from audit findings or program review findings resulting in significant penalties for a period of at least two years. Distance learning institutions must also show that they have not had their participation in Title IV limited, suspended or terminated during the previous five years, and they must create a system of assurances that the student participating in the program is the individual completing the work.

It is clear that the shape of higher education in this country is changing and it will never be the same again. We have an opportunity, through technology, to reach student populations that have been excluded from participation in higher education because they cannot afford to attend or travel to classrooms or campuses located many miles from their homes. We can change part of the equation by changing the way we view those programs that hold the greatest promise for nontraditional students. Making them eligible for federal student assistance will go a long way toward making a higher education available to everyone with

the interest in learning and the determination to get the job done. The Distance Learning and Online Education Act of 2003 will provide a hand up—not a hand out—to those whose interest in a higher education is limited only by their resources. By offering them a helping hand we can eliminate that obstacle and help a new generation achieve their goals and live their dreams.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1203

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 ''Distance Education and Online Learning Act of 2003''.

SEC. 2. STUDENT ELIGIBILITY.

Section 484(l)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(l)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''in whole or in part'' and inserting ''predominantly'';

(B) by striking ''of 1 year or longer''; and

(C) by striking ''unless'' and all that follows through ''all courses at the institution''; and

(2) by amending subparagraph (B) to read as follows:

''(B) REQUIREMENT.—An institution of higher education referred to in subparagraph (A) is an institution of higher education that is not an institution or school described in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998.''.

SEC. 3. DEFINITION OF ELIGIBLE PROGRAM.

Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

''(3)(A) A program that is offered predominantly through distance education methods and processes (other than correspondence courses) is an eligible program for purposes of this title if—

''(i) the program was reviewed and approved by an accrediting agency or association that—

''(I) is recognized by the Secretary under subpart 2 of part H; and

''(II) has evaluation of distance education programs within the scope of its recognition; and

''(ii) the institution offering the program—

''(I) has not had its participation in programs under this title limited, suspended, or terminated within the preceding 5 years;

''(II) has not had or failed to resolve an audit finding or program review finding under this Act during the preceding 2 years that resulted in the institution being required to repay an amount that is greater than 10 percent of the total funds the institution received under the programs authorized by this title for any award year covered by the audit or program review;

''(III) has not been found by the Secretary during the preceding 5 years to be in material noncompliance with the provisions of this Act related to the submission of acceptable and timely audit reports required under this title; and

''(IV) is determined to be financially responsible under regulations promulgated by the Secretary pursuant to section 498(c).

''(B) If the accreditation agency or association withdraws approval of the program described in subparagraph (A)(i) or the institution fails to meet any of the requirements described in subparagraph (A)(ii), then the program shall cease to be an eligible program at the end of the award year in which such withdrawal of approval or failure to meet such requirements occurs. The program shall not be an eligible program until the provisions of subparagraph (A) (i) and (ii) are met again.

''(4) The Secretary shall promulgate regulations for determining whether a program that offers a degree or certificate on the basis of a competency assessment, that examines the content of the course work provided by the institution of higher education, is an eligible program for purposes of this title.''.

SEC. 4. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b) is amended—

(1) in subsection (n)(3), by striking the last sentence and inserting the following: ''If the agency or association requests that the evaluation of institutions offering distance education programs be included within its scope of recognition, and demonstrates that the agency or association meets the requirements of subsection (p), then the Secretary shall include the accreditation of institutions offering distance education programs within the agency's or association's scope of recognition.''; and

(2) by adding at the end the following:

''(p) DISTANCE EDUCATION PROGRAMS.—An agency or association that seeks to evaluate the quality of institutions offering distance education programs within its scope of recognition shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that the agency or association assesses—

''(1) measures of student achievement of students enrolled in distance education programs;

''(2) the preparation of faculty and students to participate in distance education programs;

''(3) the quality of interaction between faculty and students in distance education programs;

''(4) the availability of learning resources and support services for students in distance education programs; and

''(5) measures to ensure the integrity of student participation in distance education programs.''.

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1204. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Hunting Heritage Protection Act. With the introduction of this important legislation, we are able to acknowledge our Nation's rich heritage of hunting. The purpose of this bill is to pass that legacy on to future generations by protecting and preserving the rights of our Nation's sportsmen and women.

In 2001 over 13 million Americans contributed over $20.6 billion to the U.S. economy while hunting—a true recreational activity. Many believe that in order to hunt you must own land, but that is not true. I believe that hunting should be available as a recreational activity for everyone.

I have been an avid outdoor sportsman since my early adulthood. I am also an avid conservationist, like most other hunters. Mr. President, recreational hunting provides many opportunities to spend valuable time with children, just as I do with my son. He has been hunting since he was a young boy where he discovered and learned to appreciate one of the Earth's greatest treasures, nature.

Over the years, hunters have contributed billions of dollars to wildlife conservation, by purchasing licenses, permits, and stamps, as well as paying excise taxes on goods used by hunters. Since the time of President Teddy Roosevelt, father of the conservation movement, sportsmen and women have been and will continue to be some of the greatest supporters of sound wildlife management and conservation practices in the U.S.

Hunters need to be recognized for the vital role they play in conservation in this country. The Hunting Heritage Protection Act will do just that. This bill formalizes a policy by which the Federal Government will support, promote, and enhance recreational hunting opportunities, as permitted under State and Federal law. Further, the bill mandates that Federal public land and water are to be open to access and use for recreational hunting where and when appropriate. I should clarify and stress that this bill does not suggest that we open all national parks to hunting. As I mentioned, the goal is simple—I want recreational hunting on our public land to be available to the citizens of this country where and when appropriate.

It is crucial that the tradition of hunting is protected and that the valuable contributions that hunters have made to conservation in this country are recognized. And, we want to ensure that Federal land management decisions and their actions result in a 'no net loss of hunting opportunities'' on our public lands. This bill allows Congress to address this issue and to honor our Nation's sportsmen and women.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1205. A bill to provide discounted housing for teachers and other staff in rural areas of States with a population less than 1,000,000 and with a high population of Native Americans or Alaska Natives; to the Committee on Indian Affairs.

Mr. STEVENS. Mr. President, on behalf of Senator MURKOWSKI, I rise to introduce the Rural Teacher Housing Act of 2003.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will have a profound effect on the retention of good teachers, administrators, and other school staff in remote and rural areas of Alaska and in the rest of our Nation.

In rural areas of Alaska, school districts face the challenge of recruiting and retaining teachers, administrators and other school staff due to the lack of affordable housing. In one school district, they hire one teacher for every

six who decide not to accept job offers. Half of the applicants not accepting a teaching position in that district indicated that their decision was related to the lack of housing options.

Recently, I traveled throughout rural Alaska with Education Secretary Rod Paige. I wanted him to see the challenges of educating children in such a remote and rural environment. At one rural school, the principal must sleep in his office due to the lack of housing in that village. In the same village, there is not enough housing for each teacher to have their own separate home—several teachers must share a single home. Therefore, there is not enough room for the teachers' spouses.

Rural Alaskan school districts also experience a high annual rate of teacher turnover due to the dearth of affordable housing. Apparently, up to 30 percent of teachers leave rural school districts due to housing issues. How can we expect our children to thrive and to meet the mandates of the No Child Left Behind Act in such an educational environment? Clearly, the lack of affordable teacher housing in rural Alaska is an issue that needs to be addressed in order to ensure that children in rural Alaska receive an educational experience that is second to none and is also respectful of cultural differences.

My bill authorizes the Department of Housing and Urban Development to provide funds to States to address the shortage of teacher housing in rural areas in Alaska and in the rest of our Nation. Specifically, my bill provides funds to States that have a population of 1 million or fewer people and include qualifying municipalities, which have populations of 6,500 or fewer people and also do not have direct access to either a State or interstate highway system. The appropriate state housing authority will accept such funds and will then transfer the funds to an eligible school district in a qualifying municipality. An eligible school district must be within the boundaries of an Indian reservation, one or more Alaska Native villages or land owned by one or more Alaska Native village corporations. This legislation will allow the eligible school districts to address the housing shortage in the following ways: construct housing units, purchase and rehabilitate existing housing units, or rehabilitate housing units that are already owned by a school district. Once this phase is complete, eligible school districts shall provide the housing to teachers or other school staff under terms agreed upon by the school district and the teacher or other staff.

It is imperative that we address this important issue immediately and allow the flexibility for the disbursement of funds to be handled at the local level. The quality of education of our rural children is at stake.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1205

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

SECTION 1. SHORT TITLE.

The Act may be cited as the ''Rural Teacher Housing Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE SCHOOL DISTRICT.—The term ''eligible school district'' means a school district located within a qualified municipality within an eligible State and is within the boundaries of—

(A) Indian lands;

(B) 1 or more Native villages; or

(C) land owned by 1 or more Village Corporations.

(3) ELIGIBLE STATE.—The term ''eligible State'' means any State having a population of fewer than 1,000,000 people, based upon the most recent Government census.

(4) INDIAN LANDS.—The term ''Indian lands'' has the meaning given that term in section 2103 of the Revised Statutes (25 U.S.C. 81).

(5) NATIVE VILLAGE.—The term ''Native village'' has the meaning given that term in section 3 of the Alaska Claims Settlement Act (43 U.S.C 1602).

(6) OTHER STAFF.—The term ''other staff'' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

(7) QUALIFIED MUNICIPALITY.—The term ''qualified municipality'' means a municipality or unorganized borough within an eligible State—

(A) that has a total population of 6,500 or fewer people, based upon the most recent Government census; and

(B) does not have direct access to either a State or interstate highway system.

(8) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(10) TEACHER.—The term ''teacher'' means an individual who is employed as a teacher in a public elementary or secondary school, and meets the certification or licensure requirements of the eligible State.

(11) VILLAGE CORPORATION.—The term ''Village Corporation'' has the meaning given that term in section 3 of the Alaska Claims Settlement Act (43 U.S.C. 1602).

SEC. 3. RURAL TEACHER HOUSING PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary shall provide funds to eligible States, in accordance with such procedures as the Secretary determines are appropriate, to be used as provided in subsection (b).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds received pursuant to subsection (a) shall be used by the eligible State to make grants to eligible school districts to be used as provided in paragraph (2).

(2) USE OF FUNDS BY ELIGIBLE SCHOOL DISTRICTS.—Grants received by an eligible school district pursuant to paragraph (1) shall be used for—

(A) the construction of new housing units within a qualified municipality;

(B) the purchase and rehabilitation of existing housing units within a qualified municipality; or

(C) the rehabilitation of housing units within a qualified municipality that are owned by an eligible school district.

(c) OWNERSHIP OF HOUSING.—All housing units constructed or purchased with grant funds awarded under this Act shall be owned by the relevant eligible school district.

(d) OCCUPANCY OF HOUSING UNITS.—Each housing unit constructed, purchased, or rehabilitated with grant funds under this Act shall be provided to teachers or other staff who are employed by the public school district in which the housing unit is located, under terms agreed upon by the eligible school district and the teacher or other staff

(e) COMPLIANCE WITH BUILDING CODES.—Each eligible school district receiving a grant under this Act shall ensure that all housing units leased pursuant to subsection (d) meet all applicable State and local building codes.

(f) MATCHING REQUIREMENT.—Each State that receives Federal funds under this Act shall provide matching funds from non-Federal sources in an amount equal to 20 percent of such Federal funds.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Housing and Urban Development $50,000,000 for each of the fiscal years 2004 through 2013 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 160—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD ACTIVELY PURSUE A UNIFIED APPROACH TO STRENGTHEN AND PROMOTE THE NATIONAL POLICY ON AQUACULTURE

Mr. AKAKA submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 160

Whereas the Food and Agriculture Organization of the United Nations determined that aquaculture is the fastest growing food sector that provides animal protein for citizens of the world;

Whereas global aquacultural production (including the production of aquatic plants) has increased at an average rate of 9.2 percent per year since 1970, compared with only 1.4 percent for capture fisheries and 2.8 percent for terrestrial-farmed meat production systems;

Whereas freshwater aquacultural production increased from 15,900,000 metric tons in 1996 to 22,600,000 metric tons in 2001, marine aquacultural production increased from 10,800,000 metric tons in 1996 to 15,200,000 metric tons in 2001, and total aquacultural production increased from 26,700,000 metric tons in 1996 to 37,800,000 metric tons in 2001;

Whereas economic modeling predicts that global annual consumption of fish and shellfish per person will increase over time, from about 16 kilograms today to between 19 and 21 kilograms in 2030, due to increased health consciousness and the stronger demand for seafood products;

Whereas the United States imports more than 60 percent of its seafood products, resulting in an annual seafood trade deficit in excess of $7,000,000,000; and

Whereas section 7109 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 436) reauthorized the National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) until 2007, but did not adequately address emerging national issues

such as offshore aquaculture development, water quality concerns, invasive species impacts, and a coordinated siting, permitting, and licensing process: Now, therefore, be it

Resolved, That the Senate calls on the Federal Government to actively pursue a unified approach to strengthen and promote the national policy on aquaculture, including as priorities—

(1) ensuring the sustainable development of production where aquaculture is economically viable, environmentally feasible, and culturally acceptable;

(2) analyzing the supply and demand for domestic and exported aquacultural products to enable the United States to compete in the global marketplace;

(3) increasing the availability of new technical and scientific information that supports aquaculture development;

(4) with regard to marine aquaculture, providing encouragement and identification of marine zones favorable to aquaculture that take into consideration desired environmental conditions and potential use conflicts; and

(5) establishing a goal of a 5-fold increase in United States aquacultural production by 2025.

Mr. AKAKA. Mr. President, I rise today to submit a resolution which calls upon the Federal Government to actively pursue a unified approach to strengthen our national policy on aquaculture. The United States has allowed its seafood trade deficit to reach $7 billion by importing over 60 percent of its seafood products from foreign countries, a distressing statistic. My resolution calls for immediate action by local, State, and Federal agencies to cooperatively reduce this seafood trade deficit. The United States must step forward to meet the growing consumer demand for seafood products that are sustainable, economically viable, environmentally feasible, and culturally acceptable. In order to adequately address the seafood trade deficit, we must promote aquaculture by committing to a five fold increase in U.S. aquaculture production by the year 2025.

As early as 1878, Congress supported the managed production of fish in the wake of a decrease in marine fisheries off the Atlantic Coast. Almost 100 years later, our Nation made important strides to encourage U.S. aquaculture by enacting the National Aquaculture Act of 1980 to coordinate all appropriate Federal programs and policies involving aquaculture. Even though the National Aquaculture Act was reauthorized by P.L. 107–171 until the year 2007, the legislation still falls short of its goal to ensure coordination and promote a strong aquaculture industry. Producers need improved guidance to clarify and simplify regulations pertaining to siting and environmental issues, particularly for the timely development of aquaculture in offshore waters. The level of funding for research and development has been very, very low and tangible incentives for marine aquaculture have been lacking compared to those of the agriculture and fishing industries. Therefore, a new, unified Federal policy promoting aquaculture is vitally needed to transform U.S. aquaculture into a major industry.

The current trends in aquaculture both worldwide and in the United States necessitate prompt action by the Federal Government. The contribution of aquaculture to global supplies of fish, crustaceans, and mollusks is growing by 9.21 percent annually. But aquaculture industries in china, India, Japan, Thailand, and Indonesia have greatly surpassed the United States due in part to less expensive labor, lower property values, and weaker environmental regulations. In fact, the total value of aquaculture production is approximately $61 billion worldwide; of this, the $0.5 billion U.S. aquaculture industry is far outpaced by nations that have a 1 to 28 billion dollar value. Although U.S. aquaculture has been considered a minor industry over the years, it is rapidly becoming one of the fastest-growing industries and has vast, vast potential. The U.S. has two choices. We can either stand by and watch our seafood trade deficit grow larger than $7 billion or we can seize this opportunity to promote a strong U.S. aquaculture industry to produce healthier foods and economic benefits for our citizens.

U.S. aquaculture development can meet the growing consumer demand for quality seafood products and, at the same time, relieve the pressure on overfished stocks. More than one billion people currently derive at least 20 percent of their animal protein from fish, and studies have predicted that this demand for seafood will only increase over time. Meanwhile, half of the world's main fish stocks are fully exploited or producing catches that have reached their maximum sustainable limits. A strong U.S. aquaculture industry will result in a net contribution to worldwide food availability, economic growth, and improved living standards.

In Hawaii, we are at the forefront of U.S. aquaculture through supportive research and production efforts for marine aquaculture. Hawaii first harvested offshore aquaculture products from sea cages in 1999 and the State awarded its first commercial lease for offshore aquaculture in State waters in the year 2001. The aquaculture technologies developed in Hawaii with high environmental standards can help lead the world in economically and environmentally sound aquaculture practices.

The U.S. needs to invest in our aquaculture industry today. This resolution recognizes the importance of aquaculture and calls for a coherent national approach to provide appropriate guidance for a sustainable aquaculture industry in different regions of the United States. This coherent, comprehensive strategy will contribute to worldwide food availability while providing much-needed economic growth within the United States. I urge my colleagues to support this measure.

SENATE RESOLUTION 161—COMMENDING THE CLEMSON UNIVERSITY TIGERS MEN'S GOLF TEAM FOR WINNING THE 2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S GOLF CHAMPIONSHIP

Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team;

Whereas the Tigers finished the Championship with a four-round total of 1191 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number-one ranked team in the Nation;

Whereas the Tigers finished the season with a 128-8-3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002-03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America's Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men's golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf's highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

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

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to Clemson University 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 Golf Championship team from Clemson University.

AMENDMENTS SUBMITTED AND PROPOSED

SA 854. Mrs. BOXER (for herself, Mr. LUGAR, and Ms. CANTWELL) proposed an amendment to amendment SA 850 proposed by Mr. DOMENICI (for Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr.

TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, Mr. BAUCUS, Mr. BUNNING, and Mr. BOND)) to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 855. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 856. Mrs. BOXER (for herself, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. JEFFORDS, and Mr. LAUTENBERG) proposed an amendment to amendment SA 850 proposed by Mr. DOMENICI (for Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, Mr. BAUCUS, Mr. BUNNING, and Mr. BOND)) to the bill S. 14, supra.

SA 857. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 858. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 859. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 860. Mr. DOMENICI (for Mr. BINGAMAN) proposed an amendment to amendment SA 840 proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN) to the bill S. 14, supra.

SA 861. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 862. Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. BAUCUS, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. WARNER, Mr. STEVENS, Ms. LANDRIEU, Mr. BYRD, Ms. COLLINS, and Mr. NELSON of Florida) proposed an amendment to the bill H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

SA 863. Mr. GRASSLEY (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1308, supra; which was ordered to lie on the table.

SA 864. Mr. CAMPBELL proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

TEXT OF AMENDMENTS

SA 854. Mrs. BOXER (for herself, Mr. LUGAR, and Ms. CANTWELL) proposed an amendment to amendment SA 850 proposed by Mr. DOMENICI (for Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, Mr. BAUCUS, Mr. BUNNING, and Mr. BOND)) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 8, strike lines 16 through 19 and insert the following:

''(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—

''(A) shall be considered to be the equivalent of 1.5 gallons of renewable fuel; or

''(B) if the cellulosic biomass is derived from agricultural residue, shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

SA 855. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows;

On page 454, strike lines 5 through 9.

SA 856. Mrs. BOXER (for herself, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. JEFFORDS, and Mr. LAUTENBERG) proposed an amendment to amendment SA 850 proposed by Mr. DOMENICI (for Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, Mr. BAUCUS, Mr. BUNNING, and Mr. BOND)) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Beginning on page 18, strike line 16 and all that follows through page 19, line 17, and insert the following:

''(p) RENEWABLE FUELS SAFE HARBOR.—Notwithstanding any other provision of Federal or State law, a renewable fuel used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing renewable fuel, shall be subject to liability standards that are not less protective of human health, welfare, and the environment than any other motor vehicle fuel or fuel additive.''.

SA 857. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 4, strike lines 4–11 and insert the following and renumber accordingly:

SEC. 442. DECOMMISSIONING PILOT PROGRAM

(a) PILOT PROGRAM.—The Secretary shall establish a decommissioning pilot program:

(1) to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas in accordance with the decommissioning activities contained in the August 31, 1998 Department of Energy report on the reactor; and

(2) to develop and demonstrate advanced state-of-the art nuclear fuel management, storage, transportation, and eventual advanced nuclear technology disposition alternatives through a cooperative research and development agreement utilizing the demonstration reactor remaining from the Cooperative Power Reactive Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor.

(A) The project shall include planning, research and development, design, construction and demonstration of advanced and alternative approaches to handling loading and transportation of both canned and uncannistered stainless steel and zircalloy clad nuclear fuel, and

(B) The project shall explore technical and economic feasibility of alternative approaches to nuclear fuel management and storage, transportation, and eventual advanced nuclear technology disposition alternatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section:

(1) for the pilot program described in subsection (a)(1) above, $16,000,000; and

(2) for the pilot program described in subsection (a)(2) above, $5,000,000 per year until such time as all of the nuclear fuel is removed by the Department of Energy from La Crosse Boiling Water Reactor site, but not to exceed a total of $25,000,000.

SA 858. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; and follows:

On page 150, line 4, insert the following new section and renumber accordingly:

''SECTION. REACTOR DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—For purposes of this section—

''(1) the term ''contract holder'' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

''(2) the terms ''Administrator'', ''civilian nuclear power reactor'', ''Commission'', ''Department'', ''disposal'', ''high-level radioactive waste'', ''Indian tribe'', ''repository'', ''reservation'', ''Secretary'', ''spent nuclear fuel'', ''State'', ''storage'', ''Waste Fund'', and ''Yucca Mountain site'' shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) REACTOR DEMONSTRATION PROGRAM SETTLEMENT AUTHORITY.—Not later than 120 days after the date of enactment of this Act, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 State. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel. The settlement agreement may also include terms to—

(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

(2) settle any legal claims against the United States arising out of such failure.

(c) WAIVER OF CLAIMS.—As a condition to the Secretary's taking of title to the La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section. Nothing in this section shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligations assumed under a settlement agreement or backup storage agreement, including the acceptance of spent fuel and high-level waste in accordance with the acceptance schedule currently established or as may be established in the future.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the costs incurred by the Secretary pursuant to a settlement agreement negotiated pursuant to this section that are not otherwise eligible for payment from the Nuclear Waste Fund.

(e) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

(2) Nothing in this section diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91–0054–S–EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.''

SA 859. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, line 12, insert the following and renumber accordingly:

SEC. 606. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

SEC. 553. FEDERAL ENERGY BANK.

''(a) DEFINITIONS.—In this section:

''(1) BANK.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

''(2) ENERGY OR WATER EFFICIENCY PROJECT.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy water efficiency requirements of—

''(A) this part;

''(B) title VIII;

''(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.); or

''(D) any applicable Executive order, including Executive Order No. 13123.

''(3) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an Executive agency (as defined in section 105 of title 5, United States Code);

''(B) the United States Postal Service;

''(C) Congress and any other entity in the legislative branch; and

''(D) a Federal court and any other entity in the judicial branch.

''(b) ESTABLISHMENT OF BANK.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Federal Energy Bank', consisting of—

''(A) such amounts as are deposited in the Bank under paragraph (2);

''(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

''(C) any interest earned on investment of amounts in the Bank under paragraph (3).

''(2) DEPOSITS IN BANK.—

''(A) IN GENERAL.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to $250,000,000 in fiscal year 2004 and in each fiscal year thereafter.

''(B) MAXIMUM AMOUNT IN BANK.—Deposits under subparagraph (a) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts on loan from the Bank) become equal to or exceed $1,000,000,000.

''(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(c) LOANS FROM THE BANK.—

''(1) IN GENERAL.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under paragraph (2).

''(2) LOAN PROGRAM.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—In accordance with subsection (d), the Secretary, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

''(ii) COMMENCEMENT OF OPERATIONS.—The Secretary may begin—

''(I) accepting applications for loans from the Bank in fiscal year 2003; and

''(II) making loans from the Bank in fiscal year 2004.

''(B) ENERGY SAVINGS PERFORMANCE CONTRACTING FUNDING.—To the extent practicable, an agency shall not submit a project for which energy performance contracting funding is available and is acceptable to the Federal agency under title VIII.

''(C) PURPOSES OF LOAN.—

''(i) IN GENERAL.—A loan from the Bank may be used to pay—

''(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

''(II) the costs of energy metering plan and metering equipment installed pursuant to section 543(e) or for the purpose of verification of the energy savings under an energy savings performance contract under title VIII; or

''(III) at the time of contracting, the costs of cofunding of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is the subject of energy savings performance contract.

''(ii) LIMITATION.—A Federal agency may use not more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

''(iii) RENEWABLE AND ALTERNATIVE ENERGY PROJECTS.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive Orders)).

''(D) REPAYMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (v), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

''(ii) WAIVER OR REDUCTION OF INTEREST.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

''(iii) DETERMINATION OF INTEREST RATE.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

''(iv) INSUFFICIENCY OF APPROPRIATIONS.—

''(I) REQUEST FOR APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year under this subparagraph.

''(II) SUSPENSION OF REPAYMENT REQUIREMENT.—If, for any fiscal year, sufficient appropriations are not made available to a Federal agency to make repayments under this subparagraph, the Bank shall suspend the requirement of repayment under this subparagraph until such appropriations are made available.

''(E) FEDERAL AGENCY ENERGY BUDGETS.—Until a loan is repaid a Federal agency budget submitted by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

''(F) NO RESCISSION OR REPROGRAMMING.— A Federal agency shall not rescind or reprogram loan amounts made available from the Bank except as permitted under guidelines and issued under subparagraph (G).

''(G) GUIDELINES.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

''(d) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

''(2) SELECTION CRITERIA.—

''(A) IN GENERAL.—The Secretary may make loans from the Bank only for a project that—

''(i) is technically feasible;

''(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary;

''(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

''(I) commission energy savings for new and existing Federal facilities;

''(II) monitor and improve energy efficiency management at existing Federal facilities; and

''(III) verify the energy savings under an energy savings performance contract under title VIII; and

(iv)(I) in the case of a renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

''(II) in the case of any other project, has a simple payback period of not more than 10 years.

''(B) PRIORITY.—In selecting projects, the Secretary shall give priority to projects that—

''(i) are a component of a comprehensive energy management project for a Federal facility; and

''(ii) are designed to significantly reduce the energy use of the Federal facility.

''(e) REPORTS AND AUDITS.—

''(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of a project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

''(A) states whether the project meets or fails to meet the energy savings projections for the project; and

''(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

''(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

''(3) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

''(A) the total receipts by the Bank;

''(B) the total amount of loans from the Bank to each Federal agency; and

''(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SA 860. Mr. DOMENICI (for Mr. BINGAMAN) proposed an amendment to amendment SA 840 proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XII—STATE ENERGY PROGRAMS

SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking ''each of fiscal years 2002 through 2004'' and inserting ''fiscal years 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006.''.

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking ''125'' and inserting ''150'', and

(2) in paragraph (7)(C), by striking ''125'' and inserting ''150''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting '', $325,000,000 for fiscal year 2004, $400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006.''.

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

''(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.''.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

''STATE ENERGY EFFICIENCY GOALS

''SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of this title shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking the period at the end and inserting '', $100,000,000 for each of fiscal years 2004 and 2005 and $125,000,000 for fiscal year 2006.''.

SA 861. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, between lines 14 and 15, insert the following:

SEC. 4____. PREVENTION OF MISUSE OF NUCLEAR MATERIAL AND TECHNOLOGY.

(a) AMENDMENT.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. PREVENTION OF MISUSE OF NUCLEAR MATERIAL AND TECHNOLOGY.

''(a) POLICY.—To successfully promote the development of nuclear energy as a safe and reliable source of electric energy, it is the policy of the United States to prevent any nuclear material, technology, component, substance, or technical information, or any related goods or services, from being misused or diverted from peaceful nuclear energy purposes.

''(b) PROHIBITION OF ISSUANCE OF CERTAIN EXPORT LICENSES.—Notwithstanding any other provision of law, no Federal agency shall issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, directly or indirectly, to any country the government of which is identified by the Secretary of State as engaged in state sponsorship of terrorist activities (including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism) of—

''(1) any special nuclear material or byproduct material;

''(2) any nuclear production facility or utilization facility; or

''(3) except as provided in subsection (c)(2), any nuclear component, technology, substance, or technical information, or any related goods or services, that could be used in a nuclear production facility or utilization facility.

''(c) NONAPPLICABILITY AND WAIVER.—

''(1) NONAPPLICABILITY.—Subsection (b) shall not apply to the country of Iraq.

''(2) WAIVER.—The President may waive the application of subsection (b)(3) to a country if the President determines and certifies to Congress that the waiver of that subsection—

''(A) is in the vial national security interests of the United States;

''(B) is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety; and

''(C) will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons or any materials or components of nuclear weapons.

''(d) REVOCATION.—Any license, approval, or authorization described in subsection (b) issued before the date of enactment of this section is revoked.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act (42 U.S.C. prec. 2011) is amended by adding at the end the items relating to chapter 14 the following:

''Sec. 170C. Prevention of misuse of nuclear material and technology.''.

SA 862. Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. BAUCUS, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. WARNER, Mr. STEVENS, Ms. LANDRIEU, Mr. BYRD, Ms. COLLINS, and Mr. NELSON of Florida) proposed an amendment to the bill H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Relief for Working Families Tax Act of 2003''.

TITLE I—CHILD TAX CREDIT

SEC. 101. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.''.

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 102. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting ''($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)'' after ''$110,000'', and

(2) by striking ''$55,000'' in subparagraph (C) and inserting ''½ of the amount in effect under subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

''For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).''.

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 203. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 204. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 205. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 206. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE III—CUSTOMS USER FEES

SEC. 301. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2010''.

SA 863. Mr. GRASSLEY (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; which was ordered to lie on the table; as follows:

Amend the title as to read: A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

SA 864. Mr. CAMPBELL proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 101, line 1, strike ''electrify Indian tribal land'' and all that follows through page 128, line 24, and insert:

''(4) electrify Indian tribal land and the homes of tribal members.''

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking ''Section'' and inserting ''Sec.''; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

''Sec. 213. Establishment of policy for National Nuclear Security Administration.

''Sec. 214. Establishment of security, counterintelligence, and intelligence policies.

''Sec. 215. Office of Counterintelligence.

''Sec. 216. Office of Intelligence.

''Sec. 217. Office of Indian Energy Policy and Programs

(2) Section 5315 of title 5, United States Code, is amended by inserting ''Director, Office of Indian Energy Policy and Programs, Department of Energy.'' after ''Inspector General, Department of Energy.''.

SEC. 303. INDIAN ENERGY.

(a) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

''TITLE XXVI—INDIAN ENERGY

''SEC. 2601. DEFINITIONS.

''For purposes of this title:

''(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

''(2) The term 'Indian land' means—

''(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

''(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(1) in trust by the United States for the benefit of an Indian tribe;

(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

''(iii) by a dependent Indian community; and

''(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(3) The term 'Indian reservation' includes—

''(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

''(B) a public domain Indian allotment;

''(C) a former reservation in the State of Oklahoma;

''(D) a parcel of land owned by a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

''(E) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—.

''(i) on original or acquired territory of the community; or

''(ii) within or outside the boundaries of any particular State.

''(4) The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(6) The term 'organization' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

''(7) The term 'Program' means the Indian energy resource development program established under section 2602(a).

''(8) The term 'Secretary' means the Secretary of the Interior.

''(9) The term 'tribal energy resource development organization' means an organization of 2 or more entities, at least 1 of which

is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other guarantee authorized by sections 2602 or 2603 of this title.

''(10) The term 'tribal land' means any land or interests in land owned by any Indian tribe, band, nation, pueblo, community, rancheria, colony or other group, title to which is held in trust by the United States or which is subject to a restriction against alienation imposed by the United States.

''(11) The term 'vertical integration of energy resources' means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission facility), on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land:

''SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

''(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

''(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

''(2) In carrying out the Program, the Secretary shall—

''(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land; and to properly account for resulting energy production and revenues;

''(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land, and

''(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

''(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

''(b) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

''(1) The Director shall establish programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

''(2) In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

''(A) energy, energy efficiency, and energy conservation programs;

''(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

''(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

''(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

''(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

''(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

''(4) The Secretary of Energy may promulgate such regulations as necessary to carry out this subsection.

''(5) There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2004 through 2011.

''(c) LOAN GUARANTEE PROGRAM.—

''(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

''(2) A loan guaranteed under this subsection shall be made by—

''(A) a financial institution subject to examination by the Secretary of Energy; or

''(B) an Indian tribe, from funds of the Indian tribe.

''(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

''(4) The Secretary may promulgate such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

''(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

''(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to the Congress on the financing requirements of Indian tribes for energy development on Indian land.

''(d) INDIAN ENERGY PREFERENCE.—

''(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

''(2) In carrying out this subsection, a Federal agency or department shall not—

''(A) pay more than the prevailing market price for an energy product or byproduct; and

''(B) obtain less than prevailing market terms and conditions.''.

''SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

''(a) GRANTS.—The Secretary may provide to Indian tribes and tribal energy resource development organizations, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

''(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal energy resource development organization for—

''(1) the development of a tribal energy resource inventory or tribal energy resource on Indian land;

''(2) the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

''(3) the development and enforcement of tribal laws and the development of technical infrastructure to protect the environment under applicable law; or

''(4) the training of employees that—

''(A) are engaged in the development of energy resources on Indian land; or

''(B) are responsible for protecting the environment.

''(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes and tribal energy resource development organizations scientific and technical data for use in the development and management of energy resources on Indian land.

''SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

''(a) LEASES AND AGREEMENTS.—Subject to the provisions of this section—

''(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

''(A) exploration for, extraction of, processing of, or other development of energy resources on tribal land; and

''(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land; or a facility to process or refine energy resources developed on tribal land; and

''(2) such lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of law, if—

''(A) the lease or business agreement is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

''(B) the term of the lease or business agreement does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil and gas resources, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

''(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

''(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

''(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

''(2) the term of the right-of-way does not exceed 30 years;

''(3) the pipeline or electric transmission or distribution line serves—

''(A) an electric generation, transmission, or distribution facility located on tribal land; or

''(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

''(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

''(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

''(d) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

''(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

''(1) On promulgation of regulations under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

''(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

''(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

''(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; and

''(ii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

''(I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

''(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

''(III) address amendments and renewals;

''(IV) address consideration for the lease, business agreement, or right-of-way;

''(V) address technical or other relevant requirements;

''(VI) establish requirements for environmental review in accordance with subparagraph (C);

''(VII) ensure compliance with all applicable environmental laws;

''(VIII) identify final approval authority;

''(IX) provide for public notification of final approvals;

''(X) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way; and

''(XI) describe the remedies for breach of the lease, agreement, or right-of-way.

''(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

''(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative), including effects on cultural resources;

''(ii) the identification of proposed mitigation;

''(iii) a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impacts of the proposed action before tribal approval of the lease, business agreement, or right-of-way; and

''(iv) sufficient administrative support and technical capability to carry out the environmental review process.

''(D) A tribal energy resource agreement negotiated between the Secretary and an Indian tribe in accordance with this subsection shall include—

''(i) provisions requiring the Secretary to conduct an annual trust asset evaluation to monitor the performance of the activities of the Indian tribe associated with the development of energy resources on tribal land by the Indian tribe; and

''(ii) in the case of a finding by the Secretary of imminent jeopardy to a physical trust asset, provisions authorizing the Secretary to reassume responsibility for activities associated with the development of energy resources on tribal land.

''(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted under paragraph (1). The Secretary's review of a tribal energy resource agreement under the National Environmental Policy Act (42 U.S.C. 4321 et seq) shall be limited to the direct effects of that approval.

''(4) If the Secretary disapproves a tribal enemy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall—

''(A) notify the Indian tribe in writing of the basis for the disapproval;

''(B) identify what changes or other actions are required to address the concerns of the Secretary; and

''(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

''(5) If an Indian tribe executes a lease or business agreement, or grants a right-of-way in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to subsection (e)(8), provide to the Secretary—

''(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and.

''(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

''(6)(A) Nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including those which derive from the trust relationship or from any treaties, Executive Orders, or agreements between the United States and any Indian tribe.

''(B) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of a violation of federal law or the terms of any lease, business agreement or right-of-way under this section by any other party to any such lease, business agreement or right-of-way.

''(C) Notwithstanding subparagraph (A), the United States shall not be liable to any party (including any Indian tribe) for any of the terms of, or any losses resulting from the terms of, a lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved under subsection (e)(2).

''(7)(A) In this paragraph, the term 'interested party' means any person or entity the interests of which have sustained or will sustain a significant adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

''(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to subsection (e)(8), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved under this subsection.

''(C) If the Secretary determines that an Indian tribe is not in compliance with a tribal energy resource agreement approved under this subsection, the Secretary shall take such action as is necessary to compel compliance, including—

''(i) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with the approved tribal energy resource agreement; and

''(ii) rescinding approval of the tribal energy resource agreement and reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way associated with an energy pipeline or distribution line described in subsections (a) and (b).

''(D) If the Secretary seeks to compel compliance of an Indian tribe with an approved tribal energy resource agreement under subparagraph (C)(ii), the Secretary shall—

''(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

''(ii) provide the Indian tribe with a written notice of the violation together with the written determination; and

''(iii) before taking any action described in subparagraph (C)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

''(E)(i) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

''(ii) The decision of the Secretary with respect to an appeal described in clause (i), after any agency appeal provided for by regulation, shall constitute a final agency action.

''(8) Not later than 180 days after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall promulgate regulations that implement the provisions of this subsection, including—

''(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe; and

''(B) a process and requirements in accordance with which an Indian tribe may—

''(i) voluntarily rescind an approved tribal energy resource agreement approved by the Secretary under this subsection; and

''(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection.

''(f) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of—

''(1) any Federal environmental law;

''(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

''(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

"SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATIONS

''(a) DEFINITIONS.—In this section:

''(1) The term 'Administrator' means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

''(2) The term 'power marketing administration' means—

''(A) the Bonneville Power Administration;

''(B) the Western Area Power Administration; and

''(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

''(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

''(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

''(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes.

''(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

''(3) the Administrator of the Western Area Power Administration may purchase power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

''(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

''(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

''(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

''(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

''(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to the Congress a report that—

''(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

''(2) identifies—

''(A) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

''(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

''(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000, which shall remain available until expended and shall not be reimbursable.

''SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.

''(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

''(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

''(1) the results of the review;

''(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

''(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

''SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.

''(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

''(b) SCOPE OF STUDY.—The study shall—

''(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

''(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

''(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

''(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

''(5) include an independent tribal engineer as a study team member.

''(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

''(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

''(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

''(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

''(4) an identification of—

''(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

''(B) the manner in which such a partnership could contribute to the energy security of the United States.

''(d) FUNDING.—

''(1) There is authorized to be appropriated to carry out this section $500,000, to remain available until expended.

''(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.''.

(b) CONFORMIING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by striking items relating to Title XXVI, and inserting:

''Sec. 2601. Definitions.
''Sec. 2602. Indian tribal energy resource development.
''Sec. 2603. Indian tribal energy resource regulation.
''Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.
''Sec. 2605. Federal Power Marketing Administrations.
''Sec. 2606. Indian mineral development review.
''Sec. 2607. Wind and hydropower feasibility study.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 5, 2003, at 10 a.m. to conduct an oversight hearing on ''Reauthorization of the Defense Production Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Title XI, on Thursday, June 5, 2003, at 2:30 p.m., in Room SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, June 5, 2003, TBA, to mark up a revenue title to S. 824, the Aviation Investment and Revitalization Vision Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 5, 2003 at 1:30 p.m. to hold a hearing on Life Inside North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, June 5, 2003, at 10:30 a.m. for a nomination hearing to consider the nominations of C. Stewart Verdery, Jr., to be Assistant Secretary for Policy and Planning, Border and Transportation Security Directorate, Department of Homeland Security; Michael J. Garcia to be Assistant Secretary for the Bureau of Immigration and Customs Enforcement, Department of Homeland Security; and Joe D. Whitly to be General Counsel, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 5, 2003, at 9:30 a.m. in Dirksen Room 226.

I. NOMINATIONS

R. Hewitt Pate to be Assistant Attorney General, Antitrust Division, U.S. Department of Justice; David B. Rivkin to the Foreign Claims Settlement Commission; Richard C. Wesley to be United States Circuit Judge for the Second Circuit; J. Ronnie Greer to be United States District Judge for the Eastern District of Tennessee; Thomas M. Hardiman to be United States District Judge for the Western District of Pennsylvania; Mark R. Kravitz to be United States District Judge for the District of Connecticut; John A. Woodcock to be United States District Judge for the District of Maine.

II. BILLS

S. Res. 116, A resolution commemorating the life, achievements and contributions of Al Lerner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 5, 2003, at 2:00 p.m., to conduct a hearing on Senate Rule XXII and proposals to amend this rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, June 5 at 9:30 a.m. to conduct a hearing regarding S. 485, the Clear Skies bill, to examine emissions-control technologies and utility-sector investment issues.

The hearing will take place in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, June 5, 2003, on Intercity Passenger Rail Finance at 10 a.m. in Room SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jerry Perez, a legislative fellow in the office of Senator LEAHY, be given the privilege of the floor during the remainder of the debate on S. 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that John Gaginis be granted floor privilege today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that Barbara Peichel, my legislative fellow, be allowed floor privileges during the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF MICHAEL CHERTOFF

Mr. BENNETT. As in executive session, I ask unanimous consent that at 5:15 on Monday, June 9, the Senate proceed to executive session for the consideration of Calendar No. 201, the nomination of Michael Chertoff to be U.S. circuit judge for the Third Circuit; provided further that there then be 30 minutes for debate equally divided in the usual form prior to a vote on the confirmation of the nomination, with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, Mr. President, this will be the 128th judge that this Senate has approved during the term of this President. This will be the 25th circuit judge that has been approved. I want the record to make sure everyone understands that, 128 to 2. Two have been held up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I would make a comment before I proceed to the next consent request. With respect to Mr. Chertoff, I became well acquainted with Mr. Chertoff when he served as counsel to the special committee created by Senate resolution to investigate the Whitewater matter. I found him competent, direct, thorough, well prepared, and a delightful human being. I probably will not get into the debate, the amount of time being limited, but I want the record to show how highly I esteem him and how enthusiastically I will vote to confirm him for the circuit court position to which he has been nominated.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar, Calendar No. 203. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Peter D. Keisler, of Maryland, to be an Assistant Attorney General.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMMEMORATING LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF AL LERNER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 122, S. Res. 116.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) commemorating the life, achievements, and contributions of Al Lerner.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VOINOVICH. Mr. President, I rise today to honor Alfred Lerner. Al, as he was called by those who knew him best, was a man of great success and wealth but also great compassion and charity.

Al was born in New York City, graduated from Columbia College and proudly served in the Marine Corps as an officer and pilot from 1955 through 1957. The son of Russian immigrants, Al Lerner had an amazing sense of patriotism and was so proud to accept the Ellis Island Medal in honor of his immigrant heritage and individual achievements in 2002.

My personal relationship with Al developed because of the fondness we shared for the city of Cleveland, and Cleveland is a better place because of Al Lerner. His generosity was seen in well known ways such as his contributions to Rainbow Babies and Children's Hospital, where the Lerner Research Institute was founded, and to the Cleveland Clinic. In fact, Al Lerner's $100,000,000 contribution to the Cleveland Clinic was one of the largest donations to academic medicine in the history of the United States. Al gave so much of himself to these institutions, serving as president and trustee of the Cleveland Clinic Foundation and establishing the Lerner Research Institute at the Clinic to conduct research of new treatments for cancer, coronary artery disease and AIDS.

Al Lerner also understood how important professional football is to the city of Cleveland, and due in large part to his business savvy, Lerner and his partner, Carmen Policy, were able to reestablish a football team in Cleveland. He was subsequently appointed chairman of the National Football League Finance Committee, and I am confident that the Cleveland Browns' 2002 playoff appearance, just 4 years after returning to the league, had a great deal to do with Al's leadership

and guidance. I am not sure Cleveland would have its Browns today without Al Lerner's dedication and determination.

Despite his amazing success as the founder, chairman, and chief executive of MBNA Corporation, Al Lerner remained grounded. He helped raise funds through the company and the Cleveland Browns, for the ''Cleveland Brown Hero Fund'' to aid families from the New York City Fire and Police Departments who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks. Al also answered President Bush's call in the aftermath of September 11, and was a member of the President's Foreign Advisory Board.

Throughout his lifetime, many of Al's other achievements could also be observed in quieter ways that were never heralded. His dedication to his family was remarkable. He married his high school sweetheart and best friend, Norma. They shared 47 glorious years together and raised two children, Randy and Nancy. My wife Janet and I talked often about how Al and Norma seemed to love each other and genuinely enjoyed each other's company. Perhaps the greatest contribution that the two of them made was the strong example of a good marriage for their children, seven grandchildren, and anyone who know Al and Norma Lerner.

I am honored to have known and worked with Al Lerner and am confident that his legacy will remain an example of hard work, philanthropy, and genuine kindness for generations to come.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 116), with its preamble, reads as follows:

S. RES. 116

Whereas Alfred Lerner (''Al'' to those who knew him best) was a successful, humble, compassionate, and well respected member of his family and community whose life was devoted to civic involvement and efforts to improve the quality of education and health care available to his fellow citizens;

Whereas Al Lerner was born in Brooklyn, New York in 1933, graduated from Brooklyn Technical High School in 1951, and received a B.A. from Columbia College in 1955;

Whereas Al Lerner was a Marine Corps officer and pilot from 1955 through 1957, displaying his love of country by wearing his Marine Corps cap long after finishing his tour of duty, and later was a director of the Marine Corps Law Enforcement Foundation;

Whereas Al Lerner was the son of Russian immigrants, and in 2002 received the Ellis Island Medal of Honor, which celebrates immigrant heritage and individual achievements;

Whereas Al Lerner and his high school sweetheart, best friend, and partner in life, Norma Lerner, shared 47 years of marriage and were deeply committed to their 2 children, Randy and Nancy;

Whereas Al and Norma Lerner made extremely generous contributions to local and national charities, including a contribution of $10,000,000 in 1993 to Rainbow Babies and Children's Hospital in Cleveland, a donation of $16,000,000 to support construction of the Lerner Research Institute, and a donation of $100,000,000 to the Cleveland Clinic—one of the largest donations to academic medicine in the history of the United States;

Whereas Al Lerner served as president and trustee of the Cleveland Clinic Foundation where the Lerner Research Institute was established to conduct research of new treatments for cancer, coronary artery disease, and AIDS;

Whereas Al Lerner, along with his business partner Carmen Policy, reestablished a National Football League team in Northern Ohio when he purchased the expansion Cleveland Browns football organization in 1998, worked hard to make the people of Cleveland and Northern Ohio proud of their football team, and was subsequently appointed chairman of the National Football League Finance Committee;

Whereas the Cleveland Browns, on the strength of Al Lerner's leadership, reached the National Football League playoffs following the 2002 season, only 4 years after returning to the league;

Whereas Al Lerner served as founder, chairman, and chief executive of MBNA Corporation, which employs thousands of people in Ohio and is the Nation's largest issuer of independent credit cards;

Whereas Al Lerner served as vice chairman, trustee, and benefactor of Columbia College, which is now known as Columbia University, and also served as a trustee for Case Western Reserve University and New York Presbyterian Hospital;

Whereas Al Lerner helped raise funds, through his affiliation with MBNA and the Cleveland Browns, for the ''Cleveland Browns Hero Fund'' to aid families from the New York City Fire and Police Departments who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks;

Whereas Al Lerner was appointed in 2001 by President Bush as 1 of 15 members of the President's Foreign Intelligence Advisory Board, which advises the President concerning the quality and adequacy of intelligence collection, intelligence analysis and estimates, counter-intelligence, and other intelligence activities;

Whereas Al Lerner is survived by his wife, partner, and best friend, Norma, their son Randy, their daughter Nancy, and 7 grandchildren; and

Whereas Al Lerner passed away on October 23, 2002, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Alfred Lerner; and

(2) extends its deepest sympathies to the family of Alfred Lerner for the loss of a great and generous man.

COMMENDING CLEMSON UNIVERSITY TIGERS MEN'S GOLF TEAM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 161, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team;

Whereas the Tigers finished the Championship with a four-round total of 1191 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number-one ranked team in the Nation;

Whereas the Tigers finished the season with a 128-8-3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002-03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America's Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men's golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf's highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

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

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to Clemson University 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 Golf Championship team from Clemson University.

ORDERS FOR MONDAY, JUNE 9, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, June 9; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 1 p.m. with the time equally divided between the two leaders or their designees; provided that at 1 p.m. the Senate resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will reconvene on Monday. On Monday, the Senate will resume consideration of S. 14, the Energy bill. The chairman and ranking member will be here and are encouraging Members to come forward with their amendments. In addition, we will continue to try to reach an agreement to limit amendments to the Energy bill. Next week, we will have a busy session as the Senate continues to make progress on this important legislation.

As a reminder to all Senators, on behalf of the leader, I announce that the next rollcall vote will occur at 5:45 on Monday in relation to the confirmation of Michael Chertoff to be a United States circuit court judge.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1308

The PRESIDING OFFICER. Under the previous order, the Chair appoints the following conferees on the tax bill on the part of the Senate: Mr. GRASSLEY, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, and Mrs. LINCOLN.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 2003

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Monday, June 9, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 5, 2003:

DEPARTMENT OF JUSTICE

KARIN J. IMMERGUT, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE MICHAEL W. MOSMAN.

LANCE ROBERT OLSON, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE JOHN EDWARD QUINN.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

MARY ANN C. GOSLING, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RAYMOND K. ALEXANDER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES R. BURKHART, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

CHARLES M. BELISLE, 0000
GREGORY J. BIERNACKI, 0000
JOHN R. MULVEY, 0000
WILLIAM S. RIGGINS JR., 0000
DANIEL M. SKOTTE, 0000
BRETT A. WYRICK, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GLENN D. ADDISON, 0000
ALAN J. BARBER, 0000
JAMES E. BECK JR., 0000
CRAIG W. BLANKENSTEIN, 0000
KEVIN W. BRADLEY, 0000
JOSEPH J. BRANDEMUEHL, 0000
GARY L. BRINNER, 0000
DONALD E. CARMEANS, 0000
KENT S. COKER, 0000
JOHN J. CONOLEY III, 0000
WILLIAM J. CRISLER JR., 0000
MICHAEL L. CUNNIFF, 0000
CHARLES R. DAUGHERTY JR., 0000
JOHN M. DELTORO, 0000
JAMES O. EIFERT, 0000
ROGER E. ENGELBERTSON, 0000
JON F. FAGO, 0000
KELVIN G. FINDLAY, 0000
ANTHONY P. GERMAN, 0000
MARGARET A. GIDEON, 0000
PATRICK D. GINAVAN, 0000
RONALD E. GIONTA, 0000
STEVEN D. GREGG, 0000
ROBERT A. HAMRICK, 0000
DAVID C. HARMON, 0000
KENNETH M. HATCHER, 0000
SAMUEL C. HEADY, 0000
DANIEL E. HENDERSON, 0000
MICHAEL D. HEPNER, 0000
DONALD L. HOLLIS, 0000
RODNEY L. HORN, 0000
DALE M. HOWARD, 0000
JOHN P. HRONEK II, 0000
EDWARD W. JOHNSON, 0000
NORMAN B. JOHNSON, 0000
DONALD E. JONES, 0000
TARO K. JONES, 0000
EARL K. JUSKOWIAK, 0000
SCOTT L. KELLY, 0000
WILLIAM T. KETTERER, 0000
WOODWARD D. LAMAR JR., 0000
FRANK D. LANDES, 0000
MICHAEL J. LOPINTO, 0000
KAREN E. LOVE, 0000
TIMOTHY M. LYNCH, 0000
CRAIG D. MCCORD, 0000
THOMAS C. MCGINLEY, 0000
DONALD K. MCKINION, 0000
CHARLES S. MCMILLAN JR., 0000
DAVID M. MCMINN, 0000
MICHAEL A. MEYER, 0000
FREDERICK R. MICLON JR., 0000
RICHARD A. MITCHELL, 0000
WILLIAM T. MITCHELL, 0000
HARRY D. MONTGOMERY JR., 0000
KATHLEEN M. PATTERSON, 0000
HOWARD X. PLOUFFE, 0000
DEAN A. PLOWMAN, 0000
BRUCE W. PRUNK, 0000
JOHN W. PUTTRE, 0000
KENNETH C. RAMAGE, 0000
LEON S. RICE, 0000
HARRY M. ROBERTS, 0000
CLARK T. ROGERS, 0000
RUSSELL A. RUSHE, 0000
ANDREW E. SALAS, 0000
ANTHONY E. SCHIAVI, 0000
JAMES W. SCHROEDER, 0000
CHARLES L. SMITH, 0000
DAVID J. SMOKER, 0000
JOHN H. SPENCER JR., 0000
SCOTT K. STACY, 0000
GARY STOPA, 0000
JAMES R. SUMMERS, 0000
WARREN E. THOMAS, 0000
THOMAS F. TRALONGO, 0000
JEFFREY R. TUCKER, 0000
DANIEL C. VANWYK, 0000
ERIC W. VOLLMECKE, 0000
BRIAN L. WEBSTER, 0000
RICHARD D. WILLIAMS, 0000
MICHAEL D. WILSON, 0000
JAMES C. WITHAM, 0000
WAYNE A. WRIGHT, 0000
DANIEL J. ZACHMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS K. HUNTER JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY J. KING, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES A. DECAMP, 0000

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

TIMOTHY H. SUGHRUE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LESLIE J. MITKOS JR., 0000
BERRIS D. SAMPLES, 0000

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PATRICIA J. MCDANIEL, 0000
NICHOLAS K. STRAVELAKIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SCOTT D. KOTHENBEUTEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

GLENN T. BESSINGER, 0000

CONFIRMATION

Executive nomination confirmed by the Senate June 5, 2003:

DEPARTMENT OF JUSTICE

PETER D. KEISLER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

MR. WALKER'S ESSAY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mrs. BLACKBURN. Mr. Speaker, I applaud Mr. Walker for this wondrous achievement. His essay is an example of the exceptional scholarship from the young men and women of our great nation.

[2002–2003 VFW Voice of Democracy Scholarship Contest: Tennessee Winner]

FREEDOM'S OBLIGATION

(By Logan Walker)

On a cold, breezy day, a cool wind whips through the air unfurling the flag in the midday sun. The breeze heightens to a gust and in the furious waves, the flag lets out a crack like a whip. The crack resounds through the air reminding all who hear it of the flag's presence. But what does that flag mean? It means one thing: freedom. In America we pride ourselves on our institutions of checks and balances, all created with the purpose of maintaining freedom. But with freedom comes responsibility and obligations, but what is freedom's obligation?

This complex question is answered rather simply. Freedom's obligation is to protect principle over property, to guard ideas over oil, to defend the helpless, not the helpful. This is freedom's obligation.

For thousands of years people have been fighting over the lines on maps or the resources in a region, but America is more than that. Freedom demands of us to overlook our petty, selfish needs to satisfy the calling of a higher government: The government of humanity. Freedom is not about money, capitalism, oil, or land. It is about ideas, people, happiness, and liberty.

In the past twenty years a massive amount of criticism has risen against the United States for the wars it has participated in. Many claim our participation has been based solely on money rather than morals. Other critics claim that we simply make up moral justifications for fighting wars that we are really only interested in for monetary or political gain. Take for example the Kosovo War and the Gulf War. Both Yugoslavia and Kuwait were strategic oil suppliers. On the other hand, the United States gave detailed moral justifications for its involvement. Perhaps it is time that critics examine the fact that if you fight for any moral cause, you will most likely help your own, and the world economy, because any economy operates better and more effectively when it is not under the iron hand of a repressive regime.

But freedom's obligation is not just to one country, our own United States, but to all forms of democracy around the world. Many critics suggest that the United States is too much of a policeman in the world, but how could one assume so? What is America about? It is about freedom for all of mankind and justice for everyone. When someone is ten feet outside of our borders, do they become any less human? No. Then do they deserve any less protection than we would give another human life within our borders? Freedom's obligation is not merely to protect any specific people's freedom, but to help people to understand that any group's cry for freedom is paramount to a regime's sovereignty.

A sad example, Taiwan is in a constant state of protest over democratization, but China, a repressive Communist relic, refuses to let them break away. Should the people of the United States simply sit back and take the money of the Chinese Government while ignoring the wails for freedom sounded by the people of Taiwan?

Freedom is not about Gross Domestic Product, the Stockmarket, or Armies. It is about people, principles, and morality. Freedom gives great benefits, but it also demands great sacrifice. The crack of the flag is not just there to remind us that we are Americans. It is there to remind us that we are a free people! A regime demands no sacrifice because it does what it wants at the expense of the helpless. Freedom, however, demands that we give up something of ourselves so that others, anywhere in the world, can share at least a fraction of what we have here. That is what brave American forces have been fighting for.

The Bible, the Quran, the Torah, and the Book of Buddhist Principles all suggest that you give something of yourself, whether it be your time or your money, to help someone else. They all stress the personal and moral rewards of sacrifice. But there is another document that preaches the benefits of sacrifice: the Constitution, because wherever freedom resides, sacrifice must follow, because freedom is love and love is sacrifice.

TRIBUTE TO MR. TED RAVELO OF NORTH MIAMI

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. MEEK. Mr. Speaker, I rise to pay tribute to a wonderful human being and a magnificent activist symbolized by North Miami community leader Ted Ravelo, a Filipino-American. On Saturday, June 7, 2003, at the Design Center of the Americas (DCOTA) in Broward County, he will be honored by the Philippine American Federation of South Florida, Inc. at a gala event celebrating the 105th Philippine Independence Day festivities.

Mr. Ravelo came to the North Miami community some 15 years ago. He was the Director of the Southern Apparel Exhibitors at the Miami Merchandise Mart, after which he directed the Southeastern Apparel Exhibitors in Atlanta, Georgia. The citation for this gala event defines ". . . his loyal service to the community of North Miami and the Filipino-American community he has helped with utmost care and concern." Above all, however, this pioneering leader is more saliently characterized by his deep faith in the God he serves through countless Filipino immigrants in search of a warm friendship and timely advice. Being a dutiful husband to his wife, Ma. Teresa Padua-Ravelo, and a loving father to his two teenaged children, Jamie and Jo Anne, he has taken upon himself the awesome responsibility of providing the same brand of love and affection to many more Filipino-American families who search for guidance and direction in the ways and processes of how government and its various agencies function.

Indeed, Mr. Ravelo represents the best and the noblest of our community in his unceasing involvement with the socio-cultural well-being of his fellow immigrants in a manner that uplifted their own self-esteem and dignity. He continues to demonstrate a remarkable wisdom and warm friendship in serving his North Miami community, and still manages to enlighten his fellow citizens on the agenda of conscientious public service and good governance impacting our duties and responsibilities toward the less fortunate.

I am indeed a beneficiary of the brand of genuine advocacy he demonstrates both by way of word and example. I have learned from him the many struggles that immigrants throughout my district have had to confront on a daily basis, conscious of the fact that the will to succeed and be aware of the many nuances of public service undergird the civic responsibilities of a community leader and must characterize his advocacy role toward those who could least fend for themselves.

Continuing his mission to represent his fellow citizens and immigrants, Mr. Ted Ravelo was named to the North Miami Community Relations Board from 1997 thru 1998 and served as President of the Filipino Community Association of South Florida, Inc. Indeed, his quest for making a little bit of difference in the lives of people has always been his genuine way of changing the kind of world to which he was given to serve.

Named as the Activist of the Year by the North Miami Mayor's Economic Task Force in 1997, he has held the presidency of the Central North Miami Homeowners Association and vice-presidency of the North Miami Mayor's Economic Task Force, and has likewise held memberships on the Miami-Dade County Asian-American Advisory Board, Greater North Miami Chamber of Commerce and Asian-American Federation of Florida.

His involvement with the above organizations motivated his desire to run for the Mayor's seat of North Miami during the 1999 mayoral elections. Though he eventually lost his race, he ran a strong and credible campaign by focusing on the crucial issues impacting the well-being and equality of opportunity for his fellow citizens. His candidacy for public office has truly maximized his role as the consummate community activist who lives by the dictum that those who have less in life, through no fault of their own, should have more from those fortunate enough to have received the greater blessings from God. The collective testimonies he has received from the parents, community leaders and residents of North Miami and beyond represent an unequivocal testimony of the utmost respect and gratitude he now enjoys.

With the gala tribute to him on the historic celebration of the 105th Philippine Independence Day, the Filipino-American community in

my District will honor him for his undaunted leadership and utmost perseverance. I am truly privileged to represent Mr. Ravelo and his family in the Congress, and I am grateful that he continues to teach us to live by the noble ethic of loving God by serving our fellowmen. Above all, his caring and compassion for other immigrants in Florida's 17th Congressional District appeal to the noblest character of our common humanity. My pride in sharing his friendship is only exceeded by my deep gratitude for all that he has done to uplift the honor and dignity of Filipino-Americans and other immigrants in North Miami and beyond.

This is the remarkable legacy with which we will always honor and respect the wonderful leadership and magnificent advocacy of Mr. Ted Ravelo.

DIABETES

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. BACA. Mr. Speaker, I rise today to voice my concerns about the effect that Diabetes is having on the Latino Community.

Right now, 16 million people in the United States are suffering with Type 2 Diabetes. About 3 million of them are Latinos. Due to diet and genetics, Latinos are twice as likely as the rest of the population to contract Type 2 Diabetes. I am horrified by the statistic that one in ten Latinos will contract Diabetes at some point in life, but I am even more horrified by the fact that most often the disease is preventable.

Both of my parents died from complications related to Diabetes. As the parents of 15 children, I believe that they didn't have the time or the resources to adequately care for themselves. With all of those mouths to feed, I believe that they were too busy trying to simply put food on the table to worry about proper nutrition. While that is undoubtedly noble, stories like this must change. My parents, because they did not have the proper care, suffered loss of vision, amputations, and eventually death.

We must make sure that Latino families are educated about prevention and have the resources to combat the disease. Prevention is key to fighting this disease but we cannot ignore the fact that eleven million Latinos still lack health insurance. How can a person get tested for Diabetes when they are uninsured? How can a person seek out a doctor when they can't even pay for the visit? This is something Congress must fight to change.

If we want to combat Diabetes, we must focus on prevention, education, and cultural changes. No one is saying that as a culture we can't enjoy our frijoles and tortillas. We simply must learn and teach our children, that moderation is the best approach.

We must educate our communities. We must spread the word about prevention. And we must help the uninsured. If we do not make these necessary changes, we won't have to worry about one in ten Latinos having Diabetes, we will have to worry about one in five.

A TRIBUTE TO ELVIS HERNANDEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Elvis Hernandez in recognition of his outstanding accomplishment in this year's 75th Precinct Council Spelling Bee competition.

Elvis is currently in the fifth grade at Blessed Sacrament in Brooklyn, New York. He finished in first place in the spelling bee.

Mr. Speaker, Elvis Hernandez has demonstrated that he is committed to his academic studies and is an excellent speller. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring him and his accomplishment.

A PROCLAMATION HONORING MR. DANIEL D. SCHNEIDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family and friends of Daniel D. Schneider.

Whereas, Daniel Schneider served his community faithfully, dedicating three decades of his career to public service; and

Whereas, Daniel Schneider demonstrated a firm commitment to improving welfare services in the state of Ohio; and

Whereas, Daniel Schneider helped the lives of children by co-founding the Big Brothers Association and through his work at the Public Children Services Association of Ohio; and

Therefore, I join with the residents of the entire 18th Congressional District in mourning the loss of our friend, Daniel D. Schneider.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall numbers 229, 228, and 227, on June 2, 2003, and on numbers 232, 231, and 230 on June 3, 2003, I was unable to cast my vote because I was part of a Congressional Delegation to North Korea.

Had I been present, I would have voted the following:

Rollcall number 232—S. 763—Birch Bayh Federal Building, I would have voted nay.

Rollcall number 231—S. 273—Grand Teton National Park Land Exchange Act, I would have voted yea.

Rollcall number 230—S. 222—Zuni Indian Tribe Water Rights Settlement Act, I would have voted yea.

Rollcall number 229—H.R. 1465—General Charles Gabriel Post Office, I would have voted yea.

Rollcall number 228—H. Res. 195—Congratulating Sammy Sosa, I would have voted yea.

Rollcall number 227—H. Res. 159—Expressing Profound Sorrow on the Occasion of the death of Irma Rangel, I would have voted yea.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of S. 222, The Zuni Indian Tribe Water Rights Settlement Act of 2003. This legislation puts to rest longstanding water rights disputes between water users in the Little Colorado River basin in Arizona. More importantly, this legislation would also provide the Zuni tribe with the financial resources to acquire water rights in the Little Colorado River basin and to restore the riparian environment that existed previously at Zuni Heaven Reservation.

Recently, a delegation of Zuni tribal leaders and members visited my office here in Washington. They told me that Zuni Heaven, a riparian area along the Little Colorado River, is central to the Zuni religious and cultural traditions and is the place where Zuni deities and ancestors have resided from time immemorial. This sacred riparian area is the home of the Kachina, one of the highest religious orders in Zuni culture, and was in historical times, a very lush riparian area with willow, cottonwood, cattails, turtles, and waterfowl.

Ever since the 1877 Presidential order diminished the Zuni cultural homelands and established the current Zuni Reservation in New Mexico, the Zuni people have maintained the practice of making a pilgrimage to Zuni Heaven. Every four years, Zunis from western New Mexico trek over 50 miles to Zuni Heaven, located in northeast Arizona, to perform religious ceremonies during the summer solstice period. This pilgrimage is very important because it helps sustain and rejuvenate Zunis' cultural and religious traditions.

The Zuni Water Rights Settlement will help the Zuni people restore their sacred Zuni Heaven to the way it was as described in ancient traditional historical accounts. Furthermore, it will help them develop wetlands for water plants, birds and other animals so important and necessary in carrying on the Zuni Kachina religion.

Considering the above, I strongly encourage my colleagues to join me today and support this very important legislation.

TRIBUTE TO THE MOTHER BETHEL FOUNDATION

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Mother Bethel Foundation as it begins its $20,000,000 campaign to preserve and celebrate the Mother Bethel African Methodist Episcopal Church. Situated in my District, Mother Bethel is the first home of the African Methodist Episcopal Church. The land on which it sits has been owned by African-

Americans longer than any property in the United States. Founded in 1794, Mother Bethel Church is the oldest incorporated African-American church in the country.

The foundation has launched an ambitious effort to construct a new facility that will house an expanded Richard Allen museum, an interactive learning center, and archives focused on the story of Richard Allen. The ultimate goal of the Mother Bethel Foundation is to celebrate and affirm what the Church and its founder have meant to generations of Americans.

In honoring the established Foundation, one must not forget to honor Mother Bethel's distinguished founder, Richard Allen, for whom the Richard and Sarah Allen Center is named. Richard Allen was a man who overcame tremendous obstacles to foster change for the betterment of African-American people. Born into slavery, Mr. Allen purchased his freedom through an agreement with his master.

Rev. Allen eventually responded to a call to preach and became a regular preacher at St. George's Methodist Episcopal Church. Due to segregationist practices at St. George's Church, Rev. Allen founded Mother Bethel Church.

While Rev. Allen is best known for founding Mother Bethel Church, he provided more to the African-American community. He was a critical member in the formation of the Free African Society, an organization to offer security and the benefits of association to Philadelphia's free blacks. He also joined with Absalom Jones to organize the Black Legion, a group of 2,500 men who defended Philadelphia against the British during the War of 1812.

Mr. Speaker, Philadelphia is America's most historic city. But, Mother Bethel stands out as one of our most cherished sites. It is a privilege to recognize an organization with such an admirable goal. I ask you and my other distinguished colleagues to join me in commending the Mother Bethel Foundation as it begins its campaign this Juneteenth.

LET'S KEEP ALL REPRESENTATIVES ELECTED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. PAUL. Mr. Speaker, the privately funded and privately constituted ''Continuity of Government Commission'' has recently proposed that, for the first time in our Nation's history, we should allow the appointment of members of the U.S. House of Representatives. Not only does this proposal fail to comport with the intention of the founders of this nation, but, even worse, it advocates a solution that has been repeatedly rejected by this body.

The report of this so-called ''Commission'' makes clear that while the Senate has, from time to time, voted to pass constitutional amendments allowing for the appointment of House members, this body has always jealously guarded its status as ''the people's House'' by failing to pass such amendments. A brief history review may be in order at this point. First, our Nation has been under attack from foreign powers in the past, such as in its nascent years when the British were constantly ''coming.'' In our own century, we faced an attack on Pearl Harbor as well as the very real threat of nuclear annihilation. Now, because we have learned that our Capitol was a potential target in a terror plot, there is an outcry from some corners regarding our vulnerability. Our government leaders are no more vulnerable today to mass extinction than they were 20 years ago. Our top-flight military makes us, in many ways, less vulnerable to attack and the assassination of our leaders than we were 200 years ago.

Even if we were to sustain such a devastating attack, the nightmare scenario painted in the first report of the ''commission'' is not only far-fetched, but also admits of a plethora of potential solutions already existent in our current constitutional structure. Though the report endeavors to cast doubt on the legitimacy of those structures, it is unsuccessful. Moreover, what could be more offensive to our republican form of government and of more questionable legitimacy, than to have a slew of un-elected ''representatives'' outvote elected people on the floor of our U.S. House?

Let's face it: we can scare people and doom-say anytime we wish, but it would only be in the case of a nearly complete annihilation that our government would fail to function. In such an instance there is no ''system'' that will preserve our government. On the other hand, if we surrender the right to elect people to the U.S. House of Representatives, under any circumstances, we will get on a slippery slope away from the few remaining vestiges and most precious principles of the government left to us by our founders.

In the event that this ''proposal'' gets more serious and is given long-term attention, I will place in the record more detailed statements defending the notion of an all-elected House of Representatives, and explaining the fallacies and illogic found in this report. For now Mr. Speaker, I simply wish to go on record as among those who would fight to the last to preserve the principle of a House of Representatives consisting entirely of members elected by the people.

HONORING DOUGLAS PERRY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor the life of Douglas Perry and to recognize his lifelong contributions to his community. He was born on February 8, 1920 in Somerville, Massachusetts and passed away earlier this week, on June 2, 2003.

Doug was much more to me than a resident of my Congressional District, he was my friend. I first met Doug and worked with him when I served on the San Diego City Council. I immediately noticed his enthusiasm and his seemingly unlimited energy on behalf of the San Ysidro community where he lived. Because of his work, he was known as the unofficial ''Mayor of San Ysidro''.

He moved to California in 1936 and served in the U.S. Navy, in North Africa and the Philippines, from 1942 to 1946. He met and married Jean Alexis Wadleigh in 1949, and they lived in the Inland Empire until their move to San Ysidro in 1974.

He was involved in many roles in the activities and organizations of San Ysidro. He served as President, Executive Director, and Information Center Manager of the San Ysidro Chamber of Commerce and was instrumental in keeping the Chamber growing in membership. He organized and managed a Chamber Visitor's Information Center for several years, giving tourist information to thousands of visitors every month. It was through his efforts that the San Ysidro Chamber was designated the official Certificate of Origin supplier for the importation of goods by Mexican businesses—a vital part of the Chamber today. He took the lead in obtaining the first-ever fireworks in San Ysidro by developing plans for the Chamber to sponsor the first two years of exciting 4th of July displays and continuing to organize these yearly festivities.

Doug was Chair of the San Ysidro Redevelopment Project Area Committee, Vice President of the San Ysidro Senior Center, Chair and Vice Chair of the Southern Area Committee, Board Member of the South Bay YMCA, and Vice President of the San Ysidro Senior Center. He made possible communication cable at the Senior Center, soliciting a free donation from Cox Cable.

He was Treasurer of the San Ysidro Little League and was a member of Senior San Ysidrans. At the Sister of Nazareth, San Diego Mission, he was House Father for nine years.

As a member of the Park and Recreation Council, Doug represented the San Ysidro Recreation Council, supported their Annual Christmas events, acquired a big screen TV by soliciting donations, and raised funds for the La Mirada School Joint Use Turf Project. He played a significant role in opening the building at Larsen Sports Field, Cesar Chavez Community Center. He worked in obtaining Beyer Undeveloped Park.

He further obtained funding for the Coral Gate Neighborhood Park and the Larsen Field Parking Lot expansion, security lights and ball field renovation. All in all, he raised tens of thousands of dollars for projects and special events in San Ysidro. He worked to get donations for the Annual Food Drive. As you can see, Doug's commitment was to the community as a whole.

Doug was joined in all of his endeavors by his wife of 52 years. Together, they had four children: Philip Perry of Escondido, California, Kim McCormick of Rancho Cucamonga, California, Brooke Barbee of Alta Loma, California, and Craig Perry of Upland, California. His six grandchildren are Steven Barbee, Paige Flick, Brandy Barbee, Michael Perry, Christopher McCormick, and Scott Perry—and his two great-grandchildren are Tessa and Jacob Weir.

My condolences go to Doug's fine family. He will be missed, but his memory will live on in his beloved community of San Ysidro.

A TRIBUTE TO ALAJANDRA PENA

HON. EDLOPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Alajandra Pena in recognition of her outstanding accomplishment in this year's 75th Precinct Council Spelling Bee competition.

Alajandra is currently in the fifth grade at P.S. 72 in Brooklyn, New York. She received a second place award in the spelling bee.

Mr. Speaker, Alajandra Pena has demonstrated that she is committed to her academic studies and is an excellent speller. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring her and her accomplishment.

A PROCLAMATION RECOGNIZING LEANNA MOON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. NEY. Mr. Speaker, Whereas, LeAnna Moon has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, LeAnna Moon has shared her time and talent with the community in which she resides; and

Whereas, LeAnna Moon has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, LeAnna Moon must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Glenford and the entire 18th Congressional District in congratulating LeAnna Moon as she receives the Girl Scout Gold Award.

HONORING THE CITY OF ST. PETERSBURG, RUSSIA ON THE OCCASION OF HER 300TH ANNIVERSARY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to pay tribute to the people of St. Petersburg, Russia, on the 300th Anniversary of the founding of their grand city.

St. Petersburg was founded by Peter the Great on May 27, 1703, and boasts an illustrious history, impressive architectural achievements, and a rich culture. Under the leadership of Catherine the Great, St. Petersburg became one of the cultural capitals of Europe.

The people of St. Petersburg suffered greatly under the brutal regimes led by Lenin and Stalin. Following the death of Vladimir Lenin and under the iron fist of communism, the city was renamed Leningrad. The city suffered further when during World War II the German Army led the Siege of Leningrad on September 8, 1941. During this 900-day siege, over 600,000 Russian citizens died, but Hitler never prevailed to take over the city due to the valiant defense by its residents.

Indeed, despite the devastation of war and the cruelty of communism, the spirit of the St. Petersburg people persevered. With the crumbling of communism, in 1991 the city reclaimed the name of St. Petersburg.

In 1995 I saw firsthand the beautiful city reflecting the extraordinary culture of the ''Venice of the North.'' I was hosted by the parents of Maxim Kidalov, who in 1993 as a student at the University of South Carolina was the first Russian page to serve in the Senate of South Carolina. He is now a respected attorney in Washington, DC. Dr. Vladimir Nikolayevick Kidalov and Mrs. Lyudmila Mikhailovna Kidalova were gracious hosts, and they brought to life warm Russian hospitality.

It is fitting now for all Americans to salute the achievements of the people of St. Petersburg and wish Godspeed for its bright future as a valued participant in the democratic family of nations.

TRIBUTE TO JOANNE CARLIN

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. BROWN of Ohio. Mr. Speaker, It is my privilege to pay tribute to the life of Joanne Carlin, a lifelong resident of the Cleveland area, who died on May 14 after a courageous battle against cancer.

Joanne's giving spirit was shaped by her experiences growing up in Cleveland's Tremont area. A product of St. Augustine Catholic School, she eventually moved to Garfield Heights, where she graduated from high school.

Joanne owned and operated a beauty salon on Cleveland's west side. Her former customers praised her as a loyal and generous person.

She later sold her business and moved to Medina County to become a full-time homemaker. An excellent cook, Joanne enriched the lives of her family and friends as the consummate hostess during family gatherings and holidays.

Our hearts go out to her husband and best friend, James; her four stepchildren and three stepgrandchildren; and legions of family and friends who recall the memories of these gatherings and the tremendous influence Joanne had in their lives.

TRIBUTE TO DR. MATORY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to speak of an outstanding doctor, educator, and mentor who is on the eve of his retirement as Director of Continuing Medical Education and Professor of Surgery at Howard University.

Mr. Speaker, Dr. Matory has had a distinguished career as a surgeon and a researcher and is well known in the Washington, D.C. metro area for his contributions to trauma and burn care.

His hospital activities included the directorship of the Emergency Care Area at both the Freedmen's Hospital and Howard University Hospital from 1960 to 1982, at a time when those facilities were the leading hospital emergency systems in Washington, D.C.

During his tenure, Dr. Matory reorganized the ambulatory care system at Howard to ease emergency care follow-up and to facilitate continuity of patient care. He introduced vascular access as a service in 1970 in preparation for the Howard University Hospital chronic dialysis and renal transplantation programs.

Dr. Matory received the Distinguished Surgeon Award from the Southeastern Surgical Congress in 1998. He has been a Member of the National Academy of Science, and the Robert Wood Johnson Committee which encouraged the establishment of the ''911'' emergency response system throughout the country.

Mr. Speaker, Dr. Matory also developed the Howard University Family Practice Program, and served as its first chairman from 1970 to 1979; a program in which I had the honor of being a student, and the privilege of being taught and mentored by Dr. Matory, an experience which has shaped my medical and overall career. He was also co-founder of the Physician Assistant Training Program at Howard in 1972.

As an educator, he has been a leader in the continuing medical education of physicians from all over the world, who attend Howard to keep abreast of the ever changing medical landscape. He is a founder of the CME program at Howard, the first in the Washington, D.C. area to be certified by the American Medical Association, the Liaison Council on Continuing Medical Education and currently the Accreditation Council for Continuing Medical Education.

During his illustrious career, he has also served as Assistant Dean for Clinical Affairs at the College of Medicine, Assistant Medical Director for Postgraduate Affairs at Howard University Hospital and Chairman of the Washington, D.C. Board of Medicine.

He has been a member of several medical societies to include the Medico-Chirurgical Society of the District of Colombia, the Medical Society of the District of Colombia, the American College of Surgeons, the National Medical Association and the American Medical Association.

Mr. Speaker, aside from his medical accomplishments, Dr. Matory served as a captain in the U.S. Air Force in Japan from 1955 to 1957. He has also authored 16 publications and produced 130 surgical and general medical videotapes in continuing medical education.

Mr. Speaker, I would like to say a resounding thank you to Dr. William Earle Matory for his tireless dedication to his community and his inspiration to us all.

CONDEMNING THE ATTACK ON NOBEL PEACE PRIZE LAUREATE AND DEMOCRACY ACTIVIST AUNG SAN SUU KYI AND HER COLLEAGUES IN BURMA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to condemn in the strongest possible terms this weekend's violent crackdown on Daw Aung San Suu Kyi and the National League for Democracy (NLD). The Nobel Peace Prize winner was concluding a month

long speaking tour in Burma. The NLD won Burma's last democratic election in 1990, however, Burma's military regime has refused to honor the election results. I'm outraged to learn that Ms. Suu Kyi may have been seriously injured and many of her supporters killed.

I want to express my solidarity with the peoples of Burma and their struggle for democracy. As Ronald Reagan once said, ''Regimes planted by bayonets do not take root''. Now is the time for the United States to express our support for freedom in Burma.

Mr. Speaker, we should immediately move to increase pressure against this despicable regime.

A TRIBUTE TO DENNIS COOPER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Dennis Cooper in recognition of his outstanding accomplishment in this year's 75th Precinct Council Spelling Bee competition.

Dennis is currently in the fifth grade at P.S. 306 in Brooklyn, New York. He received a third place award in the spelling bee.

Mr. Speaker, Dennis Cooper has demonstrated that he is committed to his academic studies and is an excellent speller. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring him and his accomplishment.

A PROCLAMATION RECOGNIZING MELANIE NEWLAND

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. NEY. Mr. Speaker, Whereas, Melanie Newland has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Melanie Newland has shared her time and talent with the community in which she resides; and

Whereas, Melanie Newland has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Melanie Newland must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Kingston and the entire 18th Congressional District in congratulating Melanie Newland as she receives the Girl Scout Gold Award.

COMMENDING BULGARIA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of House Concurrent Resolution 177 commending the men and women of our Armed Forces, our leaders and our allies for the courage and dedication displayed during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq. Since that fateful day in September 2001 we have been a Nation at war. In one of the few instances in our history when our homeland was directly attacked, our President responded decisively by declaring a global war on terrorism.

That September night while the world watch in horror, the President directed the full power and might of the United States to bring the terrorists to justice and asked for our friends and allies to join us in the war against terrorists. Over 70 nations responded to his call to arms and one, the Republic of Bulgaria, has stood with us since that fateful day, sharing in the dangers and the determination to fight the global war on terrorism.

Since September 11, 2001 the Republic of Bulgaria has acted firmly and convincingly as a friend and a de facto ally of the United States. In the world councils, Bulgaria has supported the NATO decisions to help patrol our skies after the September 11, 2001, and backed the European Union's Plan of Action in support of the United States. As an important non-permanent member of the United Nations Security Council, the Republic of Bulgaria has contributed constructively to all of the resolutions to bring the terrorist networks to justice. With Bulgaria's help, UN Resolutions 1386 and 1390 to bring pressure on the Al Qaeda and Taliban networks were quickly passed, thereby cutting off any material aid to the Taliban regime that was providing safe haven for Osama Bin Laden's terrorists and their training camps.

But the Republic of Bulgaria has done more than just support us in international councils. It has come to our assistance both at home and in the theaters of war. Within days of our warning to the Taliban regime in Afghanistan, Bulgaria granted our air forces blanket overflight rights for any United States aircraft participating in Operation Enduring Freedom. As the tempo of air operations increased, Bulgaria expanded its support to provide a base for our aircraft at Sarafovo. To assist other NATO nations which were providing troops to Operations in Afghanistan, Bulgaria volunteered a security company to the peacekeeping missions in Bosnia and Kosovo. And Bulgaria came to our direct assistance in Operation Enduring Freedom by providing a Decontamination Company to the International Security and Assistance Force (ISAF) in Afghanistan. That force has been in place constructively working with U.S. and other allied forces since January 2002.

When the issue of Iraqi arose Bulgaria again stood with us both at the United Nations and at the battle front. Bulgaria took an active part in the passage of United Nations Resolution 1441 and has remained committed to the disarming of Iraq. When it became clear that Iraq had no intention of abiding by the United Nations Constraints, Bulgaria acted quickly to once again provide unfettered overflight, temporary basing and transit rights over its territory. Once again U.S. air forces soon found themselves a friendly base at Sarafovo. When the moment of decision arrived, Bulgaria stood steadfast with our determined President and sent a Nuclear, Biological and Chemical Protection Company to join our forces in Operation Iraqi Freedom and help protect them against Iraqi weapons of mass destruction.

I wish to point out that the Republic of Bulgaria has conducted itself as a staunch and committed ally to the United States and its support should not go unnoticed by this great deliberative body. So I ask my colleagues to join me in recognizing that the Republic of Bulgaria is one of the handful of nations that we are here today commending for having stood shoulder-to-shoulder with us in these two campaigns in the global war on terrorists.

TRIBUTE TO MARK WETZEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, I have the distinct privilege today to pay tribute to an extraordinary individual who is a regular visitor to my district. Mark Wetzel, a hitting coach from Omaha, Nebraska, travels to Western Colorado several times a year to work with the baseball team at Delta High School. He has done so for the past four years, and the results have been impressive. The Delta Panthers have raised the team batting average to .424, ranking in the top five in Colorado. Five players are hitting above .500, and confidence is high across the lineup.

Although Mark has played an important role in the team's success, he hasn't played the game since the age of 14. Disease forced him to quit playing, and for years Mark thought he didn't have anything to offer. When his son started playing the game, Mark eventually tried to impact his son's performance, and the results were readily apparent. That led to Mark helping the rest of the team, and before long word got out around Omaha about this hitting coach who could help improve performance when other coaches could not. Players he had never met, including some minor leaguers, began seeking out Mark for advice. Soon he was trading hitting philosophies with baseball legend Tony Gwynn and hitting coaches from the San Diego Padres.

What is so unique about Mark as a coach? Players and coaches say he has the ability to see things other coaches miss. One coach says that while he will concentrate on a problem and not find the cause, Mark will look at the end result and identify what is wrong.

Mark's ability to see things other coaches cannot is not the most unique thing about him, however. Mark is almost completely blind. The disease that caused him to quit playing baseball as a teenager also took away his vision. Yet he will tell you that losing his sight is the best thing that ever happened to him, because it taught him how to outwork others, stay positive, and be tenacious. It also has made him an inspiration to others, including the baseball team at Delta High School.

Mr. Speaker, it is my pleasure to honor Mark Wetzel today by telling his amazing story to this Congress. He is a true asset to the Panthers baseball team, and I congratulate him on his success, commend him for his inspiring example, and thank him for his contribution to the youth of Delta, Colorado.

HONORING THE 75TH ANNIVERSARY OF GOUGLERSVILLE FIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Gouglersville Fire Company of Gouglersville, PA during its 75th anniversary celebration.

Without a fire company of its own, the people of Gouglersville, PA had to rely on companies located in neighboring communities. On March 8, 1928, citizens of Gouglersville attended a town meeting to discuss the formation of their own company. Over the next few months, the Gouglersville Fire Company was created. Members were recruited, officers were elected and the company constitution and by-laws were adopted. Finally, on September 4, 1928, the Berks County Court of Common Pleas granted a charter to the Company.

Over the next few years, the Company purchased a firehouse and its first apparatus. As time went on, the Company outgrew its original building and purchased a larger space to accommodate its increased membership and growing number of vehicles. The charter and by-laws of the Company were amended on August 3, 1950 to permit women to join. A Junior Brigade was started in 1972. As time has passed and the Company has changed, one thing that has not altered is the dedication of the firefighters to their duties.

For the past 75 years, the citizens of Gouglersville have been able to depend on the courageous men and women of Gouglersville Fire Company. I encourage my colleagues to join me in saluting Gouglersville Fire Company on reaching this milestone.

TRIBUTE TO MR. JOHNNY ALBINO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. SERRANO. Mr. Speaker, I am pleased to pay tribute to Mr. Johnny Albino, who will be honored this weekend as Yaucano del Año 2003. Mr. Albino is a renowned singer and songwriter who has recorded more than 300 records. He has traveled around the world sharing the gift of his music, in Latin America, the Caribbean, and Europe, as well as places as far away as Japan, Hong Kong, Singapore, Egypt and Israel, among others.

Mr. Albino was born in Yauco, Puerto Rico, on December 19, 1919. He was one of seven children. He went to school in Guayama, Puerto Rico, and planned to pursue law studies at the University of Puerto Rico, but in 1940 he enlisted in the United States Armed Forces. He served in the Corps of Engineers and studied to become a telegraph operator. During his tenure in the military, he also found a way to pursue his interest in music by forming a quartet and singing in U.S.O. sponsored events for servicemen. He served in the military for seven years, retiring as a Lieutenant.

When he returned to Yauco, he formed El Trio San Juan with Chago Alvarado and Ola Martinez. They used to rehearse at a house on Tendal Street, on the way to Barrios Quebrada and Sierra Alta.

During his musical career as part of the famous Trio Los Panchos, with Alfredo Gil and Chucho Navarro, Albino traveled around the world seven times and had the opportunity to perform with luminaries such as Frank Sinatra, Sammy Davis Jr., Nat King Cole and Eydie Gorme. He also shared the stage with world-renowned figures like Xavier Cugat and Johnny Carson. He has been one of Puerto Rico's most talented musical ambassadors. He has been married for 43 years to Mrs. Maria Albino, who is also his manager.

Mr. Speaker, I ask my colleagues to join me in congratulating Johnny Albino, an accomplished musician, for his achievements and for giving to the Hispanic community and to the world the gift of beautiful music.

CELEBRATING A LIFETIME OF ACHIEVEMENT AND THE LONGEVITY OF A LEWISTON LANDMARK

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. MICHAUD. Mr. Speaker, I rise today to share with you the wonderful story of Toni Orestis and her lifetime of achievement. Marois Restaurant, a Lewiston landmark since 1919, is closing on May 31, 2003. Started by Antoinette Marois Orestis' grandfather, carried onby her father Leon, and now run by Toni for more than 35 years, Marois is a first class restaurant that has anchored the downtown area of Lewiston for almost 85 years.

Marois started as a lunch counter business and expanded over the decades into the full service restaurant that it is today. During the Second World War, the restaurant was open 24 hours a day, 7 days a week, feeding the shipbuilders and other workers involved in supporting the war effort from home. When Lewiston and Maine had a need, Marois was always there to meet it.

Toni started working in the restaurant at the age of thirteen. She and her three sisters worked for their grandfather and father all through the years. In fact, no one knows the restaurant business better than Toni. Throughout the past 65 years she has performed every role, from starting as a helper, to becoming a server, then cook, and now owner and executive. Toni and Marois are an example of downtown Lewiston at its finest.

Along with her remarkable work ethic and business acumen, Toni has also been there for so many people in the community. From baptisms to bar mitzvahs, from weddings to anniversaries, from office and retirement parties to Christmas parties, and yes for funerals too, Toni is always there with wonderful food and hospitality. So many people remember fondly the food, the dessert cart, the French and Greek menus, the formal and correct table service, but most of all, the genuine and generous personality that is Toni Marois Orestis. No one ever went away hungry and everyone went away with a smile.

Now Toni, at 78 years young, is finally retiring. When asked if she wanted to keep working, she said ''Yes, but part time, maybe 35 or 40 hours a week''. That is the true mark of dedication; a life lived purposefully and well. Mr. Speaker, please join me and the residents of Lewiston in congratulating Toni Orestis on her retirement and thanking her for all she has done for her community.

TRIBUTE TO RYAN BECKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a firefighter who has gone out of his way to serve his country. Ryan Becker, a firefighter from Vail, Colorado, left the comforts of home recently to assist in the search for wreckage of the space shuttle *Columbia.*

Ryan's experience and training fighting wildland fires gave him exactly the kind of expertise NASA needed. So Ryan volunteered to help, and NASA supplied him and other members of his 18-person team with a map and put them to work in East Texas. The work wasn't always easy and at times was downright dangerous. Ryan walked through briar batches that tore his clothes and scratched his body, waded through muddy swamps and creeks, and dodged poisonous water moccasins and copperhead snakes; all in an effort to find a clue that might help investigators understand this tragic accident.

Yet despite the difficulties, Ryan and his teammates worked shifts up to 12-hours long, walked about eight miles a day, and covered many acres of territory. Their findings included debris that ranged in size from a four feet by six feet piece of the bulkhead to tiny chunks of about a quarter inch.

Mr. Speaker, I am proud of Ryan's contributions to our Space Shuttle program. This outstanding individual sacrificed in order to ensure that a calamity like the *Columbia* disaster will never happen again. I am honored to tell Ryan's story before this body of Congress today, and I wish him all the best in his future endeavors.

TRIBUTE TO MRS. REBECCA SUE SPEARS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. COLLINS. Mr. Speaker, I would like to recognize a remarkable woman on the occasion of a very special anniversary. In 1993, Mrs. Rebecca Sue Spears, of Fayetteville, Georgia, was diagnosed with breast cancer. This year marks the tenth anniversary of Mrs. Spears being ''cancer free.''

Today, a woman is diagnosed with breast cancer approximately every 2 minutes. Thanks to the efforts of people like Mrs. Spears, we are making great strides to eradicate this devastating disease. As a breast cancer survivor, Mrs. Spears continues to raise money and awareness to fight breast cancer and is a true servant leader.

In 2002, at the age of 59, Mrs. Spears participated in the Avon 3-Day Breast Cancer

Walk in Atlanta, Georgia. During this inspiring event, Mrs. Spears walked twenty-miles per day for 3 days and represented women everywhere that are battling this terrible disease. Recently, in Atlanta, she walked in the Susan G. Kormen Race For the Cure; an event that is celebrating its 20th Anniversary and is now the largest series of 5K races in the world. Thanks to dedicated volunteers like Mrs. Spears, the Susan G. Kormen Breast Cancer Foundation has raised over $250 million for education, research, screening and treatment. On June 7, 2003, Mrs. Spears will walk again in her quest to fight cancer, here in our Nation's Capital, in the National Race For the Cure.

I am honored to recognize Mrs. Rebecca Sue Spears on this momentous occasion. She is an inspiration to her husband, James E. Spears, her two daughters, Kathryn and Karen, her two sons Jimmy and Steven, her six grandchildren, and countless others who are battling this disease. In her own words she describes her relentless determination by saying, ''I walk and will continue to walk until a cure is found with hopes and prayers that my daughters, grandchildren, other family members and friends, as well as millions of others, will never have to be told—'you have cancer.' ''

INTRODUCING DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2003

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2003 continuing a series of bills that I will introduce this session to ensure a continuation of the process of transition to full democracy and self-government for the residents of the District of Columbia.

This bill will establish an Office of District Attorney for the District of Columbia, to be headed by a District Attorney elected by D.C. residents. Accordingly, this bill would move the city a quantum leap toward full home rule for the District of Columbia and equality with other Americans. This bill effectuates a November 2002 referendum where D.C. voters overwhelmingly (82%) approved a locally elected D.A.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing D.C. residents to elect an independent District Attorney to prosecute local criminal and civil matters now handled by the U.S. Attorney, a federal official. Instead the new District Attorney would become the city's chief legal officer.

There is no issue of greater importance to our citizens and no issue on which residents have less say here than the prosecution of local crimes. A U.S. Attorney has no business in the local criminal affairs of local jurisdictions. No other citizens in the United States are treated so unfairly on an issue of such major importance. This bill would simply make the D.A. accountable to the people who elect him or her as elsewhere in the country.

In addition to issues of democracy and self government, such as congressional voting rights and legislative and budget autonomy that we are entitled to as American citizens, district residents are determined to make every effort to achieve each and every other element of home rule. Amending the Home Rule Act with a local D.A. provision would be a dramatic development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

CONGRATULATING MISS UNIVERSE AMELIA VEGA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. RANGEL. Mr. Speaker, I rise to congratulate Ms. Amelia Vega of the Dominican Republic on being crowned Miss Universe in ceremonies held in Panama City, Panama on June 3, 2003. She was selected for this honor in a competition that featured more than 70 of the most beautiful young women in the world.

It was also a good night for the women of the Caribbean, who earned the pageant's other honors. Miss Dominican Republic, in addition to winning the big prize, was voted as the best dressed contestant while Miss Puerto Rico, Carla Tricoli, was awarded the title of Miss Photogenic and Miss Antigua and Barbuda, Kai Davis, was honored as Miss Congeniality.

Miss Vega, who is the first Dominican to win the beauty pageant, won the crowd and the judges over with a humble confidence that extended beyond her 18 years of age. She intends to spend the next year pursuing her dreams of an entertainment career and leading fundraising efforts on behalf of AIDS research and awareness.

The Miss Universe title opens doors for both its winner and her country of origin. As the native country of the current Miss Universe, Panama was able to host this year's pageant, helping to generate what government officials say could be as much as $60,000,000 in revenues. Perhaps as important, it is also a source of national pride and inspiration for all those associated with the Dominican community, abroad and in the United States. As a representative of a district that contains the largest concentration of Dominicans outside of Quisqueya, I join the people of Washington Heights as they bask in the joy of seeing one of their own succeed on such a competitive world stage.

Miss Vega understands that alongside the numerous ''once in a lifetime opportunities,'' her fame will allow her to affect the image that the world has of the Dominican people and its culture. Although potentially daunting, it is a responsibility that she is excited to accept. As she told the crowd last night, ''I didn't come here just for the crown, but also to make my country proud.''

Undoubtedly, she is on her way.

TRIBUTE TO SUZANNE NEWLIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, it gives me great pleasure to stand and pay tribute to an outstanding educator from my district. Suzanne Newlin, a teacher at Montrose High School in Montrose, Colorado, is the recipient of this year's high school teacher of the year award from the National Association for Sport and Physical Education. Suzanne is an innovative teacher with an uncanny ability to motivate her students, and I am honored to recognize her commitment and dedication to education today.

Suzanne has made it her life's work to get her students hooked on physical activities that they can enjoy throughout their lives. Most kids won't take part in team sports as adults, so she introduces them to other activities such as bicycling, rock climbing and power walking. Suzanne not only participates with her students, but she teaches them how to get the most out of their workouts and individualize the sessions by including heart-rate monitors. Suzanne does teach traditional team sports as well, though she does so by personally demonstrating skills and techniques to make the experience more meaningful.

Mr. Speaker, Suzanne's positive spirit, creativity and innovation make her a true asset to the students of Montrose High School, and it is my pleasure to recognize her efforts here today. She not only touches the lives of her students, but she gives them the tools to succeed later in life. That is a precious gift, and it is a great honor to speak of her inspirational accomplishments before this body.

HONORING MARÍA ELENA DURAZO

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Ms. María Elena Durazo who is receiving the 2003 Paul Wellstone Citizen Leadership Award for her outstanding service to the Hotel Employees and Restaurant Employees Union of Los Angeles.

As President of the Hotel Employees and Restaurant Employees Union (H.E.R.E.) Ms. Durazo has helped the union emerge as a vital force in the life of Los Angeles residents, representing over 250,000 workers in the hospitality industry in the U.S. In 1996, she also became the first Latina to be elected to the national leadership of the H.E.R.E. International Union and has long served as a role model for other Latina leaders.

Ms. Durazo has worked tirelessly to obtain justice for the mostly immigrant-based union in Los Angeles, adopting a policy of bilingualism for its union meetings and newspaper. Furthermore, she has empowered countless bilingual employees to acquire positions and benefits they deserve. Under her leadership, the union has been widely recognized as one of the most active rank and file unions in southern California, striving to build valuable coalitions among community, church, academic, ethnic, and political organizations throughout the local area.

María Elena has further advanced the Hotel Employees and Restaurant Employees Union by securing and improving citywide hotel contracts, increasing wages and benefits for thousands of hotel workers in downtown Beverly Hills and the Westside. María Elena now serves as National Director of the Immigrant

Workers' Freedom Ride, campaigning to improve immigration laws in the United States.

With these accomplishments, it is fitting that she will receive the Paul Wellstone Citizen Leadership Award. I urge my colleagues to join me in honoring Ms. María Elena Durazo for her diligent work in improving labor conditions for the workers of southern California.

HONORING TESS CARMICHAEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to recognize a dedicated educator from my district. Tess Carmichael recently retired from Mesa State College in Grand Junction after teaching mass communications for over 30 years. We should all be inspired by the many years of enthusiastic service Tess has given to her students and it is my pleasure to highlight a few of her outstanding accomplishments here today.

Tess began her education at Western State College, receiving four Bachelor's Degrees. She went from there to the University of Colorado where she earned her Master's degree in Journalism and Mass Communications. Tess found her way to Mesa State in 1973, and through the years her passion and dedication to her students has remained steadfast. Her impact at Mesa State spans the entire campus, as she has taught courses in business, theater, speech, English, and mass communications. Just think of the countless number of lives Tess has touched. She not only has lent her talents but also passion to her work and, by so doing, she has given her students an awesome gift—the opportunity to succeed.

Mr. Speaker, I am proud to stand before this Congress today to express my gratitude and reverence for Tess Carmichael's many years of service. This is a chance to remind us all of the importance teachers play in guiding our youth and of the admiration and respect they deserve. Teaching is truly a noble calling and Tess Carmichael has answered that call. Thank you Tess, for your many years of dedicated and selfless public service.

IN SPECIAL RECOGNITION OF CORY M. SINNING ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Cory M. Sinning of Van Wert, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Cory's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Cory brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Van Wert High School, Van Wert, Ohio, Cory has attained a grade point average of 3.81, which places him twenty of one hundred sixty-nine students. During his time at Van Wert High School, Cory has received several commendations for his superior scholastic efforts. Cory's accomplishments include being a four year Renaissance Card Holder and a member of the National Honor Society.

Outside the classroom, Cory has distinguished himself as an excellent athlete. On the fields of friendly strife, Cory participated in Basketball where he earned his Varsity Letter and served as a team captain for three years. In addition to his athletic accomplishments, Cory proved himself a dedicated citizen of Van Wert through dedicating time to volunteer for Elementary Basketball Camps, Junior High Basketball Camps, YMCA, and Served as a Mentor for At-Risk Students.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Cory M. Sinning. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Cory will do very well during his career at United States Military Academy and I wish him the very best in all of his future endeavors.

TRIBUTE TO MR. AND MRS. ANTHONY ROSE, SR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to congratulate an exceptional couple, Mr. and Mrs. Anthony Rose, Sr. as they celebrate their 50th Wedding Anniversary on Friday, June 6, 2003.

Mr. Anthony Rose and his wife, Mrs. Francis Rose, are the proud parents of nine children, one of which lives in my Congressional District.

Their children are outstanding members of the communities in which they reside. Several are business owners and one son is a professional basketball player. They have nineteen grandchildren and one great-grandchild who are truly the ''apples of their eyes''.

The Roses have made invaluable contributions to our society and are commended for their achievements and commitments.

Mr. Rose is a decorated Veteran. He served with distinction in the United States Army, which included fighting in the Korean War. Mrs. Rose was employed for 18 years with Eastman Kodak where she worked in a lab until her retirement.

Today, the Roses are active members of Memorial A.M.E. Zion Church in Rochester, NY where they have worshipped for the last 52 years. They are also weekly volunteers at the local Soup Kitchen and the YMCA.

I ask my colleagues to join me in congratulating Mr. and Mrs. Anthony Rose on 50 years of a loving relationship. They are truly examples of what all married couples strive for—a life-long partnership.

I wish them continued success and more happy years.

THE F.C.C. DECISION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. VAN HOLLEN. The health of our democracy depends on a full and open airing of ideas and opinions. Monday's action by the Federal Communications Commission will limit the range of voices and opinions Americans will hear in the marketplace of ideas. With marginal media coverage and little solicited public participation, the FCC's vote to relax media ownership rules has made possible the further concentration of the print and broadcast media in the hands of only a small number of powerful corporations.

The FCC's action will only deepen existing concerns about an industry plagued by accusations of homogeneity and fears that the news and views Americans hear is dominated and controlled by a few powerful voices. Years ago, Congress debated the rules that regulate the cable industry. One of the strongest arguments in support of cable at that time was that the medium would increase the opportunity for a diversity of voices in an arena where only a few corporations controlled America's access to information. Yesterday, the FCC said its decision to allow greater media concentration was motivated largely by the dearth of choices offered by the cable industry today. They argue that the current rules are outdated and discourage competition. But they ignore the fact that the lofty aspirations set years ago for the cable industry have fallen short of the mark. Today an alarmingly small number of corporations like General Electric, AOL Time Warner, Viacom and Disney control not only the conduits through which information flows to the public, but increasingly, the program content as well. The FCC's decision will only continue this trend.

This is a dangerous road we are on. As media concentration has grown over the years, we have watched as more and more voices have been pushed from the public stage. Not only minority voices and alternative viewpoints, but increasingly even local community voices are silenced as corporate executives adjust program schedules to maximize their bottom lines.

Despite the best efforts of the FCC and those in the media who stand to gain the most financially, the public has been able to make its opposition to this change known. Members of Congress have received thousands of calls from angry constituents who, already concerned about the lack of choice, fear that the FCC's decision will mean a further erosion of choice. The day before the FCC was to deliver its decision, they had to shut down their public email box because it overflowed with hundreds of thousands of complaints from ordinary citizens who recognized the gathering threat. Ted Turner and Barry Diller wrote editorials opposing the FCC's plan and groups across the political spectrum from the NRA to now joined the chorus of voices condemning the decision.

It now falls to the Congress to serve the public interest and work to reverse this effort to dumb down the American media. The public interest is not served by a cookie-cutter approach to important policy issues. At stake is a loss of competition, local community perspectives and diversity. I look forward to working with my colleagues on both sides of the aisle to reverse the most troubling aspects of the FCC decision.

HONORING RENEE MULLIKEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise today to pay tribute to a young woman from my district who exemplifies the positive attitude it takes to succeed in life. Renee Mulliken of Palisade, Colorado has known for some time that she wanted to be a gymnast. In fact, she began gymnastic classes at the age of three and has been competing in meets since she was 10. Her drive and determination escalated her up the gymnastic ranks, leading her to level nine, one step below the national level.

While warming up on a trampoline for a high school meet, Renee under-rotated on a flip and fractured her neck. The injury led to weeks in traction and several more in a stabilizing brace called a halo. The doctors told Renee that she would recover, but most thought her career as a gymnast was over. Renee set out to prove them wrong, and five days after she got the halo off, Renee was back competing.

It took some time and hard work for Renee to achieve her previous ability, but I am glad to say she has recently competed in the level eight state gymnastics meet. Renee's favorite event is the floor routine, where she can express herself through her movements and choice of music. Renee has made it clear to everyone who doubted her that she will continue her gymnastics career despite the injury she suffered.

Mr. Speaker, I am honored to stand before this Congress to recognize the accomplishments of Renee Mulliken. The hard work and determination Renee displayed should be an inspiration to us all. I wish Renee good luck in her gymnastics career and wish her the best in all of her future endeavors.

TRIBUTE TO JOHN N. ARGER ON THE OCCASION OF HIS RETIREMENT FROM TEACHING

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the work and achievements of John Arger, a dear, close friend of mine who has challenged the thinking of literally thousands of students in his Marinette High School government and social studies classes since 1974.

John retired June 2, after 29 years of inspired teaching at Marinette High, which is just a stone's throw across the Menominee River in Wisconsin from my 1st Congressional District of Michigan. We don't use passports to cross the river, and John has made many important contributions to the two communities of Marinette, WI, and Menominee, MI, over his many years of teaching and involvement in local politics.

I have seen John in action when I visited his classes at Marinette High, and can testify from experience that he made the subjects of government and social studies come alive for his students. A favorite tradition for his students was a surreptitious after-midnight visit to the Arger yard at election time. The Argers would wake up to find one of every single candidate's yard signs displayed on their front lawn—testimony to how well the students learned the value of becoming informed about local, State and national issues.

One of John's special pleasures as a teacher was being able to re-connect with students he taught as freshmen when they came back to him in senior government classes. He loved seeing how they had grown intellectually and become adult in their concepts of community and the world. Returning students who have graduated and left their hometown often seek him out on return visits from the ''bigger world'' that he has helped them to understand, and he cherishes these one-on-one exchanges.

John grew up in Marquette, MI, where his mother Rose still lives. He attended Marquette High School and graduated from Northern Michigan University, NMU, in Marquette in 1970. He then earned his teaching certificate at NMU. In later years, he went on to earn two master's degrees, one in political science and a second in guidance and counseling.

In 1994, John was honored as an outstanding alumnus when NMU presented him its Alumni Service Award. The award recognized his work in support of higher education, his service on the NMU Alumni Board and his tireless efforts as a regional NMU alumni coordinator.

I have heard rumors that when John was in high school and college, he was a Goldwater Republican. John started to adjust this misguided but most likely well-intentioned position as soon as he began teaching. One morning—I imagine the sun was shining and bluebirds were singing—he woke up to the realization that the Republican party was not the party of the average American. He has been an unabashed liberal ever since.

However, in his early years as a teacher, he also prided himself on the fact that none of his students could tell what his political preferences were, even after a year spent discussing government and how it works.

John has contributed countless hours to the life of his community, through public service and in political campaigns at several levels. He and his wife Janice have lived in Menominee since their marriage in 1984, when he finally coaxed Jan away from her teaching career in West Bend to Menominee after years of dating.

Jan herself is a great asset not just to their happy and long-lived marriage, but to the Menominee community. She has been a special-education teacher with the Menominee Intermediate School System since joining John in Menominee. She received her master's degree from the University of Wisconsin-River Falls and specializes in speech pathology.

On Saturday, June 7, along with many other friends and colleagues of John's, I will be in Menominee to celebrate John's achievements and wish him well. Although his dad Nick passed away when John was still a young man, I know that Nick will be there in spirit, alongside Rose, Jan and a roomful of friends, to lift a glass of retsina with us as we say ''Opa'' to John in his retirement.

Mr. Speaker, John Arger is the kind of American who inspires our work here in this House. I ask you and my House colleagues to join me in giving him our heartiest congratulations and best wishes for a full and happy retirement.

IN SPECIAL RECOGNITION OF GEOFFREY J. WIGHTMAN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Geoffrey J. Wightman of Amherst, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Geoffrey's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Geoffrey brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Firelands High School, Oberlin-Henrietta Township, Ohio, Geoffrey has attained a grade point average of 3.6, which places him eighteenth in his class of one hundred fifty-four students. During his time at Firelands High School, Geoffrey has received several commendations for his superior scholastic efforts. Nathan's accomplishments include being on the honor role, being inducted into the National Honor Society, serving as the Historian in the National Honor Society, and First Place in the Science Fair in the field of Engineering.

Outside the classroom, Geoffrey has distinguished himself as an excellent musician, athlete and dedicated citizen of Amherst. On the fields of friendly strife, Geoffrey participated in Football, Wrestling in which he is a three year letter winner, cross country, and Track where he was again a three year letter winner. In addition to his athletic accomplishments, Geoffrey is an active member in his community participating in the Boy Scouts of America where he became an Eagle Scout, he has remained active in his Church, and an active member of North Coast Pipe Band, Buckeye Boys State, and a member of the Firelands High School class council.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Geoffrey J. Wightman. Our service academies offer the finest education and military training available anywhere in the world. I am sure

that Geoffrey will do very well during his career at United States Military Academy and I wish him the very best in all of his future endeavors.

HONORING BRAD KOHRMANN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. MCINNIS. Mr. Speaker, I stand before this body of Congress today to praise a man who has volunteered his time to help solve the mystery behind the unfortunate explosion of the space shuttle *Columbia.* This event was a tragic moment in our nation's history, but I am proud to know that our country and its citizens are making every effort to ensure the future safety of our brave astronauts. Brad Kohrmann, a volunteer fire fighter from Eagle, Colorado, searched the state of Texas for debris from the shuttle in hopes of obtaining clues into this mysterious catastrophe.

Brad became part of an 18-person team designed and put together by the Forest Service to recover shuttle debris. Brad selflessly left his home and family to help since he understood that a firefighter's training would be of use to NASA in their search. Brad has worked to hone his attention to detail, which made him an ideal candidate for the search party.

Brad's team found many pieces from the shuttle; the biggest was a chunk of the bulkhead, which was four feet long and over six feet wide. The smallest piece they found was no bigger than a quarter inch. When a piece was discovered, the recovery team would mark the area, and transmit the coordinates to a Global Positioning Satellite. Brad estimated that his team walked about eight miles a day, covering farm country, creeks, and some swampland.

Mr. Speaker, I am honored to speak before this Congress to highlight the contributions of Brad Kohrmann. He has sacrificed to assure the future safety of our astronauts as we lead the world in exploring the heavens. His actions exemplify the character and pride great Americans show in times of need by putting their country first. Thank you, Brad, for your work. You have done your country a tremendous service.

IN SPECIAL RECOGNITION OF ALISA L. FELLHAUER ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Alisa L. Fellhauer of Port Clinton, Ohio, has been offered an appointment to attend the United States Air Force Academy.

Mr. Speaker, Alisa's offer of appointment poises her to attend the United States Air Force Academy this fall with the incoming cadet class of 2007. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Alisa brings a special mix of leadership, service, and dedication to the incoming class of Air Force Academy cadets. While attending the Port Clinton High School, Port Clinton, Ohio, Alisa has attained a grade point average of 3.88, which places her 13th in her class of 161 students. During her time at Port Clinton High School, Alisa has received several commendations for her superior scholastic efforts. During her first year, she received the Kiwanis Scholar Athlete Award. Her second year was marked by her being again awarded the Kiwanis Scholar Athlete Award as well as being inducted into the National Honor Society. Alisa went on in her senior year to maintain her role in the National Honor Society as well being selected for participation in a highly selective biology program.

Outside the classroom, Alisa has distinguished herself as an excellent student-athlete and dedicated citizen of Port Clinton. On the fields of friendly strife, Alisa has participated in Varsity Cross Country, Varsity Basketball, and Varsity Softball. She is a three times Cross Country letter winner and served as the Team Captain her senior year. In addition to her athletic accomplishments, Alisa is an active member in her community participating in Key Club, Future Professionals in Medicine, National Honor Society, Relay for Life, and the Buckeye Girl's State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Alisa L. Fellhauer. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Alisa will do very well during her career at Air Force and I wish her the very best in all of her future endeavors.

IN SPECIAL RECOGNITION OF JENNIFER L. LEWIS ON HER APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Jennifer L. Lewis of Sandusky, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Jennifer's offer of appointment poises her to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertaking of their lives.

Jennifer brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Perkins High School, Sandusky, Ohio, Jennifer has attained a grade point average of 4.248, which places her first in her class of 152 students. During her time at Perkins High School, Jennifer has received several commendations for her superior scholastic efforts. Jennifer's accomplishments include being on the honor roll for all four years, placing third of fifty-four in the Greater Toledo Council of Teachers of Mathematics Integrated Math I exam and eighteenth of two hundred and four in the Greater Toledo Council of Teachers of Mathematics Geometry Exam.

Outside the classroom, Jennifer has distinguished herself as an excellent musician, athlete and dedicated citizen of Sandusky. On the fields of friendly strife, Jennifer participated in Track and Karate. In addition to her athletic accomplishments, Jennifer is an active member in her community participating in Huron Township Conservation Club.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Jennifer L. Lewis. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Jennifer will do very well during her career at the United States Military Academy and I wish her the very best in all of her future endeavors.

IN SPECIAL RECOGNITION OF AARON M. WURST ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Aaron M. Wurst of Ottoville, Ohio, has been offered an appointment to attend the United States Military Academy.

Mr. Speaker, Aaron's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2007. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Aaron brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Ottoville High School, Ottoville, Ohio, Aaron has attained a grade point average of 4.0. During his time at Ottoville High School, Aaron has received several commendations for his superior scholastic efforts. Aaron's accomplishments include Academic Letters, being awarded the Voice of Democracy School winner, was selected to participate in several highly selective mathematics competitions, as well as being inducted into the National Honor Society.

Outside the classroom, Aaron has distinguished himself as an excellent athlete. On the fields of friendly strife, Aaron participated in Cross Country where he earned his Varsity Letter, Basketball, and Track. In addition to his

athletic accomplishments, Aaron is an active member in the student council where he served as his Class President and the drama club.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Aaron M. Wurst. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Aaron will do very well during his career at the United States Military Academy and I wish him the very best in all of his future endeavors.

SMOKELESS TOBACCO

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. WAXMAN. Mr. Speaker, the United States Tobacco Company has requested that it be allowed to market certain dangerous and addictive products as less harmful than cigarettes. UST would like to market these products immediately without regulation by a health agency.

I recently obtained UST documents that speak to the clear need for effective and comprehensive regulation prior to any health claims for smokeless tobacco. Because it is in the public's interest to review the content of these documents, I am inserting them into the public record, along with a ''dear colleague'' letter I recently circulated, the UST response, and a letter I sent yesterday to House Committee on Energy and Commerce Chairman BILLY TAUZIN on this matter.

APRIL 28, 2003.

SHOULD SMOKELESS TOBACCO BE MARKETED AS ''REDUCED RISK''?

DEAR COLLEAGUE: In recent weeks, the United States Smokeless Tobacco Company, Incorporated (UST), the country's largest manufacturer of smokeless tobacco products, has begun to lobby Congress for permission to tell potential customers that using smokeless tobacco is safer than smoking cigarettes. The request follows a prior petition to the Federal Trade Commission (FTC), which UST has now withdrawn, in which UST proposed telling consumers: ''Many researchers in the public health community have expressed the opinion that the use of smokeless tobacco involves significantly less risk of adverse health effects than smoking cigarettes.''

It would be a serious mistake for Congress to endorse ''reduced risk'' claims proposed by UST outside of effective regulation of tobacco products. Attached are two documents from the Campaign for Tobacco Free Kids on (1) smokeless tobacco and (2) UST's request to Congress. I would draw your attention to several key points:

''Reduced risk'' claims need to be scrutinized carefully. If new claims that smokeless tobacco is safer than cigarettes cause fewer smokers to quit tobacco altogether, or if these claims encourage non-tobacco users—especially young people—to begin using smokeless tobacco products, any theoretical benefit to those switching from cigarettes to smokeless tobacco products may be undermined. That's why the Institute of Medicine and other experts who favor risk reduction strategies, including several tobacco control advocates cited by UST, actually believe that such claims should be made only with regulatory oversight. A regulatory system would allow close monitoring of health claims and assessment of the true impact on death and disease rates.

The Swedish model does necessarily not apply to the United States. UST points to Sweden as a country with relatively high levels of smokeless tobacco use and relatively low levels of cigarette smoking. Yet Sweden's situation is considerably different. First, Swedish smokeless tobacco is a different product from the one that UST makes. Second, Sweden also has tight restrictions on tobacco products, including high taxes and a marketing ban. Third, Sweden does not allow health claims to be made for smokeless tobacco products.

UST does not have a responsible track record. The U.S. Surgeon General, the National Cancer Institute, and other major scientific and public health agencies have concluded that smokeless tobacco poses significant health risks, causes oral cancer and other noncancerous oral conditions, and can lead to nicotine addiction. UST, however, has recently asserted that ''smokeless tobacco has not been shown to be a cause of any human disease.'' The company also has a long history of marketing to children, including flouting restrictions on marketing to minors and the addition of cherry, mint, and other flavorings that increase their products' appeal to youth. This record indicates the need for close regulatory oversight of any health claims made by the company.

With cigarette smoking responsible for more than 400,000 deaths in the United States each year, there is reason to consider nonconventional strategies to save lives. However, these strategies should be based upon science and carefully monitored in a regulatory scheme to assure that they do not cause more harm than good.

If you would like more information, please do not hestitate to contact Josh Sharfstein on the minority staff of the Government Reform Committee (202) 225–5420.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

SMOKELESS (''SPIT'') TOBACCO IN THE UNITED STATES: AN OVERVIEW OF THE HEALTH RISKS AND INDUSTRY MARKETING AIMED AT CHILDREN

What do the experts say about smokeless tobacco?

Smokeless tobacco in the United States causes cancer.

Smokeless tobacco in the United States is not a safe alternative to cigarettes.

Smokeless tobacco in the United States is not regulated and any health claims about the product have not been verified by an independent, objective government authority.

Smokeless tobacco manufacturers in the United States have systematically marketed their products to children and adolescents.

Smokeless tobacco, and the manner in which it is manufactured, marketed and sold, in the United States is substantially different from what is occurring in Sweden.

U.S. Surgeon General:

''After a careful examination of the relevant epidemiologic, experimental, and clinical data, the committee concludes that the oral use of smokeless tobacco represents a significant health risk. It is not a safe substitute for smoking cigarettes. It can cause cancer and a number of non-cancerous oral conditions and can lead to nicotine addiction and dependence.''

''The scientific evidence is strong that the use of snuff can cause cancer in humans. The evidence for causality is strongest for cancer of the oral cavity, wherein cancer may occur several times more frequently in snuff dippers compared to non-tobacco users. The excess risk of cancer of the cheek and gum may reach nearly fifty-fold among long-term snuff users.''

U.S. National Cancer Institute:

''The bioassay data strongly support the epidemiological observation that ST is carcinogenic to humans. Twenty-eight carcinogens have been identified in chewing tobacco and snuff. The high concentrations of N-nitrosamines in ST, and especially the high levels of TSNA, are of great concern.''

''The evidence that NNK and NNN play a role in human oral cancer induced by snuff is strong. Both compounds are present in significant amounts in snuff and in the saliva of snuff dippers. They are metabolically activated in snuff dippers to intermediates that bind to hemoglobin. They cause oral tumors in rats and are metabolically activated by rat and human oral tissue. Although there are many questions about the mechanisms by which snuff causes oral tumors in rats and humans, there is no doubt that the presence of NNK and NNN in snuff is an unacceptable risk to people who choose to use these products.''

U.S. National Toxicology Program:

''The oral use of smokeless tobacco is known to be a human carcinogen based on sufficient evidence of carcinogenicity from studies in humans which indicate a causal relationship between exposure to smokeless tobacco and human cancer.''

''Smokeless tobacco has been determined to cause cancers of the oral cavity. Cancers of the oral cavity have been associated with the use of chewing tobacco as well as snuff which are the two main forms of smokeless tobacco used in the Untied States.''

World Health Organization:

''There is conclusive evidence that certain smokeless tobacco products increase risk of oral cancer, specifically . . . smokeless tobacco in the United States.''

MARKETING SMOKELESS (''SPIT'') TOBACCO TO KIDS

The smokeless tobacco companies have a long history of creating new products that appeal to kids and marketing them aggressively to children. Their efforts have created a whole new market for spit tobacco—in kids.

A SHIFT FROM OLDER TO YOUNGER SMOKELESS TOBACCO USERS

Since 1970, smokeless tobacco has gone from a product used primarily by older men to one used predominantly by young men and boys. In 1970, males 65 and older were almost six times, as likely as those ages 18–24 to use smokeless tobacco regularly (12.7 percent vs. 2.2 percent. By 1991, however, young males were 50 percent more likely than the oldest ones to be regular users. (8.4 percent vs. 5.6 percent. This pattern holds especially true for moist snuff, the most popular type of smokeless tobacco. From 1970 to 1991 the regular use of moist snuff by 18–24 year old males increased almost ten-fold, from less than one percent to 6.2 percent. Conversely, use among males 65 and older decreased by almost half, from 4 to 2.2 percent. Among all high school seniors who have ever used smokeless tobacco, almost three-fourths began by the ninth grades.

Despite some recent declines in youth smokeless tobacco use, 14.8 percent of all boys in U.S. high schools—and 1.9 percent of high-school girls—currently use smokeless tobacco products. In some states, smokeless tobacco use among high school males is particularly high, including Montana (25.2 percent), Wyoming (28.6 percent), West Virginia (33.0 percent), and Arkansas (24.9 percent).

UST (the parent company of the U.S. Smokeless Tobacco Company) is the biggest smokeless tobacco company in the Untied States. It controls about 40 percent of the total U.S. smokeless tobacco market, including 75 percent of the moist snuff tobacco

market, which is both the largest segment of the smokeless tobacco market and the only segment that has recently grown.

STRATEGIES TO HOOK KIDS

According to internal company documents, UST developed a strategy some time ago for hooking new smokeless tobacco users, which means kids. As one document states: ''New users of smokeless tobacco—attracted to the product for a variety of reasons—are most likely to begin with products that are milder tasting, more flavored, and/or easier to control in the mouth. After a period of time there is a natural progression of product switching to brands that are more full-bodied, less flavored, have more concentrated 'tobacco taste' than the entry brand.''

Following this strategy, in 1983–84, UST introduced Skoal Bandits and Skoal Long Cut, designed to ''graduate'' new users from beginner strength, to stronger, more potent products. A 1985 internal UST newsletter indicates the company's desire to appeal to youth: ''Skoal Bandits is the introductory product, and then we look towards establishing a normal graduation process.'' In 1993, cherry flavoring was added to UST's Skoal Long Cut, another starter product. A former UST sales representative revealed that ''Cherry Skoal is for somebody who likes the taste of candy, if you know what I'm saying.''

Smokeless tobacco products have been marketed to youth through a number of channels, including sports events like auto racing and rodeos that are widely attended by kids. Although the state tobacco settlement agreements have limited UST's ability to continue to do brand-name sponsorships of events and teams, UST continues to be a promotional sponsor of both professional motorsports and rodeo and bull riding. In motorsports, UST sponsors are Skoal Racing funny car team on the National Hot Rod Association circuit. In rodeo and bull riding, UST supports the Rodeo Cowboys Association, the Professional Bull Riders, Inc., and the National Intercollegiate Rodeo Association. As the general manager of the College Finals said, ''U.S. Tobacco is the oldest and best friend college rodeo ever had.''

Continuing its efforts to lure and maintain young users, in February 1999, UST ran a full-color advertising insert for its Rooster brand smokeless tobacco in the Daily Aztec, the college paper at San Diego State University. The ad offered a sweepstakes for an all expenses paid trip to the Playboy mansion and, in direct violation of California law, included a $1.00 coupon. State enforcement efforts related to the ad forced UST to pay a fine of $150,000 and also pay for a parallel ad insert opposing smokeless tobacco use.

From 1985 to 1999 (the most recent year with available data), the total marketing expenditures of the top-five smokeless tobacco companies in the United States (Conwood Company, National Tobacco Company, Swedish Match North America, Inc., Swisher International, and United States Tobacco Company) have more than doubled, as have their sales revenues. In 1999, these smokeless tobacco companies spent more than $170 million to advertise and market their deadly products. Some of these funds pay for smokeless tobacco ads in magazines with high youth readership, such as Sports Illustrated and Rolling Stone. In fact, despite the restrictions placed on youth advertising by the Smokeless Tobacco Master Settlement Agreement (STMSA), UST has continued to heavily advertise in youth-oriented magazines. For the period 1997–2001, UST's expenditures in youth magazines increased from $3.6 million to $9.4 million, a 161% increase.

In August 2001, UST announced plans to market a brand new smokeless tobacco product called Revel. UST is marketing the new product as a way to consume tobacco in places or situations when smoking is not allowed or is not socially acceptable. Public health organizations and others are concerned that this new product may lure even more kids into smokeless tobacco use and addiction—both because of its novelty and the misconception that it is a safe form of tobacco use, and because it can be consumed much less conspicuously than either cigarettes or existing smokeless tobacco products at home, in school, and in other locations. There is also a concern that some current cigarette smokers who might ultimately quit because of the social stigma associated with smoking, the inconvenience caused by smoking restrictions at work and elsewhere, or a desire to protect their family and friends from secondhand smoke will switch to Revel or other smokeless products, instead.

These public health risks are significant, especially since the Star tobacco company has also begun selling a smokeless product, known as Ariva, and has sold Brown & Williamson (the third largest U.S. cigarette company) the right to market Star's new product under B&W's own brand name.

HEALTH RISKS ASSOCIATED WITH SMOKELESS TOBACCO USE

Smokeless tobacco use can lead to oral cancer, gum disease, and nicotine addiction; and it increases the risk of cardiovascular disease, including heart attack. More specifically:

Smokeless tobacco causes leukoplakia, a disease of the mouth characterized by white patches and oral lesions on the cheeks, gums, and/or tongue. Leukoplakia, which can lead to oral cancer, occurs in more than half of all users in the first three years of use. Studies have found that 60 to 78 percent of smokeless tobacco users have oral lesions.

Constant exposure to tobacco juice causes cancer of the esophagus, pharynx, larynx, stomach and pancreas. Smokeless tobacco users are up to 50 times more likely to get oral cancer than non-users. These cancers can form within five years of regular use.

Smokeless tobacco contains nitrosamines, proven carcinogens, as well as 30 metals and a radioactive compound called polonium-210. A study by the American Health Foundation for the State of Massachusetts found that the level of cancer causing tobacco specific nitrosamines (TSNAs) in U.S. oral snuff brands were significantly higher than comparable Swedish Match brands. These data suggest that it is possible for smokeless tobacco companies to produce oral snuff with significantly lower TSNA levels.

This same study found that the two leading U.S. snuff brands, Copenhagen and Skoal, had large increases in TSNA levels when placed on a shelf at room temperature over a six-month time period. The TSNA levels increased 20 percent in Skoal and by 137 percent in Copenhagen, while no significant changes were observed in Swedish match brands.

Chewing tobacco has been linked to dental caries. A study by the National Institutes of Health and the Centers for Disease Control and Prevention found chewing tobacco users were four times more likely than non-users to have decayed dental root surfaces. Smokeless tobacco also causes gum disease (gingivitis), which can lead to bone and tooth loss.

A number of researchers and at least one U.S. smokeless tobacco company (UST) who point to the experience of Sweden and their use of a smokeless product called ''snus'', as a prime example of why smokeless tobacco is not harmful and should be promoted as a harm reduction and/or smoking cessation aid. However, upon closer examination the snus experience in Sweden is completely irrelevant in the context of the United States for a number of reasons. First, snus is a different product from American smokeless products (even the products sold by the North American division of Swedish Match) in that Swedish snus is highly regulated and manufactured according to strict standards. The makers of Swedish snus (Swedish Match) are not allowed to make health claims, and they are forbidden from even marketing the product at all. In the United States, we have a situation where all tobacco products (including smokeless products) are exempt from product regulation and that have been marketed irresponsibly to kids for decades. In addition, there is also disagreement among the researchers as to whether snus has, in fact, played a role in reducing smoking in Sweden.

INDUSTRY DENIALS OF HARMS OF SMOKELESS TOBACCO

Despite all the evidence of the harms of smokeless tobacco, in April 1999, a spokesperson for UST, quoted in the Providence Journal, claimed that it has not been ''scientifically established'' that smokeless tobacco is ''a cause of oral cancer.'' The Rhode Island Attorney General subsequently filed a legal action against U.S. Tobacco for violating the multistate settlement agreement's provisions prohibiting false statements about the health effects of tobacco products. As a result, UST was required to formally acknowledge that the Surgeon General and other public health authorities have concluded that smokeless tobacco is addictive and can cause oral cancer and to pay $15,000 to the Attorney General's office for efforts to prevent Rhode Island youths from using tobacco.

On February 5, 2002, in a letter to the U.S. Federal Trade Commission seeking an advisory opinion to make statements in its advertising that smokeless tobacco products are safe alternatives to cigarettes, UST concluded that, ''. . . it is USSTC's position that smokeless tobacco has not been shown to be a cause of any human disease [emphasis added].''

SMOKELESS TOBACCO A ''GATEWAY'' TO OTHER DRUGS?

High school students who use smokeless tobacco 20 to 30 days per month are nearly four times more likely to currently use marijuana than nonusers, almost three times more likely to ever use cocaine, and nearly three times more likely to ever use inhalants to get high. In addition, heavy users of smokeless tobacco are almost 16 times more likely than nonusers are to currently consume alcohol, as well.

A recent study in the American Journal of Preventive Medicine found that ''snuff use may be a gateway form of nicotine dosing among males in the United States that may lead to subsequent cigarette smoking.'' Further, the study found that ''the prevalence of smoking was substantially higher among men who had quit using snuff than among those who had never used snuff, suggesting that more than 40 percent of men who had been snuff users continued or initiated smoking.

TYPES OF SPIT TOBACCO

Oral (moist) snuff is a finely cut, processed tobacco, which the user places between the check and gum, that releases nicotine which, in turn, is absorbed by the membranes of the mouth.

Looseleaf chewing tobacco is stripped and processed cigar-type tobacco leaves that are loosely packed to form small strips. It is often sold in a foil-lined pouch and usually treated with sugar or licorice.

Plug chewing tobacco consists of small, oblong blocks of semi-soft chewing tobacco

that often contain sweeteners and other flavoring agents.

Nasal snuff is a fine tobacco powder that is sniffed into the nostrils. Flavorings may be added during fermentation, and perfumes may be added after grinding.

USSTC SPIT TOBACCO PRODUCTS

Split Tobacco Is Harmful: The Surgeon General, the National Cancer Institute and numerous other scientific bodies have determined that there is conclusive evidence that the use of the spit tobacco products sold in the United States, also known as smokeless tobacco, increases the risk of serious disease, including oral cancer. This conclusion is as true today as when Congress mandated health warnings on all spit tobacco products in 1986. This is not surprising because 28 cancer-causing chemicals have been found in these products. Spit tobacco is not a safe alternative to smoking. Despite this and a 1999 agreement with the Rhode Island Attorney General by U.S. Tobacco Company (the parent company of U.S. Smokeless Tobacco Company or USSTC) not to make statements ''to any news media . . . to the effect that any of its tobacco products do not cause or have not been proven to cause adverse health consequences . . .'' USSTC claimed in a 2002 letter to the Federal Trade Commission (FTC) ''smokeless tobacco has not been shown to be a cause of any human disease.''

Spit Tobacco and Its Marketing Should Be Regulated by a Science-Based, Health Agency: USSTC wants government approval for it to market its products as less hazardous than cigarettes without any additional control over its marketing or its products. Unless the U.S. Food and Drug Administration (FDA) is first given meaningful authority over spit tobacco products, including the authority to oversee the content, manufacture, sale, and marketing of spit tobacco, this request will only increase the harm caused by tobacco. Why is this so? Absent such regulation, marketing by USSTC of its products as less hazardous is likely to result in the following:

It will attract new young users to use spit tobacco by communicating that it does not pose a serious risk. This is precisely what happened twenty years ago when USSTC used similar messages as part of a marketing campaign that led to an explosive growth in youth spit tobacco use; and

It may discourage some smokers from quitting by misleading them to believe that smokeless tobacco products offer a safe alternative to quitting.

In addition, in the absence of FDA regulation there are no manufacturing standards governing these products or their relative safety. This is especially important because tests have shown extremely wide variations in levels of toxins in spit tobacco products across brands in the United States as well as across the same brands over their shelf life.

USSTC Markets Its Products To Youth: USSTC has a long history of marketing its products to youth through the development of starter products (pouches, long cut, etc.), the addition of flavorings (cherry, mint), and the strategy of graduating users from entry products to stronger ones. In fact, it is the company most responsible for turning spit tobacco from a product used primarily by old men and women to one used by young people. Despite the restrictions placed on youth advertising by the Smokeless Tobacco Master Settlement Agreement, the U.S. Tobacco Company (UST) has continued to heavily advertise in youth-oriented magazines. For the period 1997–2001, UST's expenditures in youth magazines increased from $3.6 million to $9.4 million, a 161% increase. Without regulation of the way its harm reduction claims are marketed, there is absolutely no reason to believe that their marketing will lead to anything other than an overall greater use of tobacco products, with the attendant harm on public health.

Comparing USSTC Products to Swedish Snus Is Like comparing Apples To Ants: USSTC likes to compare its efforts to those of Snus in Sweden and to claim that its products can be an effective harm reduction strategy. The differences in the Swedish and U.S. products and the differences in the Swedish and U.S. regulatory environments render this comparison ludicrous. Any gains that might have been achieved by Snus in Sweden have been accomplished with a product that is many times lower in cancer-causing nitrosamines and other toxic substances than the USSTC products sold in the US. Sweden also carefully regulates spit tobacco products and their marketing. To prevent marketing claims from making these products more attractive to non-users, Sweden prohibits ANY advertising of the product and prohibits the kinds of claims USSTC wants to make here. There is every reason to believe that operating in an unregulated environment, a company such as USSTC, with its long history of employing every possible marketing avenue to attract youth, would only use health claims to further expand its market, especially among youth.

USSTC Should Support FDA Regulation of Tobacco As The Solution: If USSTC is serious about reducing the harm caused by tobacco, and about assuring that the marketing of its products as less hazardous contributes to improvement in public health, it would support the effective regulation of tobacco products by the FDA as outlined by the major public health groups. Less hazardous, nicotine-replacement therapies are regulated by the FDA. Why should the manufacturers of spit tobacco products, attempting to make similar health claims, be treated any differently? Only regulation of spit tobacco products by a qualified, science-based agency like the FDA can assure that health claims for spit tobacco are accurate, appropriate and protect public health.

US. SMOKELESS TOBACCO CO.,
Greenwich, CT, May 23, 2003.

Hon. HENRY A. WAXMAN,
Ranking Minority Member, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I read with interest your ''Dear Colleague'' letter dated April 28, 2003, regarding smokeless tobacco in the context of tobacco harm reduction and the attached documents from the Campaign for Tobacco-Free Kids, portions of which are referenced in your letter. There appears to be widespread agreement in the public health community regarding your observation that ''with cigarette smoking responsible for more than 400,000 deaths in the United States each year, there is reason to consider nonconventional strategies to save lives.'' As you are aware, one such ''nonconventional strategy'' increasingly discussed in the public health community is that cigarette smokers who do not quit and do not use medicinal nicotine products should switch completely to smokeless tobacco products.

The debate regarding tobacco harm reduction and the role of smokeless tobacco products as part of that effort is at a crossroads. U.S. Smokeless Tobacco Company (''USSTC'') has been actively and constructively engaged in discussing the merits of that issue. Unfortunately, the Campaign of Tobacco-Free Kids does not seem interested in discussing the merits of communicating to adult cigarette smokers that smokeless tobacco is a significantly reduced risk alternative to cigarette smoking. Rather, the Campaign for Tobacco-Free Kids disseminates documents of the type attached to your letter that have little relevance to the issue at hand, but contain numerous statements that are inaccurate or misleading. Several of those statements relating directly to USSTC require a response.

The Campaign for Tobacco-Free Kids' central allegation is that USSTC has engaged in ''strategies to hook kids'' on smokeless tobacco products. In particular, the Campaign for Tobacco-Free Kids alleges that USSTC (i) employed a ''graduation strategy'' for hooking new smokeless tobacco users, which means kids,'' (ii) added cherry flavoring to Skoal Long Cut in 1993 in order to appeal to underage youth (iii) ''marketed to youth through a number of channels including sports events like auto racing and rodeos that are widely attended by kids,'' and (iv) places ''smokeless tobacco ads in magazines with high youth readership, such as Sports Illustrated and Rolling Stone.

The allegation that USSTC engages in ''strategies to hook kids'' could not be further from the truth. USSTC has made clear its commitment to market its smokeless tobacco products only to adults. For example, USSTC is the only smokeless tobacco company to enter into the Smokeless Tobacco Master Settlement Agreement (''STMSA'') with the Attorneys General of 45 states and various territories. As a result, USSTC is supporting programs to reduce youth usage of tobacco, and has agreed to limitations on its advertising and marketing efforts that might be attractive, in the view of the Attorneys General, to underage potential consumers of smokeless tobacco, even though USSTC's competitors have agreed to no such restrictions.

''Graduation Strategy'' Allegations: USSTC does not employ any marketing strategy based upon a theory that consumers can be enticed to begin using ''beginner strength'' smokeless tobacco products, and subsequently be caused to ''graduate'' to smokeless tobacco products that are ''stronger'' or ''more potent.'' Any suggestion that USSTC's line of products is developed based upon ''graduating'' levels of ''strength'' or ''potency'' is not true. Smokeless tobacco consumers remain loyal to a single brand or switch among a variety of brands according to their preference for flavor, cut of tobacco, form and packaging. Moreover, there is no set pattern of brand switching among smokeless tobacco consumers. They do not conform to any so-called ''graduation strategy.''

Company documents from the early 1980s reflect that there were discussions among some at the Company about a ''graduation process,'' ''hypothesis'' or ''theory.'' While the term ''graduation process'' apparently meant different things to different people, the theory seems to have been an attempt by some to provide a shorthand explanation for consumer behavior in switching between brands of smokeless tobacco, including between the Company's own brands. The term ''graduation process'' as used in the early 1980s: (i) did not relate to marketing to youth, (ii) did not drive the Company's marketing strategies, and (iii) is contradicted by consumer behavior in the marketplace.

Cherry Flavoring: The suggestion that cherry flavored Skoal Long Cut was designed to appeal to underage youth is baseless. Cherry flavored tobacco products have been on the market since 1910. Since then, there have been dozens of brands of cigars, chewing tobacco, pipe and other smoking tobacco products with cherry flavor marketed to adults. The use of cherry flavor tobacco products is not surprising. Many products marketed for adults, such as Maalox, Alka-Seltzer and

Tums, are available in cherry flavor because of its appeal to those adults.

Sponsorship of Professional Motorsports and Rodeos: As noted above, an underlying purpose of the STMSA contains a comprehensive array of restrictions that substantially limit the Company's activities with respect to marketing its smokeless tobacco products. Among other restrictions USSTC has agreed that it will not engage in brand name sponsorships of concerts, events in which youth comprise a significant portion of the audience, events in which youth are paid participants or contestants, football, soccer, basketball and hockey. USSTC's sponsorship of professional motorsports and rodeos is part of the Company's efforts to promote its products to adult consumers and is wholly appropriate under the terms of the STMSA.

Magazine Ads: As the Campaign for Tobacco-Free Kids is fully aware, USSTC does not currently advertise in Sports Illustrated or Rolling Stone. On June 7, 2002, USSTC announced that in order to leave no doubt that its marketing program is oriented to adults and adults only, it would suspend advertising in a small number of magazines while it reviewed concerns regarding possible youth readership, even though the overwhelming majority of readers of those magazines were adults. The magazines involved were Sports Illustrated, Hot Rod, Motor Trend and sporting News. USSTC stopped advertising in Rolling Stone in 2001.

USSTC appreciates your interest in this important public health issue, and looks forward to continuing its participation in the debate regarding tobacco harm reduction and the potential role of smokeless tobacco.

Sincerely,

RICHARD H. VERHEIJ.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 3, 2003.

Hon. W.J. (BILLY) TAUZIN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: You may have recently received a copy of a May 23, 2003, letter from U.S. Smokeless Tobacco Company (UST) in connection with today's hearings on ''reduced risk'' tobacco products. As you consider this letter, you should know that it is deceptive on important issues.

The UST letter was written in response to a ''Dear Colleague'' letter that I wrote on April 28, 2003. My Dear Colleague made two major points: (1) that public health authorities have concluded that ''reduced risk'' claims for tobacco products should be made only in the context of strict regulatory oversight and (2) that the need for regulatory oversight of such claims is underscored by UST's history of untrustworthy marketing. The Dear Colleague attached two fact sheets from the Campaign for Tobacco Free Kids. The fact sheets detailed UST's use of a ''graduation strategy'' to hook young users on low-nicotine products and then ''graduate'' them to higher-nicotine products. They also described the company's strategy of appealing to children through the use of cherry flavoring in its ''starter'' products.

In its May 23 response, UST dismisses the allegation that the company ''has engaged in strategies to hook kids'' as ''inaccurate or misleading.'' UST claims that it does not and has never used a ''graduation strategy,'' certainly not one related to marketing to youth. UST also rejects as ''baseless'' the suggestion that its cherry-flavored products were designed to appeal to children.

Since receiving UST's May 23 letter, I have obtained copies of internal company documents that validate the points made in my Dear Colleague and conflict with the assertions in UST's letter. These documents show that the company planned a ''graduation strategy'' starting with ''young'' consumers, that the company has long known that flavoring in smokeless tobacco products appeals to young smokeless tobacco users, and that UST deliberately adds flavoring to ''starter products.'' The documents also indicate that UST marketed its products to children as young as 13 or 14. Copies of these previously undisclosed documents are enclosed with this letter.

These documents and UST's response are relevant to the Committee's consideration of UST's request for permission to market smokeless tobacco as safer than cigarettes. While UST may say that it would never abuse authority to make ''reduced risk'' claims, the company's past practices—and its recent correspondence denying these practices—call the company's veracity seriously into question.

UST'S GRADUATION STRATEGY

UST states that it never employed a ''graduation strategy'' in marketing its tobacco products and that any documents from officials at the company discussing the strategy merely reflected a ''hypothesis,'' ''did not relate to marketing to youth,'' and ''did not drive the Company's marketing strategies.''

This claim is difficult to believe in light of the documents that I have obtained. The documents show definitively that a graduation strategy aimed at youth was in fact the company's goal and that implementing this strategy was the objective of the highest-ranking officials in the company. In particular, a 1980 memo from the Senior Vice President for Marketing and Sales to the Chairman of the Board and President of UST sets forth two of the company's marketing ''objectives'' as follows:

Introduce an easy-to-use, ''starter'' product; and

Provide new users with an easy graduation process.

That this graduation process is aimed at young customers is expressly stated later in the document. A chart labeled ''Marketing Action/Staging,'' which includes specific dates for implementation of each action as early as two months from the date of the memo, reads as follows:

Brand/segment	Objective
Ball'n Chew Wintergreen Plastic Can	Introduce easy to use, ''starter'' product to increase consumer base, especially among the young.
Skoal Straight Plastic Can	Introduce line extension to support ''natural vertical'' graduation process.

This document also contains a chart, entitled ''Product Development and Positioning,'' that depicts ''young, newer'' ''light'' users at the bottom of a continuum that ends in ''older, confirmed'' ''heavy'' users. Marching up this continuum are the company's smokeless products, with the lightest products at the bottom and the strongest products at the top.

USE OF FLAVORED PRODUCTS TO APPEAL TO YOUTH

UST claims that cherry flavoring is common in adult products like Maalox and Tums and therefore that there is no basis to believe that the company used sweet flavors to appeal to children. But the company had clear understanding that favors appeal to young users and not to adults. In the document quoted above, the Senior Vice President for Marketing and Sales states the following ''assumptions'':

ASSUMPTIONS:

Younger and lighter users prefer a favor, not a natural.

Older and heavier users prefer real tobacco taste and strength.

Happy Days [a lighter product] can be a better brand and better ''graduator'' with a change in favor.

UST'S MARKETING TO CHILDREN

Another document indicates that the UST's sales force marketed to children as young as 13 or 14. A memo from a regional sales manager to UST's National Sales Manager describes the effect of a competing product on sales of UST products. The memo states that retailers report that Hawken, a product from a UST competitor: ''is being used by young kids and young adults. The age of the kids is from 9 years old and up. I believe this to be true because outlets located close to schools (all grades) are definitely the heavier Hawken outlets we visited. . . . Also, the people who knew about mouth tobaccos felt the sweet taste was a definite factor with the kids.''

This memo goes on to say that Hawken ''has reached kids four or five years earlier than we have contacted them in the past.'' Because the memo is describing a product being used by 9-year-olds, the clear indication is that UST was marketing to kids of 13 or 14 years.

CONCLUSION

As we consider UST's desire to market its products as safer than cigarettes, we must keep in mind both the company's marketing history and its continuing deceptions. Essentially, UST is asking Congress to trust that the company will make responsible claims about its products. But it is hard to see how such trust is warranted given the company's track record. Certainly, the company should not be permitted to make ''reduced risk'' claims about its products without strict regulatory oversight.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

Enclosures (2).

U.S. TOBACCO INTRA-COMPANY CORRESPONDENCE

JANUARY 4, 1980.

From: Barry J. Nova, Sr., Vice President Marketing and Sales.

To: Louis P. Bantle, Chairman of the Board and President.

Subject: ''Moist'' Development.

U.S. Tobacco has ''made'' the market in moist smokeless tobacco; a segment that remains in the early stages of growth on a product life cycle graph. We must continue to ''lead'' the category in order to:

Enlarge our consumer base;

Preempt probable competition; and

Maintain corporate growth and profit.

A recent document from Peter directed itself to ''product leadership''; to the methods of ascertaining the right products in the right positions to meet potential user needs. While some of the choices and recommendations might be questioned, it is not the intent of the writer to mark down a good beginning. Rather, in conjunction with those carboned above it is the purpose of this memorandum to further define marketing action needed to meet the following objectives:

Introduce an easy-to-use, ''starter'' product;

Provide new users with an easy graduation process;

Develop better packaging; and

Maintain a simplicity in the product line.

Easy graduation process

There are two ''leaders'' extant in today's marketplace: Skoal, with a wintergreen flavor; and Copenhagen, with a more natural tobacco taste. While Skoal is the biggest

seller, reasonable percentage growth is still apparent in the Copenhagen brand; and both continue to outpace Happy Days (mint)—where about 20% of current poundage is samples—on a poundage growth basis.

In addition, two other ''natural'' brands continue to show strength with very limited promotional support—W B Cut and Key.

Simply, then, we should concentrate on the two proven areas of acceptability—Wintergreen and Natural; and build vertically in these two flavors, permitting the consumer to ''move-up'' or strengthen his pleasure in a taste that he is used to and comfortable with. Even our new loose leaf chew would fit comfortably in the pattern.

And while we do feel that mint/spearmint is an acceptable American flavoring in food and gums, it has not yet been completely proven as a tobacco additive; and a triple flavor track rather than a vertical duality would be too complex now.

Simplified product line

We cannot, and should not, attempt to be ''all things to all people'' now. After all, it must be remembered that we are just beginning to tap the market's potential, and that the brands we sell, in most cases, seem to meet a need or a want. To proliferate many new products/line extensions might very well cause:

Confusion among potential new users as to where to begin and with what.

Confusion among current users regarding what to move to; possibly creating no new business, just a transfer of business intra-line.

Problems in media promotion: difficulty in creating strong, separate positioning statements; lack of frequency to explain all various elements.

Trade dismay and lack of support. Moist has been ''welcomed'' by the trade, but for the next four to five years we will not be at the point where we can demand two to three times the warehouse or retail shelf space that we now enjoy. To try to put out a myriad of products is to run the severe risk of alienating a carefully built trade rapport based on good sales from consumer demand, as well as inviting an ever-increasing damaged goods problem.

''Easy-to-use'' starter product development and intro

This must be our priority niche at present, for obvious reasons:

Expansion demands a continually enlarging new user base.

''Floating'' and saliva build-up are still negatives to the ''beginner''.

Most readily available entry segment for competition on both a product development basis and ratio of pay-back to investment. (And who is to say that a so-called ''starter'' product cannot carve-out, in part, its own on-going user base.)

Happy Days, because of some difficulty in use and apparent ill-defined flavor, may not be the best effort we can make for ''starters''. It can be improved, and then perhaps, could be positioned as part of the ''regular'' line.

Good Luck, a technological advance in packaging rather than a break through in taste, is selling reasonably well in most test areas; but requires better flavor and a final, true evaluation before capital is expended on additional machinery.

Our new, shag cut, ''balling'' smokeless brand (whether it is truly ''balled'' or just flattened between the fingers) is the one that ''gut'' feelings tell us can be the most successful entry. It is easy to use. Saliva build-up is minimal. It takes flavoring well. Raw materials are available. Production methods have been proven. A machine to pack both it and W B Cut could be ready by the fourth quarter of '80. However, only thorough testing of the concept will prove its validity.

Better packaging

The general view is that the plastic can would be a positive packaging step:

Lower manufacturing costs;

Decreases freight costs;

Easier to open;

Stands-up better in the wearing;

Adaptable to holding lesser amounts of tobacco; and

May keep product fresher, longer.

A small amount of research done in our overseas market, coupled with some results from Hawken testing in Jonesboro indicate good consumer acceptance for the plastic container. And it is understood that both Happy Days and Skoal can be packed this way now, without any loss in product quality.

However, we can visualize the possibility of some problems that might occur:

Consumer perception that change in package means a change in formula and flavor. Panel testing can prove or disprove this.

Keeping the product fresher, longer could negate the ''built-in obsolescence'' in the present container, thereby lessening poundage. Still, good users might just use more because it is fresher. The answer might be gotten through focus groups.

Finally, one important facet of plastic packaging—its adaptability—needs further commentary regarding how important it could become in creating new users and meeting competitive pressure.

Supposition and strategy

New users ''pinch'' less often and will use less tobacco per ''dip'': Build up bottom of plastic can—without changing height and circumference—in order to pack a ''full'' lower weight in a ''starter'' product; i.e. .6 ounces.

Pricing can be a determinant to trial; and may well be used as a competitive advantage: Lower price on ''starter'' brands to increase trial, lower sampling costs, and pre-empt competitive, ''low ball'' pricing. for example:

Present can price: UST, 42¢; Jobber, 52¢; Retail, 65¢ (packing half as much tobacco may save 20% or more while maintaining margins).

''Reduced'' can price: UST, 33¢; Jobber, 41¢; Retail, 50¢.

Possible result: More new users, happy with a ''fair' entry price, unconcerned with lesser amounts of product, who can be graduated to one of our ''regular'' products at a ''regular'' price (and may want to ''move'' there faster since 1.2 ounces at 65¢ is a better ''deal'') . . . and competitors who probably will have to cut their own margins to find a price point entry meaningfully below ours.

The foregoing discussions point the way to the recommendations included on the Product Development and Positioning Chart that follows; after which a Marketing Action Staging form indicates the H&D, research and market testing required to prove their viability.

Product development and positioning vertical duality

Assumptions:

Younger and lighter users prefer a flavor, not a ''natural''.

Older and heavier users prefer real tobacco taste and strength.

Skoal is our largest selling and fastest growing product (and best known); all ''starter'' products should acquaint people with its taste.

Copehagen is our second largest selling product and its growth could improve with a lead-in from a ''natural'' line extension, whose name and blend have proven themselves.

Happy Days can be a better brand and a better ''graduator'' with a change in flavor.

The ''top of the line''—W B—may yet be our fastest growing product and deserves a place in both ''verticals''.

MARKETING ACTION

[Staging]

Brand/Segment	Objective	Manufacture/develop period	Reserch period	Test market/period	Roll-out/period
Ball'n Chew Wintergreen/Plastic Can ..	Introduce easy-to-use, ''starter'' product, to increase consumer base especially among the young.	Blend and flavor—2/80; Hand pack for research—3/80; Hand pack for test markets—8–12/80; Develop machine packing by 1/81; Name and label development—3/80.	Taste test with new Happy Days user panel, vs. Good Luck and Hawken. In addition, test in potential user focus groups vs. Good Luck, Hawken and Happy Days 4/80 thru 8/80.	4 Markets: 2 control w/media; 2 reduced price and weight w/media 9/80 thru 12/80.	By region, with promotional support, during 1981.
Good Luck Wintermint/Plastic Can	Change to a new taste. Evaluate ''bag'' concept in terms of future sales potential and machine needs.	Blend and flavor—3/80. Full production—6/80. Prototype machinery—9/80.	Taste test with user panel—new vs. present product, also gather user profile and concept acceptance data—3/80–6/80. Audit selected outlets in current areas to determine future national volume.	Current areas utilizing present production capacity fully.	By region as machinery becomes available.
Skoal Straight Plastic Can	Introduce line extension to support ''natural vertical'' graduation process.	Utilize existing Key blend, and change label—3/80.	Audit in test markets at retail and wholesale to ascertain new sales growth vs. ''pull down'' from existing brands. 4/80 thru 9/80.	4 Markets: 2 Copenhagen areas, one with local adv.; 2 Skoal Areas, one with local adv. 4/80 thru 9/80.	National, supported by ''. . . Skoal, and new Skoal Straight'' network TV spot
Happy Days Wintermint/Plastic Can	Change to a new taste and evaluate with current users.	Blend and flavor—3/80. Full production—7/80.	Taste test—existing vs. new—with large Happy Days user panel. 5/80–7/80.	None	National distribution—8/80.
W B Cut Wintergreen/Pouch	Introduce line extension to create a ''top-of-the line'' duality.	Blend and flavor—5/80. Packing machinery developed and full production by 1/81.	Taste test in panel of W B Cut users. 6/80–10/80.	None	Region by region distribution only after further acceptance of natural brand is accomplished. 1/81 thru 12/81.

MARKETING ACTION—Continued

[Staging]

Brand/Segment	Objective	Manufacture/develop period	Reserch period	Test market/period	Roll-out/period
Plastic Packaging	Evaluate consumer acceptance of plastic can concept.	Label development—4/80. Possible new can colorations—4/80.	Full, large panel test for Happy Days with Happy Days users—5/80–9/80. Full, large panel test for Skoal with Skoal users—5/80–9/80. Results should be at least 95 percent positive.	None	National distribution beginning—1/81.
Stetson Natural/Wintergreen Pouch	Introduce a loose leaf chewing entry point toward capture of 10 percent of market in three years.	Per T. Cornell: Blend and flavor—2/80. Samples production—3/80. Production for test markets—7/80–1/81. Full production 2/81.	Full, loose leaf user panel tests—Stetson vs. Levi Garrett, Red Man, Beechnut 4/80–7/80: Name and package design perception testing in 2 focus groups, 4/80–7/80; Audit at wholesale and retail to determine movement and growth vs. competition.	8 test markets conducted in strong loose leaf areas: 2 Stetson natural—lower media; 2 Stetson natural—higher media; 2 Stetson wintergreen—lower media; 2 Stetson wintergreen—higher media 8/20–2/81.	National distribution 3/81–6/81: supported by national—media effort.

U.S. TOBACCO INTRA-COMPANY CORRESPONDENCE

JANUARY 21, 1980.

FROM: A. E. Cameron, Regional Sales Manager.

TO: Mr. R. R. Marconi, National Sales Manager.

Re: Hawken review.

Tuesday and Wednesday was spent in the tri-city area (Briston, Tennessee; Bristol, Virginia; and Johnson City, Tennessee) in an attempt to further evaluate Conwood's new item ''Hawken''. I spent this time working with Mr. C. E. Jordan, division manager. *Factual* information was hard to come by in some of the areas; however, I will attempt to cover what we found from consumers, retailers, and distributors.

Consumers

We were only able to actually discuss Hawken with two consumers who have used the brand for any length of time. One of these was a convenience store manager (male about 55 years old). This man was supplied with samples on a regular basis for at least four to five weeks. By this time he had developed a taste for Hawken and now believes the flavor and taste last longer than SKOAL, the brand he used before Hawken. The second consumer was a 12 year old male and his mother. He stated, and it was confirmed by his mother, that all other brands of mouth tobacco he had tried to use would make him sick. This included SKOAL, HAPPY DAYS MINT, and several brands of scrap. He felt the cause with SKOAL and HAPPY DAYS MINT was the brands were too hard to use, he could never keep them together. Scrap produced too much juice and he swallowed too much. He also felt Hawken's flavor lasted longer. A very interesting observation—his mother was delighted he had finally found a mouth tobacco he could use. During my questioning of this lady, it was clearly evident that she believes mouth tobacco is the least harmful of many habits her son could develop; therefore, she openly encourages him to chew. The price made no difference to these two consumers.

Retailers

While contacting most of the retailers we have had on the ''Tracking Program'', we could only find two who definitely believe Hawken is still increasing in sales. All others state the brand has peaked and most report a decline in sales. Every retailer stated that SKOAL definitely was hurt the worst; however, they all state that SKOAL is coming back and is either at, or close to its previous sales level. They all report consumers of all ages are buying Hawken. Also, all type of consumers are using Hawken. These retailers all agree that the majority of Hawken is being used by young kids and young adults. The age of the kids is from 9 years old and up. I believe this to be true because outlets located close to schools (all grades) are definitely the heavier Hawken outlets we visited. Several retailers indicated that price was a factor with the young kids. Also, the people who knew about mouth tobaccos felt the sweet tests was a definite factor with the kids. No retailer expressed any problem with the lower price of Hawken. They all state their mark-up is the same percentage as on SKOAL and other tobaccos.

Distributors

Distributors all state that they did no more on Hawken than any other new item. They all report that the brand has peaked and they are seeing declines. No distributor indicated any promotional activity was planned for Hawken.

As you can see, all levels are pointing the same way on Hawken. I believe the brand has hurt SKOAL and HAPPY DAYS MINT as much as it is going to. Figures prove Hawken killed our increase on SKOAL (30 percent); and at this point, we are showing about 9 percent decrease in sales where Hawken is available. At one point, our loss was well over 20 percent. This has turned around and I believe SKOAL will be back to a break-even point within the next few weeks. I feel by the end of the next three-month tracking period, our increase will be back to normal. I am not at all sure our increase won't be greater than ever. It definitely is a fact that Hawken has brought a lot of new consumers into the month tobacco market. I think this brand has reached kids four or five years earlier than we have contacted them in the past. Indications are that some of these new users are moving up to a stronger brand. Also, indications are that some older consumers are moving from Hawken back to the brands they were using before, and some consumers have begun mixing Hawken with SKOAL and Levi Scrap. If these trends continue. Hawken may prove to be a very good starter product for SKOAL.

I am convinced we must continue our tracking of Hawken for at least another three months before our questions can be answered. However, all figures indicate Hawken, when introduced in a new market, will kill our increase on SKOAL and, in fact, cause a 10 to 20 percent loss for the first three months.

Our field personnel will continue to supply all information possible on Hawken.

IN SPECIAL RECOGNITION OF ALEXANDER M. HUBER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Alexander M. Huber of Milan, Ohio, has been offered an appointment to attend the United States Merchant Marine Academy.

Mr. Speaker, Alexander's offer of appointment poises him to attend the United States Merchant Marine Academy this fall with the incoming cadet class of 2007. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Alexander brings a special mix of leadership, service, dedication to the incoming class of Merchant Marine Academy cadets. While attending Edison High School, Milan, Ohio, Alexander has attained a grade point average of 3.942 which places him 7th in his class of 129 students. During his time at Edison High School, Alexander has received several commendations for his superior scholastic efforts. Alexander's accomplishments include being on the honor roll for all four years, being awarded the Student of the Quarter for Business, recipient of the Mathematics Award, student of the quarter award for Science, and recipient of the Scholarship Pin. Aside from his accomplishments Alexander also participated in the National Honor Society, the Math Club, and the Spanish Club.

Outside the classroom, Alexander has distinguished himself as an excellent student-athlete and dedicated citizen of Milan. On the fields of friendly strife, Alexander has participated in Soccer, Tennis, and Weight Lifting. In addition to his athletic accomplishments, Alexander is an active member in his community participating in National Youth Leadership Conference and Boys State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Alexander M. Huber. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Alexander will do very well during his career at United States Merchant Marine Academy and I wish him the very best in all of his future endeavors.

IN SPECIAL RECOGNITION OF NATHAN A. STEIN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young

man from Ohio's Fifth Congressional District. I am happy to announce that Nathan A. Stein of Sandusky, Ohio has been offered an appointment to attend the United States Naval Academy.

Mr. Speaker, Nathan's offer an appointment poises him to attend the United States Naval Academy this fall with the incoming cadet class of 2007. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Nathan brings a special mix of leadership, service, and dedication to the incoming class of Navy midshipmen. While attending Perkins High School, Sandusky, Ohio, Nathan has attained a grade point average of 4.0, which places him eleventh in his class of 58 students. During his time at Sandusky St. Mary Central Catholic High School, Nathan has received several commendations for his superior scholastic efforts. Nathan's accomplishments include being in the honor roll, two year academic letterman, and two years of being named Who's Who in American High School Students.

Outside the classroom, Nathan has distinguished himself as an excellent musician, athlete and dedicated citizen of Sandusky. On the fields of friendly strife, Nathan participated in Football becoming a team captain his senior year and Basketball. In addition to his athletic accomplishments, Nathan is an active member in his community participating in the Environment Club, volunteering for service in his local Library, and participating in community musicals.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Nathan A. Stein. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Nathan will do very well during his career at United States Naval Academy and I wish him the very best in all of his future endeavors.

RECOGNITION OF MICHELLE BAILEY AND KATE EVANS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise to pay tribute today to Michelle Bailey of Harrisburg, Illinois, and Kate Evans of Galatia, Illinois, in honor of their achievements.

Michelle Bailey is a student at Benton Middle School who was recognized as a United States National Honor Roll Award Winner. Her picture will be published in the United States Achievement Academy Official Yearbook in order to showcase her accomplishment. Today I would like to recognize Michelle for her commitment to scholarship and academic excellence and also to encourage her to continue along the path to success.

Kate Evans was the top heifer exhibitioner for the 2002 IBA Junior Points Program. She competed against other juniors in 2002 and received prizes for placing in the top 20. I would like to congratulate Kate on her win and wish her good. luck in her future exhibitions.

In closing, I would like to congratulate both Michelle and Kate on their successes. They are excellent examples of the promising youth of today and should serve as role models for their peers and those around them. Our thanks go to the families and teachers for the foundation they have given these young women. God bless.

TRIBUTE TO DR. HERB SADLER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of our Nation's most distinguished and dedicated pastors, Dr. Herb Sadler. After 28 years of faithful service to the Northwest Florida community as pastor of the Gulf Breeze United Methodist Church, Dr. Sadler will leave Gulf Breeze to become the District Superintendent of the Dothan District in Dothan, AL, of the Alabama-West Florida Conference of The United Methodist Church. We are grateful for the time that Dr. Sadler has spent with us in Northwest Florida and we wish him the best in his future position.

Born on February 7, 1942 in Montgomery, AL and raised in Thomasville, AL, Herb holds an undergraduate degree from Livingston University and both the Master of Divinity and Doctor of Ministry degrees from Emory University. Proudly married to his wife Barbara and the father of four wonderful children, Bert, Tracy, Stuart, and Scott, he has been blessed with three grandchildren, Brady, Breanna, and Jacob.

Since 1975 Herb has been at the service of the Gulf Breeze United Methodist congregation, he has overseen the growth of the parish, from 500 members to over 4,000 members, and has personally had a direct influence on the tremendous increase in worship attendance, from 100 people to nearly 2,000 people.

In addition to his duties at Gulf Breeze United Methodist, Herb has served his Annual Conference, Alabama-West Florida, as Chairperson of The Board of Ordained Ministry and as President of the Council on Finance and Administration. He has been a delegate to the 1988, 1992, 1996, and 2000 Jurisdictional Conferences and the 1992, 1996, and 2000 General Conferences. He has served as a member of the Board of Trustees of Birmingham-Southern College and from 1992 to 2000 he was a member of the General Board of Discipleship of The United Methodist Church. Currently, he serves as Chair of the Committee on Plan of Organization and Rules of Order of the Southeastern Jurisdictional Conference.

The author of two books, ''We Can All Be Winners'' and ''Today is the Only Day'', Herb has previously been President of the Gulf Breeze Rotary Club and was a charter member of the Board of Gulf Breeze Hospital, a role he continues to serve in today.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to my good friend Dr. Herb Sadler on his new position with the Alabama-West Florida Conference of The United Methodist Church. Herb was recently named one of the top 11 leaders in Northwest Florida by Climate Magazine and I can think of no person that is more deserving of such an honor. We will be sad to see his him leave, but wish him all the best in his new journey. Mr. Speaker, on this such occasion, we honor one of America's greatest citizens.

HONORING CREATIVE ARTS THERAPIES WEEK

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to commemorate Creative Arts Therapies Week, which began on June 1 and continues through June 7.

Creative Arts Therapies are an increasingly important tool for healing both physical and mental health needs. There are currently more than 15,000 Creative Arts Therapists practicing in the United States and around the world—all working to address major societal issues including school violence, substance abuse, breast cancer, Alzheimer's disease, and domestic violence.

Since its first application over 50 years ago, Creative Arts Therapists have provided individual and group art experiences for people in need of care and treatment to address and overcome great personal challenges. Using art, dance, movement, drama, music, and poetry, therapists are able to achieve remarkable results.

I commend Creative Arts therapists and the National Coalition of Creative Arts Therapies for their tireless work to improve health, communication, and expression, to enhance self-awareness, and to facilitate positive change in human experience and behavior.

HONORING LYNN DYER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. MCINNIS. Mr. Speaker, it is with tremendous pride that I stand before this body of Congress to recognize one of Colorado's outstanding citizens. Lynn Dyer resides in Cortez and has been working there as the director of tourism for Mesa Verde Country. Lynn has recently been chosen as Citizen of the Year by the City of Cortez and is currently the President of the Southwest Colorado Travel Region.

Lynn recently planned the Mesa Verde Country Indian Arts and Western Culture Festival, which was recognized as one of the top 100 events in North America in 2003 by the American Bus Association. The organization and planning of this festival also earned Lynn the Governor's Award for Outstanding Community Tourism Initiative. This award, presented by Colorado's Governor Bill Owens, is given to a community that helps to promote tourism in Colorado.

As most of you know, the Mesa Verde area has been challenged by a number of severe wildfires in recent years, making many think tourism would sharply decrease. The efforts of Lynn and her team have helped to keep tourism steady, so people across the nation can see the wonders of the Mesa Verde area.

Mr. Speaker, I am honored to stand and express my gratitude for the hard work of Lynn Dyer. Lynn is the kind of individual who makes my district proud. I wish Lynn the best as she continues her work promoting tourism in Colorado and it is my hope that Americans will continue to discover the beauty of this region.

100TH ANNIVERSARY OF THE VILLAGE OF LYNDONVILLE, NEW YORK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 100th anniversary of the Village of Lyndonville, New York. This congressional recognition will be presented later this month when village officials and citizens gather together to celebrate this historic event.

The Village of Lyndonville is a small town that has evolved with the times, but whose residents have never lost touch with their roots. Its history resembles that of many of the small towns on which our nation was built. In the 1820s, the area began to grow after the construction of a corduroy road, which was built of logs laid side by side transversely. This road is now Route 63—Lyndonville's Main Street. The locale began to prosper after several merchants built businesses on Main Street in 1836. Settlers also found the area attractive due to the possibilities offered by Johnson's Creek, which runs through the village. Named for the British Indian agent, Sir William Johnson, Johnson's Creek was harnessed by early settlers as a power source. Early settlers built the first flouring mills using the creek, including S. W. Mudgett, Samuel Tappan, and Richard Barry, among others.

The village was originally called Lyndon—in honor of Lyndon, Vermont, the home of many of its original settlers. Lyndon's name was eventually changed to Lyndonville in order to distinguish the village from nearby Linden, New York. One hundred years ago, the Village of Lyndonville was officially incorporated in Orleans County, on the shore of Lake Ontario.

The village sits on one square mile of beautiful, fertile Western New York land. The surrounding area is home to many of New York's famous apple orchards, as well as the lush, rolling vistas created by the retreating glaciers ages ago. Nestled against Lake Ontario, Lyndonville is blessed with the rich soil and pastoral serenity that Americans consider the ideal of our countryside, evocative of Mayberry and Grover's Corners.

With a population of 950, Lyndonville is a close-knit community where everyone is a neighbor. Most people know each other, and even if you are not well acquainted, faces smile with recognition and greetings are exchanged with warmth. Friendly inquiries are made when there has been an experience with pain—or joy. Anytime a neighbor is suffering from ill health or some loss, the community is there to help, to lighten the burden, and to express its loving concern. Beyond the village's long and distinguished history, Lyndonville is simply a place residents are proud to raise a family.

Mr. Speaker, on the occasion of the Village of Lyndonville's 100th birthday, I unite with its residents to celebrate their accomplishments and contributions to Orleans County, our state, and our nation.

TRIBUTE TO ALFREDO MONTES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. STARK. Mr. Speaker, I rise today to share with you the well-articulated environmental message of a fourth grader, Alfredo Montes, winner of the Friends of San Leandro Creek's 11th annual poetry contest. This contest was held in conjunction with the annual Watershed Festival Event, held in my district and cosponsored by the city of San Leandro, the Friends of San Leandro Creek (FSLC), and the Alameda Countywide Clean Water Protection program.

Organized in 1991 and officially incorporated as a nonprofit organization in 1995, the FSLC is a wonderful organization that brings the Bay Area community together around the San Leandro Creek in order to raise awareness of environmental issues. In addition to the Watershed Festival, the FSLC frequently organizes educational programs such as field trips and conservation projects for students in kindergarten through 12th grade; and regular cleanup and revegetation projects. I also regularly participate with other legislators in the FSLC's annual environmental forum. The FSLC's latest project—hopefully to be completed within the next two years—is building a new environmental education center at a new site.

Alfredo is a student at Monarch Academy, an Aspire Public School in Oakland, CA. His teacher, Andrea Main, thanked the FSLC for substantially helping to ''complement my curriculum'' with activities like field trips and water quality testing that ''totally inspired my kids.''

Ms. Main described Alfredo as a ''diligent, hardworking'' student who hopes to become an elected official when he grows up. His work was selected from about 20 poetry entries, by a panel of judges from the FSLC's board of directors and active members. FSLC Watershed Awareness Coordinator Susan Criswell added, ''I am in awe of the energy, talent and determination of this young man. It gives me hope for the future of our environment to see such dedication.''

Alfredo attended an FSLC-organized field trip with his class and said, ''I always go to places like the creek that have shallow water, because they have pollution in them, and that's what inspired me to write this poem.''

THE CREEK

(By Alfredo Montes)

The creek grows weak,
the frog no longer speaks,
the water almost falls asleep,
the trees continue to seek,
the creek feels like it has a leak,
like every time growing weak,
it gets lower and shallower as we speak,
so I will have to speak no more and hit the poem's core,
we have to clean up the pollution so we keep on the revolution.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

Partial-birth abortion is an inhumane procedure which is never necessary to preserve the health of the mother. Indeed, this procedure poses serious health risks to the mother, and it is unnecessarily brutal to the baby. I have heard from numerous physicians that there are other safe methods for terminating a pregnancy when the life of the mother is in danger, and the American Medical Association has stated that partial-birth abortion is not an accepted medical practice.

H.R. 760 addresses the constitutional issues raised by the Supreme Court decision in Stenberg v. Carhart. It does so by using a more precise definition of the gruesome partial-birth procedure, clearly distinguishing between this and other forms of abortion. Furthermore, H.R. 760 provides extensive congressional findings which show that a partial-birth abortion is never medically necessary to preserve the health of a woman.

The House has passed this legislation in previous Congresses, yet a final vote did not take place in the Senate or in conference. The Senate recently passed the Partial-Birth Abortion Ban Act. We now have a historic opportunity to pass this legislation and send it to the White House for the President's approval. I strongly support enactment of a ban on partial-birth abortion, and I urge my colleagues to vote in support of H.R. 760.

PAYING TRIBUTE TO NORA ANZIK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this Congress and this nation to pay tribute to an outstanding volunteer and community member from my district. Nora Anzik is the recipient of this year's Volunteer of the Year Award given by TREC, the Therapeutic Riding and Education Center of Pueblo, Colorado. Nora's hard work helps children with disabilities experience the joy of riding horses, something they could not accomplish without her.

Nora's enthusiasm, patience, and effectiveness became obvious in her first week at TREC. She began her work with a young autistic boy named Steven. Steven was not comfortable with some of the aspects of riding, and it was Susan's persuasive, positive attitude that helped him to adjust. Her work with Steven is just one example of the compassion she has for those in need. Nora continues to work with Steven and numerous other children, becoming a role model in many of their lives. She is a wonderful teacher, who knows how to get through to children with special needs.

Mr. Speaker, great Americans like Nora, who volunteer their time, have helped to make our country great. I am proud of her accomplishments and it gives me great joy to inform this body of Congress and this nation of her outstanding community service. Thank you, Nora, for your hard work and dedication. Your commitment and involvement in the Pueblo community will not be forgotten.

POLITICAL TENSIONS IN BURMA

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. CROWLEY. Mr. Speaker, I risk today to express my deepest concerns about the ongoing political problems in Burma and the recent arrest of opposition leader Aung Sang Suu Kyi. I am deeply troubled by the military regime's stifling of political life. This equals a brutal, unacceptable situation lacking democratic essentials. Obviously, the military junta tries to block and prevent democratic change for which nobel peace prize laureate Suu Kyi's life and work stand for.

With the detention of Suu Kyi and nineteen members of her National League for Democracy party last Friday, the political tensions are on the rise again. The NLD headquarters and universities were also closed. It is common practice for the junta to crash NLD meetings by sending bullies to intimidate pro-democracy advocates. Only last year Suu Kyi was released from custody while at the same time the junta arrested many NLD party members. The military regime allowed her to travel freely throughout the country and organize her party but during her last two trips she met harassment and obstruction. This clearly indicates that hope for democratic reform, which was stirred by Suu Kyi's release, has suffered a major setback. The illegitimate government further promised to engage in a dialogue with the NLD, supervised by the United Nations. Sadly, the talks failed to make significant progress.

Deficits are not only visible in the political arena but also in the social and economic field. Long-term economic mismanagement under authoritarian rule created severe economic and social ills. Due to the government's human rights' abuses and the unfriendly business environment, international companies have left the country. Inflation is rampant, probably as high as fifty percent. The social sector is in dire straits with every third child suffering from malnutrition. Yet 40 percent of the budget is spent for defense.

The problems in Burma are grave and widereaching. There's a democratic movement that deserves and needs our support, there's a military regime that needs to realize that its only way out of Burma's crisis is to fully respect democracy and human rights. This regime must accept the results of the 1990 election which were won by Aung Sang Suu Syi. To achieve these goals, I have cosponsored the ''Burmese Freedom and Democracy Act of 2003,'' which—amongst other provisions—prohibits imports from Burma in order to press the regime to adapt full-fledged democratic reforms and supports democracy activists within Burma.

A BILL TO RESTORE EQUITY IN THE TAXATION OF POLITICAL CAMPAIGN COMMITTEES

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce a bill that will restore equity in the taxation of political campaign committees.

Currently, the tax code treats income in federal political campaign committees the same as corporate income. This allows candidates for congressional office to pay campaign taxes on a graduated rate scale, offering us significant tax benefits.

Specifically, we pay a 15 percent tax rate on the first $50,000 of income in our campaign accounts. Income in our accounts between $50,001 and $75,000 is taxed at 25 percent, and income between $75,001 and $10 million is taxed at 34 percent. Only when our campaign accounts boast over $10 million are we subjected to a 35 percent tax rate.

Mr. Speaker, each of us in this chamber can attest to the ridiculously high amount of money that we must raise in order to run a formidable campaign for Congress. However, I doubt that many of us actually reach that $10 million threshold and pay a 35 percent tax rate on the money in our campaign accounts.

Unfortunately, our colleagues in state legislatures across the country aren't as fortunate. As Texas State Senator Jon Lindsay pointed out to us in the Texas Delegation, every dollar in his campaign account is taxed at a flat 35 percent rate. In fact, only candidates for Congress are able to enjoy this graduated tax schedule.

To correct this inequity in our tax code, I am introducing legislation today to amend the Internal Revenue Code and mandate that state political campaign committees are taxed in the same manner as our federal campaign committees.

Joining me in this effort to ensure that the tax code treats our state legislators fairly is the entire Democratic wing of the Texas delegation: Representative CHRIS BELL, Representative LLOYD DOGGETT, Representative CHET EDWARDS, Representative MARTIN FROST, Representative CHARLES GONZALEZ, Representative RALPH HALL, Representative RUBEN HINOJOSA, Representative SHEILA JACKSON-LEE, Representative EDDIE BERNICE JOHNSON, Representative NICK LAMPSON, Representative SOLOMON P. ORTIZ, Representative SILVESTRE REYES, Representative CIRO RODRIGUEZ, Representative MAX SANDLIN, Representative CHARLES STENHOLM, and Representative JIM TURNER.

My thanks goes out to each of them for their support, as well as to Senator Lindsay for bringing this matter to our attention. I urge my fellow colleagues to co-sponsor this bill and show their support for the state legislators who work hard representing them back home.

RECOGNITION OF BRADEN CHRISTIAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Braden Christian of Harrisburg, Illinois in honor of his participation in the 76th annual Scripps Howard National Spelling Bee.

Braden was the winner of the Tri-State Spelling Bee held at Bosse High School in Evansville, Illinois on March 15 earlier this year. His win secured him an invitation to the National Spelling Bee.

Today, I would like to congratulate Braden on his victory and wish him luck in the National Competition.

The Scripps Howard National Spelling Bee is held annually and features 251 students from grades five through eight from all over the country. Students are quizzed on a large selection of words from the Merriam-Webster's Third New International Dictionary. I would like to commend Braden for his hard work and dedication to pursuing his goal of winning the National Title.

In closing, I would like to praise Braden for all of his achievements and also thank his parents and teachers who have nurtured and inspired Braden's desire for excellence and love of knowledge. He is a truly wonderful young man and I look forward to hearing of his future accomplishments. God Bless.

PAYING TRIBUTE TO LYNN WELDON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a longtime servant of Alamosa, Colorado, Lynn Weldon. Lynn has served the Alamosa City Council diligently for almost twenty years. In recognition

of his service, I would like to recognize his dedication and a few of his accomplishments before this body of Congress and this nation.

People in Alamosa have long felt deep respect for Lynn's patience, his integrity, and his dedication. People have referred to Lynn, who served as a chaplain's assistant during the Korean War, as a source of tranquility in the face of battle. Lynn has proved this countless times during many years of public service, where he has calmly listened to others, and stood his ground resolutely on issues of principle, no matter how heated the debates before him.

Mr. Speaker, it is my honor to recognize Lynn's long service to Alamosa before this body of Congress and this nation. I would like to join the rest of Alamosa in expressing my gratitude to Lynn for his dedication to his community. Lynn, our thoughts and our prayers are with you.

IN TRIBUTE TO MICHELE MILLER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ENGEL. Mr. Speaker, I rise today to honor a woman who believes that public education is the foundation of a prosperous and democratic society. Michele Miller always wanted to be a teacher. As a student at Spring Valley Senior High School, Michele was a member of Future Teachers of America. Graduating from the State University of New York at Albany, she attended Hunter College for a masters degree in education with a concentration in social studies.

A lifelong New Yorker, Michele has spent her entire career teaching the students of Pearl River, New York. She has spent 33 years teaching social studies at the Pearl River School District's Middle School and High School. Michele began as a student teacher in Pearl River when Lyndon Johnson was the President of the United States in the fall of 1968. She will end her career this month, eight Presidents later and after providing thousands of her students with the knowledge and appreciation of the democratic values that underpin our great country.

Michele is the epitome of a great teacher. Although she's known throughout Pearl River as one of the toughest teachers around, she's also known for being caring, compassionate, and funny. She thrives on being in the classroom, the students have always kept her youthful in both appearance and in personality. Moreover, she constantly learns from her students and hopes that they leave the classroom every day knowing a bit more about the world.

I hope that new teachers are inspired by Michele's dedication to teaching. She will be sorely missed by the Pearl River School District.

I would like to join the Pearl River community, her family and friends in thanking Michele for her years of service and wishing her congratulations on the occasion of her retirement.

HONORING BOB SCHROEDER

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Bob Schroeder upon being named the Town of Hooksett's Citizen of the Year.

Bob was instrumental in the restoration and revitalization of a truly historic local, state and national landmark. Robie's Country Store in Hooksett has a lengthy history of acting as the town's gathering spot, a place to argue politics, play checkers and buy groceries and homemade baked goods. Robie's was also a required stop for local politicians and presidential candidates visiting the first-in-the-nation primary state for over 30 years. The store closed in 1997 after the store's owners, Lloyd and Dorothy Robie, retired. After five years of dormancy and a lack of funds and dedicated owners, Robie's Country Store reopened, continuing its 30-year political tradition and its 110-year presence in the town.

Bob saw an imperative need to preserve this cultural and political landmark and formed the Robie's Country Store Historic Preservation Association to spearhead the renovation effort. The Association has worked diligently to bring the store to life again, and on May 24, 2003, Robie's Country Store reopened to an eager and proud community. Bob and the Preservation Association were careful to maintain Robie's historical accuracy by keeping the 97-year old building's original flooring, ceiling and picture wall of political memorabilia. Always humble, Bob refuses to take the credit for the grand reopening of the store, instead pointing the spotlight on the efforts of the entire community. Under Bob's leadership, people of all ages worked together to restore Robie's through fundraising and renovation efforts. The community's hard work will undoubtedly ensure that the rich heritage and traditions of the store will remain in tact for future generations to enjoy.

Bob's tireless commitment to preserving this landmark and energizing the whole community to get involved is a wonderful example of his perseverance and dedication to improving the community and state in which he lives. I can think of no better person than Bob to receive the Hooksett Citizen of the Year Award. I am honored to represent concerned and conscientious citizens like Bob in the U.S. House of Representatives.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mrs. CUBIN. Mr. Speaker, I rise today in support of H.R. 760 and for our voiceless unborn children, who were merely inches away from their first breath, when their life was brutally ended. For them, partial-birth abortion is not an option—it is a death sentence.

It is truly shameful that we cannot protect the most innocent and vulnerable in our society from this gruesome medical procedure. Delivering a child up to its head and then using a syringe to suck out the child's brain and discard this miracle of life is revolting.

Do not call that child a fetus. Do not elevate any personal freedom above that child's right to life. That fetus is a human baby—call it what it is.

I hope the mental image this conjures disturbs everyone—and that I once again receive calls from those shaken by the mere description of this barbaric act. Be thankful you're not on the business end of that syringe.

We have the responsibility to do everything in our power to put an end to this practice which has no place in a civilized society. We cannot remain silent while a procedure such as partial-birth remains an acceptable part of our society—after all, if done a short time later and a few inches further, it would be considered murder.

PAYING TRIBUTE TO THE VAIL HOTEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a longtime landmark of Pubelo, Colorado, the Vail Hotel. Opened in 1911, the Vail Hotel was once known as the most luxurious hotel west of Chicago. Its many custom windows, doorknobs, and its tasteful use of wood and stone, truly make the Vail Hotel an architectural wonder. Over the years, the hotel's beauty attracted President Woodrow Wilson, Clark Gable, Tallulah Bankhead, Jack Benny and generations of Puebloans to its gracious halls.

However, without the love of the people of Pueblo, even this great treasure would not be as marvelous as it is today. I am impressed by the numerous craftsmen who labored to restore this magnificent building, from Kathleen Sheard-Hodges, who painstakingly restored many of the jeweled windows and recreated missing ones, to Bill Agnes, who salvaged tiles to restore and extend the lobby's gorgeous mosaic floor. Also among those deserving of praise is Gary Trujillo, the lead architect for the renovation, who restored the building with painstaking attention to its historic past and for its remarkable beauty.

Mr. Speaker, it is fitting to mention one of this country's magnificent historic landmarks. The Vail Hotel serves as an example of the pride and hard work that the citizens of Pueblo have dedicated in making their home a more beautiful place. Built by Puebloans, restored by Puebloans, and beloved by all, it gives me great pride to recognize today this historic building, as well as the efforts made to restore it. Its beauty and history enrich the Pueblo community and will be cherished for generations to come.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. MILLER of Florida. Mr. Speaker, House Joint Resolution 4 does not outlaw flag desecration; rather, this proposal merely sets the boundaries by which Congress can enact subsequent legislation, if it so chooses, to prohibit such conduct. H.J. Res. 4 simply returns to Congress the authority that it possessed for over 200 years to prohibit the physical desecration of the flag of the United States.

This past week, I visited North Korea, where freedom is nowhere and democratic thought is oppressed. Our American flag is the most revered and beloved symbol of our Nation, representing all that is American and reminding the world of our love of our freedom and democracy. The flag is a bedrock of our principles and values as a country, leading our men and women into conflicts around the globe and draping the caskets of those same individuals when they return home after giving the ultimate sacrifice in defense of such values. It is the flag to which we pledge allegiance, here on the floor of the House of Representatives, in civic organizations in every town in America, and in schools throughout our country. It is this object and all that it represents that Americans hold so dear.

House Joint Resolution 4 will nullify two erroneous Supreme Court decisions, restoring the original interpretation to the First Amendment that had persisted for over two centuries since the birth of our country. When considering the powers of our respective branches of government in effecting the will of the American people, we should be reminded of the words of Abraham Lincoln in his first inaugural address in 1861, ''If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers.''

I commend my colleagues for recognizing the wishes of the American people and restoring the original interpretation and understanding of the First Amendment and the Bill of Rights to the Constitution by supporting this resolution.

COLONEL TIMOTHY WRIGHTON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual and patriot whose dedication and contributions to his country and the military community of March Air Reserve Base, March ARB, in Riverside, CA, are exceptional. March ARB has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Colonel Timothy Wrighton is one of these individuals. On June 6, 2003, he will be honored at a farewell celebration and dinner.

After completing his education at the U.S. Air Force Academy in Colorado Springs, CO, and receiving a degree in engineering Tim completed his undergraduate pilot training in 1976 and in 1977 he became a First Lieutenant. Tim served as a C–141 pilot for the 53rd Military Airlift Squadron out of Norton Air Force Base in California from 1976 to 1982 during which time he was promoted to Captain. In 1984, he was assigned as the chief pilot for the 728th Military Airlift Squadron. Three years later he was promoted to Major and was assigned as the chief of wing standardization/evaluation for the 445th Airlift Wing at Norton and would later become assistant deputy commander for operations. Over the next 13 years he would be promoted to Lieutenant Colonel and then Colonel. Since 2002 he has been the Commander of the 452nd Air Mobility Wing at March Air Reserve Base. Col. Wrighton has logged over 7,800 flight hours in a variety of aircraft including the C–141 A/B, KC–10, and KC–135R.

Col. Wrighton has received numerous awards throughout his distinguished career including: Legion of Merit; Meritorious Service Medal with three oak leaf clusters; Air Medal; Aerial Achievement Medal; Air Force Commendation Medal; Air Force Achievement Medal; Air Force Outstanding Unit Award with oak leaf clusters; National Defense Service Medal; Armed Forces Expeditionary Medal; Southwest Asia Service Medal with two oak leaf clusters; Armed Forces Reserve Medal; Small Arms Expert Marksmanship Ribbon; Air Force Training Ribbon; and the Kuwait Liberation Medal from the Saudi Arabian Government.

Col. Wrighton is also a life member and Chapter President of the Reserve Officers' Association, a Life Member of the Airlift/Tanker Association, Life Member of the AFA, a Life Member of the VFW and a Member of Daedalians.

Col. Wrighton's tireless commitment to service has contributed immensely to the betterment of the country and the community of Riverside, CA. I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his patriotic service and salute him.

HONORING MELVIN E. OLSSON

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor Mr. Melvin E. Olsson of Mystic, CT, for his dedicated service to the community throughout his 43-year career at Electric Boat in Groton, CT.

Yesterday, for the first time in 13 years, Mel Olsson's name did not appear on the ballot for the Marine Draftsmen's Association, MDA, union elections at Electric Boat. Olsson is retiring from his post as president of the local 571 at Electric Boat and will return to his trade as piping designer.

Mel began as an apprentice in the shipyard in 1962 and moved to the design force just 2 years later. Elected vice president of the local in 1975, Olsson has dedicated much of his career to serving the MDA.

I commend Mel Olsson for his dedicated service to the working men and women of Electric Boat who design the best submarines in the world. He has worked to establish a relationship with the company that is better than it has ever been. Mel is a true leader in his community and a role model for the future leaders of the MDA.

Mr. Speaker, I encourage the Members of the House of Representatives to join me in honoring Melvin Olsson for his 13 years of service as head of the MDA. I wish him all the best.

PAYING TRIBUTE TO POLICE CHIEF LONNIE WESTPHAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, it gives me great pleasure to stand before this body of Congress today to pay tribute to an individual who has dedicated his life to protecting the American public. Lonnie Westphal of Lakespur, Colorado first donned the badge of a Colorado State Patrolman 29 years ago. This week he will retire from the force after an impressive career in which he rose in the ranks from a state trooper to the head of the Colorado State Patrol.

Chief Westphal is one of those special people in our society who willingly put themselves in harm's way to protect the public. He knew he would never get rich in his chosen profession, but he also knew that some things, such as keeping our families out of harm's way, come with rewards not measured by monetary means. Thus, it is not surprising that Chief Westphal distinguished himself so honorably by serving on numerous boards such as the National Commission Against Drunk Driving, the International Association of Chiefs of Police, the State Patrol Protective Association, and many more.

Mr. Speaker, our nation owes a great debt to Chief Westphal and all brave heroes like him who keep the peace at home. Because of his service, the state of Colorado is a better and safer place to live. I thank Chief Westphal for his service to his community, the State of Colorado, and this nation. All the best to you, Lonnie; enjoy your retirement!

TRIBUTE TO MR. AND MRS. DONALD WALLACE OF FLORENCE

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. CRAMER. Mr. Speaker, I rise today to recognize Mr. and Mrs. Donald Wallace of Florence, AL. For 23 years, they have provided outstanding service to the American Legion—Mr. Wallace as adjutant and Mrs. Wallace as his assistant.

Mr. Wallace began serving the American Legion as an assistant to the former adjutant and will be retiring later this month. As adjutant, Mr. Wallace was charged with maintaining both the records and activities of the group of over 1,000; however, he did not limit himself to those tasks. Mr. Wallace helped rebuild

the American Legion's reputation as both a veteran's advocacy and community service organization. Under Wallace's leadership, the post received state and national attention as a leader in supporting the Boys State Program, a program which teaches lessons of patriotism and civics to high school juniors. He also worked with the American Legion Baseball program and oratorical contests that offered scholarships to local participants.

Although Mr. Wallace does not like taking credit for the success of the group, many veterans and families in the Shoals will tell you that without him the Legion would not be what it is today. Wallace simply believes that his work at the American Legion is just the continuation of work begun by an earlier generation, the original Legionnaires who established the post in 1919 and the World War I veterans who built their current hall in 1939. As adjutant, Wallace helped maintain this building that has been their home for 64 years.

Mr. Speaker, I also want to pay tribute to Mr. Wallace's wife of 60 years, Mrs. Ellen Wallace. As his assistant at the Legion, Mrs. Wallace filed paperwork and served with the Ladies Auxiliary during the chicken stews and other activities. Mr. Wallace credits her with making him the man he is today.

Despite the irregular hours, low pay, and lack of prestige, both Mr. and Mrs. Wallace enjoyed helping many people during their time of service with the American Legion. They have dedicated themselves to their community, and on behalf of the people of north Alabama I thank them for their service and congratulate them on a job well done.

INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN MAJOR MEDICAL FACILITY PROJECTS FOR THE DEPARTMENT OF VETERANS AFFAIRS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. EVANS. Mr. Speaker, today, I am introducing a bill with my friend, the chairman of the Veterans Affairs Health Subcommittee, ROB SIMMONS. This bill will authorize several desperately needed major medical construction projects in Chicago, IL; San Diego, CA; Las Vegas, NV; and West Haven, CT. I urge all of my colleagues to support this bill to jump start the stalled major medical construction endeavor in the Department of Veterans Affairs.

My bill would honor the commitment the Department of Veterans Affairs made to build a new bed tower at the West Side division of VA Chicago. While Secretary Anthony Principi has decided to move forward with the closure of inpatient services at the Lakeside division, he has not asked for an appropriation for the new construction project at West Side. Instead, the funding for this project—$98.5 million—is supposed to come from an enhanced use lease agreement whose value some experts claim has been greatly overestimated. I am not willing to make such a gamble on veterans' access to a functional medical center in the Chicago area.

The West Side facility is a 50–year old facility ill-suited to respond to the demands of a modern health care delivery system, even without the additional workload anticipated from the integration with Lakeside scheduled for early August. VA Chicago is working to accommodate its inpatients in a facility that has inadequate intensive care units, inpatient units, and surgical suites. Once the new facility is operational, the existing facility will also have to undergo significant renovations to improve the emergency department, laboratory and radiological services, and food and nutritional areas.

Because of the importance and the urgency of this project, my legislation would prohibit VA Chicago from disposing, in any manner, of the Lakeside division without first entering into a contract for the construction of the new bed tower promised to Chicago area veterans.

The bill would also fund a project to replace the existing ambulatory care center in Las Vegas, NV. As my good friend, Shelley Berkley often reminds the Committee, Las Vegas has the fastest growing populations in the country and its veteran enrollees are not expected to peak until 2012. Veterans' use of services is expected to remain higher than it is currently throughout the 20–year timeframe studied for VA's Capital Assets Realignment for Enhanced Services project.

Unfortunately, in constructing a new ambulatory care clinic there in 1997, VA seems to have fallen prey to a contractor whose work was seriously substandard. An independent assessment by John A. Martin and Associates yielded an opinion that the clinic was ''unsafe for continued occupancy.'' Because of the contractor's repeated failure to address serious structural deficiencies in the building, VA is now forced to abandon it. As an interim measure, VA is sending its patients to 10 different ambulatory care clinics around the city. This inefficient delivery system is forcing VA to add 80 full-time employees with significant new operational costs. My bill would request $97.3 million to build a new centralized facility that would also include space for a new regional office for the Veterans Benefits Administration.

In FY 2002, VA listed seismic corrections at the San Diego VA Medical Center as one of its highest construction priorities. Later, I am told, cost considerations—not any change in the assessment of need—yielded a lower priority for the project. I am still convinced that there is a great risk to VA patients and staff at the site and my bill would authorize $48.6 million to address the needs at the facility.

West Haven VA Medical Center is in serious need of major renovations to its inpatient wards and research facilities. For many years, the inpatient ward renovations have been a high priority for VA construction, but resources have not allowed the project to move forward. I am requesting $50 million for this project and to renovate the research facilities.

Finally, Charlotte, NC, is home to one of the largest populations in the country without a significant VA health care system presence. The project requested in this bill would allow VA to greatly expand its current workload in a clinic in the downtown area and enroll veterans who are now unable to receive care. I have included $3 million for the cost of the lease.

All of these projects merit our immediate attention and approval by all Members. I urge your favorable consideration.

HONORING COLE REVIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, it is with a profound sense of pride that I stand before this Congress to speak about the actions of Cole Revis. Cole, a second grader in Grand Junction, Colorado, has shown more kindness and maturity in the face of adversity than most people have three times his age. Cole's father, a veteran of the first Gulf War, passed away this spring from skin cancer. Cole understood the sacrifices his father made in the service of our country and he is trying his best to follow his father's courageous example.

Mark Revis, Cole's father, was a Staff Sergeant in the 143rd Signal Company of the Colorado National Guard for six years, having previously served for 14 years in the Army. Mark was forced to retire from the National Guard when he was diagnosed with Multiple Sclerosis. He was later diagnosed with lung cancer and then skin cancer. Mark fought each disease and that same fighting spirit is evident in his son. He passed away in February, at the age of 44.

After receiving a death benefit check from the government, Cole felt strongly that this inheritance should go to his father's fellow soldiers. While most eight year olds would have bought candy, Cole wanted to use his money in a way that would help others. So Cole decided his money would be spent buying care packages for United States troops serving in Operation Iraqi Freedom.

Mr. Speaker, I am honored to speak today about Cole Revis. His passion, kindness, maturity and heart are an inspiration to us all. Cole's optimism and understanding of the role and duty that his father fulfilled have allowed him to understand that while his father is gone, his actions will never be forgotten. I know that if he were here today, Mark Revis would be extremely proud of his son. Thank you, Cole. Your actions are a testament to the will and unyielding strength that America's youth represents.

RECOGNIZING AND COMMENDING ALL WHO PARTICIPATED IN AND SUPPORTED OPERATION ENDURING FREEDOM IN AFGHANISTAN AND OPERATION IRAQI FREEDOM IN IRAQ

SPEECH OF

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. SAXTON. Mr. Speaker, with yesterday's passage of H. Con. Res. 177, we formally recognized and commended our Armed Forces for their participation and success in Operation Enduring Freedom and Operation Iraqi Freedom. Our magnificent men and women in uniform serve as the greatest ambassadors of what is good and right in our world. They are the bearers of the tremendous might, the indomitable spirit, and the boundless compassion of our nation and the freedom loving people everywhere.

Our forces are, as they always have been throughout our history, Americans first, citizen soldiers, and great patriots. They have come from ordinary walks of life rising to do extraordinary things that shape our world and leave us forever awestruck. I again want to extend our collective and sincere thanks to all our members who serve, and I also want to recognize a particular group of truly unsung yet most deserving heroes—our U.S. Merchant Mariners.

Once again, our country has turned to its mariners to take the fight to the enemy, to project our force half a world away, to secure the precious freedom that now spreads to an Iraqi people free to choose their own destiny, to raise their families as they choose, and to renew the glories of one of the world's greatest civilizations. Our liberating force was decisive and it moved on the brawn, ingenuity, and dedication of our merchant marine. Not in 12 years have we moved such a force by sea, and we have done it better, against greater challenge than ever before.

We recently saw a line of ships spread from our east coast through the Straights of Gibraltar, through the Suez Canal and the Red Sea, and into the Gulf of Oman—a ''steel bridge'' of resolve. A bridge as strong as those mariners who crew our enormous ships and who go on in harms way to deliver our force anyplace, anytime they are called.

Since the beginning of the War on Terrorism, over 6,800 U.S. merchant mariners and civil servant mariners have served and provided support to our global military operations. Currently serving on 211 vessels, our U.S. mariners face many of the same hazards confronting our uniformed military as they regularly transit and operate within potential targeted areas of chemical and biological weapons, waterborne mines, and terrorist activities. Truly, our country's merchant mariners have answered the call selflessly and brilliantly.

Our mariners activated and crewed 40 vessels of our ready reserve force, essential to the early movement of ammunition, tanks, aircraft, and military vehicles. These U.S. mariners crewed our vital prepositioned ships and our fast response surge sealift vessels, providing time-critical warfighting equipment and supplies to the battlefield. Over 4,000 civil servant mariners manned and supported the continuous worldwide operations of our ships supporting U.S. naval and coalition forces at sea. Around the clock, every day, across the globe, our mariners make it happen.

At this crucial time in history, our U.S. mariners stepped forward with skill, bravery, and an unrivaled legacy of service. They made all the difference. Our nation continues to rely on these warriors, and their impact is profound. Long after the fighting stops, our mariners will still be on the watch, returning the troops, sustaining the force, and providing for the needy as we renew a proud but shattered land.

Mr. Speaker, on behalf of our Congress and a grateful Nation, it is my humble honor to say thank you to all our U.S. Merchant Mariners. We wish them God Speed and a safe return. They are indeed a national treasure—long may they serve.

OMAR BRADLEY DAY

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. HULSHOF. Mr. Speaker, earlier this month, Moberly, Missouri celebrated its annual Omar Bradley Day. This day is an opportunity for area residents to remember a great hero and reflect on General Bradley's role in preserving the freedoms we hold dear.

As such, I wish to enter the following article, ''Who Is Omar Bradley and Why Should I Care?'' into the CONGRESSIONAL RECORD. Written by Moberly resident Sam Richardson, this item appeared in the Sunday, May 11, 2003 edition of the Moberly Monitor-Index. I believe the points it makes are a fitting tribute to General Bradley.

WHO IS OMAR BRADLEY AND WHY SHOULD I CARE?

Here's a good topic to toss around over your dinner tonight:

''Who is Omar Bradley and why should I care?''

It's a fair question around these parts, what with the annual General Omar Nelson Bradley Luncheon, Lecture and Symposium coming up Monday, May 12, at the Municipal Auditorium in Moberly.

''What did old Omar Bradley do to cause a whole lot of people to come to his hometown 22 years after he died?''

Another more than fair question.

The stock answer is that he is Missouri's most famous military figure, a member of the Missouri Hall of Fame, a guy with a 34-cent stamp with his picture on it, the fellow captured in bronze in the soaring statue in Rothwell Park, the ''Bradley'' who is the namesake for the Bradley Fighting Vehicle so prominent in last month's Operation Iraqi Freedom.

Moberly public schools, St. Pius X School, Moberly Area Community College, the University of Missouri, Truman State University and other educational institutions in Bradley's home state may teach young Missourians why Omar Bradley is important to them. And, indeed, he is important to them.

Of course, young and old alike should know Bradley went from Moberly High School to the U.S. Military Academy at West Point and eventually commanded the largest American fighting force ever assembled, was our nation's last five-star general officer and first Chairman of our Joint Chiefs of Staff.

At the 2002 Bradley Symposium, LTC Jay Carafano, then editor at the National Defense University at Fort McNair in Washington, D.C., told the audience one of the key reasons Bradley was not high on the public awareness screen was because of his low profile on the silver screen. Hollywood's big films about World War II didn't have much of a role for Bradley. LTC Carafano noted Bradley was on screen in ''Patton,'' ''The Longest Day'' and ''Saving Private Ryan'' only briefly, hardly a leading character.

At this year's Bradley Symposium, two of the Truman Presidential Library's leading historians will make the point that Bradley was a pillar of leadership in his time.

Tom Heuertz, associate education coordinator, and Ray Geselbracht, education and academic outreach coordinator, at the great Independence museum will try to explain how highly Bradley was esteemed by President Harry S. Truman. ''Truman saw him as one of the world's greatest generals ever, in the same class with Hannibal and Napoleon,'' Heuertz said yesterday.

Because of the positions he held, Bradley clearly was a favorite of at least three Presidents: Franklin Roosevelt, Truman and Dwight Eisenhower.

On a recent edition of ''The Newshour with Jim Lehrer,'' Lucian Truscott IV, a noted military history author, reflecting on American generals' leadership in Operation Iraqi Freedom, suggested the U.S. Central Command's Gen. Tommy Franks and others were nowhere near the class of ''great generals like Patton, Bradley and Eisenhower.''

Monday, Colonel Jon H. Moilanen, dean of students and administration at the U.S. Army's Command and General Staff College in Leavenworth, Kansas, will describe how Bradley's military expertise still molds the careers of young officers who serve throughout the world today.

This is pretty heady stuff for a chap from our town. In a story about Bradley Day in The Washington Times recently, Moberly was referred to as ''quaint'' and ''picturesque.''

For his part, Bradley was, indeed, quiet, modest and unselfish, along with very smart, a natural leader and an exceptional athlete. The kind of man you'd expect to come from a quaint and picturesque town like ours.

In the 1915 West Point class yearbook, it is reported Bradley was a sergeant, first sergeant and lieutenant; he was a sharpshooter; he was a member of the football team and track squad; and, perhaps most importantly to him at the time, he was the star of the Army baseball team all four years he was there.

The yearbook says, ''His greatest passion is baseball, football and F Company. In baseball, many an opposing player has trifled once with Brad's throwing arm, but never twice. And a batting average of .383 is never to be sneezed at.''

''His most prominent characteristic is 'getting there,' and if he keeps up the clip he's started, some of us will some day be bragging to our grandchildren that, 'sure, General Bradley was a classmate of mine,''' the yearbook says of our favorite son.

And, in the style of the day, the yearbook assigned each cadet a motto. Bradley's: ''True merit is like a river, the deeper it is, the less noise it makes,'' attributed to Anonymous.

How true that turned out.

Although his classmate Eisenhower became Supreme Allied Commander in World War II, and then President, Bradley was the first in his class to become a brigadier general.

One reporter wrote in May 1944, ''Endowed with the mind of a mathematician and the body of an athlete, General Bradley is essentially American in ancestry, training and experience; he is slow spoken but sharp witted; he is polite and at times even diffident, but immensely certain of his own skill—the type of soldier who for 168 years has sustained the republic.''

And finally, this former captain of the Moberly High School baseball team, a boy worthy of his own shotgun at age 13, a young man who graduated 44th in a class of 164 at West Point, would tell a reporter about dinner at his humble home in Randolph County:

''We'd sit down at the supper table, my mother, my dad and I, and we'd talk things over. That's where I learned a lot about love of country and right from wrong.''

From a dinner table in Randolph County to the greatness of the world, that was the man who will be remembered Monday at the 2003 General Omar Bradley Luncheon, Lecture and Symposium.

PAYING TRIBUTE TO BILL CORDOVA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Bill Cordova of Grand Junction, Colorado, who has been a profound inspiration to all who have known him. Bill worked tirelessly on behalf of those in need for decades, and it is my honor to recognize his service here, before this body of Congress and this nation.

In his life, Bill has served his fellow neighbor in a number of capacities. Early on, Bill worked to provide adequate housing for migrant workers, which led to his working some years later for Colorado Housing Incorporated in order to provide homes for low-income families. Bill was instrumental in developing a community center in Montrose, and he has also had an enduring influence in the lives of local prisoners to whom he has ministered. Currently, Bill works six days a week at the Catholic Outreach Soup Kitchen, and serves on the board of Catholic Outreach as well.

Mr. Speaker, in his lifetime, Bill has touched the lives of many. His numerous good works are an example of the benevolence and perseverance that have contributed to the strength of this nation. I commend Bill for his dedication and commitment to the less fortunate, and it is an honor to pay tribute to his selfless work today.

REINTRODUCTION OF THE REVITALIZING CITIES THROUGH PARKS ENHANCEMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation, the ''Revitalizing Cities Through Parks Enhancement Act,'' that would establish a $10 million grant program for qualified, non-profit, community groups, allowing them to lease municipally-owned vacant lots and transform these areas into parks.

These vacant lots often are areas of heavy drug-trafficking. Parks and gardens created with the grants will not only provide safe places to gather, but will increase property values as well. The grants will be available from the Secretary of Housing and Urban Development to groups who have met standards of financial security, and who have histories of serving their communities. To further ensure that these grants are used to make lasting positive changes, land improved and made into open community space under this legislation must be available for use as open space from the local government for at least seven years.

WE CAN END HUNGER IN AMERICA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McGOVERN. Mr. Speaker, we live in the most prosperous nation in the history of the world.

We have refrigeration systems to prevent food from spoiling.

We have pasteurization to prevent bacteria from poisoning our food.

And we have ways to fortify our foods with vitamins and nutrients to make the food we eat healthier.

Yet, with all these advances, people still go hungry in America.

The fact is, Mr. Speaker, hunger is a political problem. But I believe it's a problem we can solve.

Thirty-seven years ago, Senator Bobby Kennedy traveled throughout America, and saw first-hand the hunger ravaging the most vulnerable in our Nation. As a result, we made a national commitment to do something about it.

Congress, under the leadership of Senators George McGovern and Bob Dole, and with the support of President Nixon, created the school breakfast program, WIC, the elderly nutrition program, and the food stamp program.

Since then, we have made great strides. But we have a lot of work left to do. Indeed, many Americans don't realize that hunger still exists in their communities.

There are 33 million hungry people in the United States—11 million of them are children. In my district in Massachusetts, I talk to food bank directors who have noticed a sharp increase in the number of families who need help.

The food bank that serves my home town, the Worcester County Food Bank, helped feed over 80,000 people in 2001. Of the 3.7 million pounds of food, almost 38 percent went to kids under the age of 18. The food bank, run by Jean McMurray, donates food to more than 260 local shelters, food pantries, senior centers, and after school programs.

The Worcester County Food Bank is doing great work, and the people who work there do their best to provide for every single person who needs help. Unfortunately, it's not enough.

That is why I am proud to stand with my colleague Congressman FRANK WOLF in introducing a resolution to recognize June 5 as a National Hunger Awareness Day. This resolution encourages Americans to recognize the issue of hunger, and to work toward ending hunger—in their own home towns and across the nation.

I'm also honored to join Congressman WOLF in sponsoring the Congressional Food Drive. I hope that we have wide participation in this drive from the Capitol Hill community. The Members and staff who work here are very blessed. It's important that we try to share those blessings with others. There are drop-off bins all across the Hill, and I hope people will fill them with non-perishable food items.

But this is just a start. Clearly, more must be done.

With that sentiment in mind, I call on President Bush to convene a White House summit on hunger. Too long has the scourge of hunger plagued the people of this nation. There is no reason why we should not focus our efforts on ending hunger in America, once and for all time.

President Nixon convened such a summit, and the result was landmark legislation to feed the hungry people in America.

A 21st Century Summit would bring fresh ideas to this problem, and help us to focus on the challenges that face the hungry in the 21st century.

Simply, Mr. Speaker, it's the right thing to do, and I urge my colleagues to join me in supporting this effort.

We have the foot soldiers we need in this war against hunger. The people at America's Second Harvest and Bread for the World are already working around the country to fight hunger. The Food Research and Action Center and the Congressional Hunger Center are tireless advocates on behalf of the hungry. And the dedicated people who run the food banks in this country see first-hand the need for a reinvigorated effort to end hunger.

Mr. Speaker, we live in the most prosperous nation in the history of the world. We have the resources to put an end to hunger once and for all. What we need—all we need—is the political will to do it.

HONORING LOUIS MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to recognize a man who exemplifies the heart, determination, and enthusiastic spirit that makes up the backbone of this great nation. Louis Martinez, a 57-year-old man from Grand Junction, Colorado, is an elementary school counselor who takes pride in helping to motivate and encourage his young students.

The lessons in Louis's life started right away, as his parents showed him the determination it takes to succeed. Louis's father worked for the railroad laying track and his mother worked in a canning factory. They worked hard to provide for their children and instilled a similar work ethic in their son. Louis was responsible for duties all over the house, including cooking and cleaning. This work ethic led Louis down a path that he never dreamed he would take. Louis left high school his senior year and joined the Navy. He served three tours in Vietnam, traveling all over the Western Pacific. Louis returned to Grand Junction and a job at City Market in the bakery department.

In the spirit of contributing to his community, Louis set his sights on becoming a police officer. His hard work paid off and he became the first Hispanic officer on the force. While on the police force, Louis decided to go back to school, enrolling at the University of Northern Colorado. It was at this time that Louis was injured in a car accident and once again was presented with the opportunity to overcome adversity. Louis was paralyzed in the accident, forcing him to work even harder to receive his degree. He continued through school with the support of his family, and received his diploma.

With his degree in hand, Louis set off to help as many young people as possible. He

ended up at Tope and Wingate Elementary Schools, where he became a school counselor. He has worked for the schools for eleven years and hopes to work there for many more. Everyday on the job Louis provides the children with a positive influence, giving them a mentor they can respect and admire.

Mr. Speaker, I am proud to pay tribute to Louis Martinez before this body of Congress and this nation. His determination and optimism are models for today's youth. I am pleased that Louis has chosen a career where he can extend his positive influence to our children. Thank you, Louis, for the outstanding example of hard work, determination, and optimism that you have given our children.

RECOGNITION OF RALPH CLEMINGS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Mr. Ralph Clemings of Troy VFW Post 976, Illinois. Ralph recently presented two protective vests for the dogs of the Illinois State Police K–9 unit from District 11 in Collinsville, Illinois.

Ralph came up with the idea after watching the K–9 units work in the aftermath of 9–11. He thought that since these dogs are now being sent in to risk their lives in dangerous situations, they should have the same type of protective vests that the policemen have. He then contacted the Illinois State Police and found out that the state didn't have enough funding in the budget to purchase any vests for the dogs. After hearing this Ralph set out to raise the needed funds to purchase the vests. It took him nearly 7 months, but he raised the money without ever asking anyone else for help.

On April 27, 2003, Ralph presented two dog vests to Sergeant Fred Scholl and his K–9 partner ''DAX'' and also to Trooper Rampert and his K–9 partner ''Rogune.'' Ralph also noted that K–9 units have been used to save thousands of lives in the Korean War, the Vietnam War, and most recently in Iraq.

I would like to congratulate and thank Ralph for his hard work on this cause. This selfless act is a prime example of someone giving back to the community and the dedication that makes this country so great.

TRIBUTE TO DAVID A. LEBOW

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mrs. NAPOLITANO. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. David A. Lebow on the occasion of his retirement as the President of the Montebello Teachers Association. I also want to thank him for 39 years of distinguished and dedicated service to the Montebello Unified School District.

David Lebow first joined the Montebello Unified School District in 1964, as a teacher at Eastmont Junior High School. In 1971 he began enriching the minds of students at Schurr High School in the disciplines of Music, Theater Arts, Advanced Placement American History, and Advanced Placement American Government. Over the last 33 years his service to the education community has been demonstrated through numerous positions including Fine Arts and Social Studies Department Chair, High Risk Academic Cluster Coordinator, Key Club Sponsor, National Honor Society Sponsor, Principal's Advisory Committee Chair, and Class Sponsor in 1974 and 1979.

In 1981 David Lebow began dedicating his time and skills to the Montebello Teachers Association (M.T.A.), serving as High School Representative from 1981 through 1984, Vice President from 1984 through 1985 and again in 1998 through 2000. He served as Treasurer from 1991 through 1993. In 2001, the membership elected Mr. Lebow President, where he has served as the voice of over 1,600 teachers for the past two years.

Mr. Lebow has also served as the M.T.A. Lifetime Health Benefits Trust Chairperson since 1987. Additionally, David Lebow's advocacy on behalf of teachers extends to the state level, where he has served on the California Teachers' Association (C.T.A.) Board of Directors from 1990 through 2001. He has served as member and Chairperson of the Alliance of Urban Teachers from 1985 through 1989 as well as Liaison Coordinator to the C.T.A. Board of Directors.

Mr. Lebow has lead with integrity and has enjoyed the respect of many in the field of education. So it is not surprising that his skills and devotion have earned him many awards and recognitions. He has been the recipient of the P.T.A. Founders Award, the Los Angeles County Bravo Award, the C.T.A. Local and State ''Who'' Award for outstanding work on behalf of members, and the C.T.A. Human Rights Award for work in fostering the advancement of women and minorities in leadership positions.

Mr. Speaker, in closing I wish the very best to David Lebow as he is recognized for his years of service to the Montebello Unified School District. His strong leadership skills and devotion to the teaching profession and to children will be greatly missed. During the last 39 years of service, he certainly has earned recognition, and I call upon all my colleagues to join me in applauding his tenure in education and wishing him all the best for his retirement.

HONORING RUTH ZEMLOCK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. McINNIS. Mr. Speaker, I am pleased to stand before this body of Congress today to express my thanks and admiration for Ruth Zemlock, the winner of the May 2003 ''9 Who Care Award''. Channel Nine News in Denver, Colorado awards this honor to someone who strives to give back to his or her community through volunteering, something Ruth has succeeded in doing for over 14 years.

Valley View Hospital in Glenwood Springs, Colorado is lucky to have such a determined and hard working volunteer; a woman who has done so much for the hospital that she has garnered the nickname ''Dr. Ruth.'' Her fellow co-workers explain that Ruth knows ''anything and everything'' about the hospital, because at one time or another she has worked in every department. Today, Ruth is working at the information desk and in outpatient surgery and is a member of the hospital's Board of Directors. To date, she has amazingly given over 11,000 hours of her time, about 458 days, to the care of others.

Mr. Speaker, Ruth's hard work and determination have provided Valley View Hospital with an exemplary model of heart and kindness. Volunteers are an integral part of America's workforce. Each day, they make an impact on everyone around them. At the age of 85, Ruth's endless energy and enthusiastic spirit amaze all who know her. Thank you, Ruth, for your years of distinguished, honorable service. Valley View Hospital and Glenwood Springs, Colorado will forever be in your debt.

LEGISLATION TO AUTHORIZE CERTAIN BUREAU OF RECLAMATION ACTIVITIES

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ABERCROMBIE. Mr. Speaker, today, Representative ED CASE and I are introducing legislation to authorize certain Bureau of Reclamation activities that will have profound impacts on the future of Hawaii's economy.

The legislation is a companion bill to one introduced in the Senate by Senator DANIEL AKAKA and Senator DAN INOUYE. It will expand the scope of the Bureau of Reclamation water resources study authorized by the 105th Congress as well as authorize three specific projects needed to address Hawaii water needs. This law, the Hawaii Water Resources Act of 2000, included Hawaii in the Bureau's wastewater reclamation program and expanded its drought relief programs to include Hawaii.

Although one of Hawaii's greatest assets is its tropical climate, there are vast areas where little rainfall occurs and conditions are very similar to that of the high arid regions of the mainland U.S. In addition, similar to current conditions in these U.S. areas, drought conditions have been occurring in most recent years.

The most recent projection of the Honolulu Board of Water Supply indicates that the island of Oahu will exhaust the fresh water supplies of the island by the year 2018. Seventy-two percent of Hawaii's population lives on Oahu, so it is easy to imagine the cataclysmic consequences of ignoring the dire warnings that are being sounded. There are numerous efforts underway at both the State and local levels to begin addressing problems, such as substituting recycled water for potable water when appropriate, improving storage to preserve surface water, and implementing conservation technologies.

Enactment of the legislation will help lead us to long-term solutions. There are, however, several projects ready for implementation that would begin to mitigate current and future conditions. Three of them would be authorized

under the bill. Briefly, a desalinization facility would be built on Oahu, capable of producing 5 million gallons of potable water a day. Secondly, on the leeward side of the Big Island of Hawaii, a facility is to be built creating subsurface wetlands and an open surface wetland to treat effluent and generate useable water. The third project, in Lahaina, Maui, is to expand the existing recycled water distribution system so that numerous commercial users can substitute readily available recycled water appropriately where currently potable water is used.

I look forward to working with my colleagues to help find solutions to water development, conservation, reuse and recycling in Hawaii.

HONORING JESSE M. HARRISON

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to one of my constituents, Jesse M. Harrison of Rocky Hill, Connecticut. Mr. Harrison is a veteran of the Second World War, and I recently had the privilege of presenting him with the Distinguished Flying Cross, which he earned nearly 60 years ago during his service as an Air Force pilot, but never received.

Mr. Harrison, now 82, served in the Air Force from March 20, 1943 to January 8, 1946. He piloted an aircraft on D–Day, June 6, 1944 at about 1:00 am carrying 17 paratroopers from the allied base in England to their ''drop zone'' behind German lines in Ste. Mare Eglise, France, only miles from the Normandy beaches. Two of the three planes in Mr. Harrison's group went down in flames under heavy German fire, however First Lieutenant Harrison, then 24, dropped his aircraft down to tree top level and took complicated evasive actions to avoid German fire. After overshooting the drop zone because of the German fire, he returned to the drop zone and the paratroopers dropped and hit their mark. When he returned to base in England, his aircraft had 67 holes in it from German gunfire.

On September 19, 1944, Mr. Harrison was again the pilot of a plane flying over the Netherlands towing a glider with 10 American soldiers and a jeep on board to their drop zone near German lines. His plane came under heavy enemy fire and his crew bailed out after the plane caught fire and began losing altitude. Were Harrison to bail out as well, the troops on the glider he was towing would likely have had to let go early, resulting in their death or capture. Mr. Harrison alone continued to guide the glider with his burning aircraft to their drop zone. After dropping the glider at their mark, Mr. Harrison had to walk through a wall of flame to reach his exit door—with the plane only 300 feet from the ground and falling—to jump. He was assisted by two Dutch priests who found him. Mr. Harrison suffered 2nd and 3rd degree burns from his waist to his face and spent 15 months recovering, receiving numerous skin grafts.

It was a privilege for me to be able to present him with his well-deserved medal on behalf of an eternally grateful Nation with all his family and friends present at Rocky Hill Town Hall on Wednesday, May 28, 2003. Mr. Harrison is one of the thousands of real life heroes whose story must be told again and again so that each new generation of Americans will know that heroes do indeed walk among us, and that we must never forget the service and sacrifice our veterans gave for this Nation.

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Jesse Harrison for his service to the Nation.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2003

Mr. STUPAK. Mr. Speaker, today the House of Representatives took up H. Res. 231, a resolution supporting Peace Officers Memorial Day, which took place on May 15, and honoring law enforcement officers who were killed or disabled in the line of duty. I want to thank my colleague Mr. HEFLEY for sponsoring this important legislation again this year, and wholeheartedly back this important resolution.

Supporting law enforcement is very important to me. Before coming to Congress in 1993, I served for over 12 years as a Michigan state police officer for the Escanaba City Police Department. I was the founder and have continuously served as co-chair of the House Law Enforcement Caucus for the past 11 years.

Since September 11, 2001, many in this nation and this Congress have come to realize the importance of the sacrifices made by our law enforcement officers. Every day law enforcement men and women protect and serve, often putting their own lives at risk. In Michigan alone, over 40 officers have given their lives in the line of duty over the past 15 years.

Peace Officers Memorial Day brings us together in honoring the extreme sacrifice our nation's law enforcement and public safety officers make to our communities and our nation every day.

I think it is important as we discuss this important resolution, to resolve to focus in Congress on providing the necessary funding and support to law enforcement in the growing challenges they face.

I am hopeful that my colleagues will follow up on their support of this resolution, and continue our commitment to law enforcement by supporting these important funding needs. It is the least we can do for those who put their lives on the line every day.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. HERGER. Mr. Speaker, I was unavoidably absent on Monday, June 2 and Tuesday, June 3. Had I been present, I would have voted as follows on the following rollcall votes: Roll No. 227—''yea''; Roll No. 228—''yea''; Roll No. 229—''yea''; Roll No. 230—''yea''; Roll No. 231—''yea''; Roll No. 232—''yea''; Roll No. 233—''nay''; Roll No. 234—''yea''; and Roll. No. 235—''yea''.

IN HONOR OF FRANK G. JACKSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Frank G. Jackson, President of Cleveland City Council, as he was honored by the Cuyahoga County Democratic Party on May 18, 2003.

Mr. Jackson is a United States veteran, having served our country in Vietnam. After being honorably discharged, he returned to his East 38th Street neighborhood and began attending classes at Cuyahoga Community College. In 1975, he graduated with a Bachelor's degree from Cleveland State University. In 1977, Mr. Jackson was awarded a Master's degree in Urban Studies from CSU. In 1983, after working his way through law school as a night clerk at Cleveland Municipal Clerk's Office, Mr. Jackson was awarded a law degree from the Cleveland-Marshall College of Law, and worked as an assistant county prosecutor until his 1990 election to Cleveland City Council, representing Ward 5.

For the past 13 years, Mr. Jackson has focused his efforts on revitalizing the housing and commercial aspects of the Ward 5 community, and has done so by working closely with neighborhood leaders and development organizations, and by setting a tone of integrity, diligence, commitment and cooperation among City Council members and City administrators.

Mr. Speaker and Colleagues, please join me in honor of Mr. Frank G. Jackson, President of Cleveland City Council, as we recognize his outstanding contribution to our community. Mr. Jackson's work, expertise and dedication have served to improve and strengthen our urban neighborhoods, bringing light and hope to the citizens of Ward 5, and to our entire community.

TRANSPORTATION CRUNCH TIME IN OUR NATIONAL PARKS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. RAHALL. Mr. Speaker, with nearly 300 million visitors to our National Park System each year, there are times when the roads in America's Crown Jewels look little different than the scene on I–395 into the District of Columbia during morning rush hour. The level of traffic congestion being experienced in many of our National Parks not only diminishes the visitor experience, but is adversely impacting the resource values these parks were established to protect in the first place.

While the automobile will continue to reign supreme, our National Parks and the people who visit them are suffering from a lack of alternative transportation opportunities. To address this situation, today I am introducing the Transit in Parks Act (TRIP).

Recognizing the growing problems many of America's 'crown jewels' are experiencing as a

result of high visitation levels, Congress in the last major federal highway and transit reauthorization law known as TEA 21 required the Secretaries of Transportation and Interior to undertake a study of alternative transportation needs in National Parks. The study found a pressing need to increase transit opportunities in order to relieve traffic congestion, enhance visitor accessibility, preserve sensitive resources and reduce pollution. However, it identified a number of barriers to implementing successful transit systems in National Parks, including the lack of a dedicated funding source.

The TRIP bill carries out the study findings by establishing a Transit in Parks Program to be administered by the Secretary of Transportation (Federal Transit Administration) and the Secretary of the Interior (National Park Service). The program would generally follow existing law requirements for mass transportation as it relates to the planning and development of transit facilities and would create a transit counterpart to the Federal Highway Administration's Parkways and Park Roads program. The legislation proposes a $90 million annual allocation for the Transit in Parks Program from the Mass Transit Account of the Highway Trust Fund.

It should be noted that the National Park Service is currently using on average $11 million of its $165 million annual Parkways and Park Roads allocation for alternative transportation. This amount is insufficient to meet the alternative transportation needs for units of the National Park System identified by the TEA 21 study of approximately $90 million a year. Moreover, as the study noted, this shift in funding increases the gap between available funding and the amount needed to maintain the rapidly deteriorating and already underfunded park roadway system.

Currently, we are squandering some of our most unique natural resource heritage contained in units of the National Park System as a result of a relatively small investment in alternative transportation facilities. It is my hope that the funding in this bill will be additive to the extensively documented but unmet rural and urban transit funding needs which must be addressed in the TEA 21 reauthorization.

THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2003

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. STRICKLAND. Mr. Speaker, today I am introducing the Mentally Ill Offender Treatment and Crime Reduction Act, the companion to a bill introduced in the Senate today by Senator DEWINE.

According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness. In addition, the Office of Juvenile Justice and Delinquency Prevention reports that over 20 percent of youth in the juvenile justice system have serious mental health problems, and many more have co-occurring mental health and substance abuse disorders.

These statistics, however, cannot adequately describe how devastating the combination of untreated mental illness and the criminal justice system can be for both an individual and the system. Today I had the pleasure to meet Tom Lane. Tom, a 43-year-old man who lives in Fort Lauderdale, Florida, now works for the National Alliance of the Mentally Ill (NAMI) as the Director of the Office of Consumer Affairs. However, just a few years ago in July 1997, Tom was suffering from severe depression. He was a cabinetmaker who had sustained a head injury from a construction accident that caused him to have seizures and prevented him from working. When he called a suicide hotline, police were dispatched. The officers put him in jail, where he did not receive treatment for depression and was not allowed to take his anti-seizure medication. When he started suffering two seizures a day, he was hospitalized. Upon his release from the hospital he still did not receive any treatment or recommendation of treatment for his mental illness and for days he slept in the bushes outside the hospital. Fortunately, Tom was eventually able to contact his family from a pay phone and they came to his rescue. Once he began receiving treatment, Tom was able to get back on his feet. Today he is a highly functioning, highly effective professional advocate for people with mental illness.

Tom's story illustrates how easy it is for a person with mentally illness to become entangled with the criminal justice system. Untreated mental illness often leads to behaviors that attract the attention of police officers. If a person with mentally illness does not receive treatment, his or her condition almost definitely will worsen when they are in custody. Generally, the criminal justice system is not equipped to identify and ensure people with mentally illness find appropriate treatment programs, either through diversion into community treatment or within a jail or prison. The bill I am introducing seeks to make sure people like Tom Lane don't fall through the cracks. It encourages collaboration between the mental health treatment and the criminal justice systems. This collaboration is essential for ensuring mentally ill offenders are given the treatment they need.

The Mentally Ill Offender Treatment and Crime Reduction Act of 2003 is phase two of an effort that started in the 106th Congress, when Senator DEWINE and I successfully passed America's Law Enforcement and Mental Health Project (P.L. 106–515). This bill created a Department of Justice grant program assisting State and local governments with the establishment of mental health courts. Mental health courts—which are modeled on drug courts—provide specialized dockets in non-adversarial settings to bring mental health professionals, social workers, public defenders and prosecutors together to divert mentally ill offenders into a treatment plan. The goals of a mental health court are to expand access to mental health treatment, improve the community's response to mentally ill offenders, and reduce recidivism among the mentally ill population. I am pleased that this program has been incredibly popular.

The Mentally Ill Offender Treatment and Crime Reduction Act of 2003 will build on America's Law Enforcement and Mental Health Project by providing additional resources for communities that wish to create mental health courts. The new bill represents a significant commitment to addressing the needs of both the criminal justice system and the mentally ill offender population. The bill will create a grants program for communities that will provide resources for diversion programs across the spectrum of the criminal justice community, including prebooking diversion programs like those that have been so successful in Los Angeles, California and Memphis, Tennessee. Communities will be able to design programs that provide mental health treatment in jails and in prisons. And finally, grants will be available for transitional or aftercare programs that seek to ensure offenders are provided appropriate treatment and care when they transition from jail or prison back into the community when they have completed their sentences.

The bill is intended to give communities much flexibility to design and operate the programs they identify as most appropriate for meeting their needs, and grant funds will be able to be used for planning, establishing a structure, and funding treatment. All successful grant applicants will be required to demonstrate collaboration between the criminal justice and mental health treatment agencies in a community. Too often, mentally ill offenders fall through the cracks because the relevant systems in a community do not work together. This lack of collaboration is detrimental to both the mentally ill offender as well as the stability of the criminal justice system. Therefore, criminal justice and mental health treatment agencies will be required to apply together for the grants established by the bill, compelling the collaboration that is needed to get those who are mentally ill and coming in contact with the criminal justice system the mental health and substance abuse treatment they need. In addition, the bill requires that grant applicants ensure mentally ill offenders are connected to education, job training and placement, and housing programs.

In addition, the bill calls for an Interagency Task Force to be established at the Federal level. Task Force members will include: the Attorney General; the Secretaries of Health and Human Services, Labor, Education, Veterans Affairs, and Housing and Urban Development; and the Commissioner of Social Security. The Task Force will be charged with identifying ways that Federal departments can respond collaboratively to the needs of mentally ill adults and juveniles.

I strongly believe that encouraging collaboration at the Federal, State, and local levels of government is essential to ensuring that people with mental illness are able to access the mental health treatment and other support programs they need.

I look forward to working with my colleagues to pass this bill and make our communities safer for all.

APPLAUDING THE RECENT ACTIONS TAKEN BY THE ILLINOIS STATE LEGISLATURE REGARDING THE EQUAL RIGHTS AMENDMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ANDREWS. Mr. Speaker, I rise before you today in strong support of the recent actions taken by the Illinois state legislature regarding the Equal Rights Amendment (ERA), a proposed amendment to the Constitution which would unequivocally guarantee equal gender rights under the law. As many of my colleagues are certainly aware, the Illinois State Assembly recently voted on and passed the ERA, clearing the way for their counterparts in the Senate to consider this crucial legislation at the conclusion of their current recess. If Illinois' State Senate agrees to ratify the ERA, then only two more state ratifications will be necessary for this long overdue amendment to be added to our Constitution.

Some people have argued that the addition of an ERA amendment to the Constitution would simply be a change in semantics and nothing more. I strongly disagree. Presently, on average, women receive only 76 percent of the pay that men receive for comparable full time positions. Inequities such as these are inexcusable; they are disastrously damaging not just to women, but also to their families. Through the ratification of an Equal Rights Amendment, women would have an expanded legal basis to call for equal compensation for equal work.

Although the Equal Rights Amendment may have faded from the public spotlight at times, the movement to include women in the Constitution never died, and it is growing vigorously once again. Women had to wait until 1920 to be granted the right to vote under the Constitution. While this was certainly a monumental development, it has not produced full gender equality. The 14th Amendment, granting ''equal protection of the laws,'' did not, and still does not, fully protect women from damaging gender discrimination. Only an Equal Rights Amendment would ensure the Constitutionally guaranteed full equality that women deserve.

The ERA was originally passed by Congress in 1972, along with a seven-year time limit for ratification. In 1979, Congress extended the time limit for three more years, leaving the deadline at 1982. Within a decade of the initial 1972 passage, the amendment had been ratified by 35 states, three short of the necessary 38. For many years after that, the ERA was, for technical reasons, generally considered ''dead.'' However, legal analyses indicate that with just three more state ratifications, the ERA may in fact meet the requirements to be added to the Constitution. As has been verified by several legal experts, the fact that the time limit appears in the proposing clause rather than the text of the legislation leaves this deadline open to adjustment. When Congress chose to extend the deadline in 1979, a precedent was set; subsequent sessions of Congress may adjust time limits placed in proposing clauses by their predecessors. These adjustments may include extensions of time, reductions, or elimination of the deadline altogether.

It is therefore possible for current or future sessions of Congress to eliminate the deadline originally placed on ratification of the ERA, thus allowing the amendment to be added to the Constitution once it is ratified by three more states. This ''three state strategy'' is a very real possibility, and I have introduced legislation into the House of Representatives, H. Res. 38, to ensure that action will be immediately considered by Congress once three more state legislatures ratify the ERA.

Put simply, it is time for the Constitution to be amended to include an amendment which ensures gender equality for all Americans. Today, unlike some times in the past, the American people are decidedly ready for Constitutionally-guaranteed equal rights for men and women. A July 2001 nationwide survey by Opinion Research Corporation showed that 96 percent of American adults believe that male and female citizens of the U.S. should have equal rights, and 88 percent believe that our Constitution should explicitly guarantee those rights. Having the ERA in the Constitution will simply recognize what the American people already want—equal justice under the law.

Many leaders both here in Congress and in state legislatures are advocating for the ''three state strategy,'' as well as a renewal of the ERA by Congress through a second passage of the amendment. I feel that anyone who is serious about guaranteeing equal rights to women should be supportive of both of these approaches. It does not matter how the ERA is eventually made part of the Constitution, as long as guaranteed gender equality rights are the end result.

As the Equal Rights Amendment reads, ''Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.'' The ERA is unfinished business for the Constitution. It will be achieved, and present and future generations of women—and men—will thank us for it, and wonder why it took so long. It is simple justice, it is long overdue, and it is time.

INTRODUCTION OF FOCUS ON COMMITTED AND UNDERPAID STAFF FOR CHILDREN'S SAKE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues Mr. PLATTS, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. SERRANO, Ms. DELAURO, Mr. DAVIS of Illinois, Ms. SOLIS, Mrs. DAVIS of California, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. KILDEE, and Mr. SANDERS in introducing the FOCUS Act. This legislation would be an important step in increasing child care quality for all children.

High-quality child care can play an important role in healthy child development and school-readiness. Just as it is the parents who matters at home, it is the teachers who matter in child care. One of the most critical components of quality child care is a stable and qualified teaching staff. Children learning from more highly educated teachers perform better on tests of verbal and match achievement. Yet, child care staff—who have the responsibility of helping guide children's development—are among the lowest paid workers in America. In 2000, the average hourly wage for a child care provider was $8.16, which is approximately $16,980 annually. Moreover, most providers do not receive health insurance or paid leave and the annual turnover rate is about 30 percent. Academic and government studies conclude that low pay is one of the leading causes of poor quality child care. Low wages keeps qualified providers from remaining in the field and deters new providers from entering the field. A 2001 report by the Center for Child Care Workforce and the University of California Berkeley found that centers are losing qualified staff because of low wages and are forced to hire less qualified replacements. The study also found that not only are wages extremely low, but they are not keeping pace with cost of living increases. States report centers are closing or turning away children because they cannot properly staff their programs.

FOCUS directly addresses the problems low pay creates by providing stipends to qualified child care staff based on the level of education. This legislation would be a mechanism to assist States increase the pay of child care workers and to improve the overall quality of child care. The bill would supplement wages by a minimum of $1000 per year for providers with child development associate credentials and a minimum of $3000 per year for providers with B.A.'s in the area of child development. These stipends will help attract new qualified workers to the field and increase the retention and skill level of current workers. FOCUS also would provide funds for scholarships so that we can continue to increase the qualifications of the child care workforce.

Research on early childhood and brain development clearly demonstrates that the experiences children have early in life have a decisive, long-lasting impact on their later development and learning. We cannot expect children to transition to kindergarten and succeed in school if we do not take the necessary steps to provide quality care in the years prior to school entry. The average quality of child care is far poorer than what it should be in a country as wealthy and committed to our children's future as is ours. It is time we work to make quality child care for all children a national priority. Mr. Speaker, I urge Members of the House to join me and co-sponsor the Focus Act.

THE NATIVE AMERICAN LANGUAGES ACT OF 2003

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. CASE. Mr. Speaker, I am most pleased to introduce the Native American Languages Act Amendments of 2003, with Representatives NEIL ABERCROMBIE and DON YOUNG as original cosponsors.

This vital legislation will authorize the Secretary of Education to provide grants to or enter into contracts with Native American language educational organizations, Native American language colleges, Indian tribal governments, organizations that demonstrate the potential to become Native American language educational organizations, or consortia of such

entities, to establish Native American language ''nests'' for students under the age of 7 and their families. It will also authorize grants for these entities to operate, expand, and increase the number of Native American language survival schools throughout the country for Native American children and Native American language-speaking children. Finally, the bill will authorize the establishment of three demonstration projects that will provide assistance to Native American language survival schools and Native American language nests.

Today's measure is a companion to S. 575, which was introduced by the senior member of Hawaii's delegation, Senator DANIEL INOUYE, and is cosponsored by Senators DANIEL AKAKA, BEN NIGHTHORSE CAMPBELL, and TOM DASCHLE. A hearing was held by the Senate Indian Affairs Committee on May 15, 2003, at which there was broad-based support from native language speakers, educators, and supporters from across the country, including Hawaii, Alaska, California, New Mexico, Montana, Oklahoma, Minnesota, and Virginia.

This proposal forwards current federal self-determination policies toward native peoples, which support the promotion of economic and social self-sufficiency, as well as the preservation and revitalization of native culture, languages, art, history, religion, and values. Since language is a significant factor in the perpetuation of native cultures, the federal government enacted the Native American Languages Act of 1990 urging federal support for Native American languages, and the Native American Languages Act Amendments of 1992 establishing a grant program at the Administration for Native Americans to fund the preservation of Native American languages. My bill continues this commitment by our federal government to ensure the survival of these unique cultures and languages.

In my home state, I am proud that the people of Hawaii and the State of Hawaii have strongly supported the revitalization of Hawaiian culture, art, and language. In 1978, for example, the State of Hawaii wrote into its constitution a specific declaration that Hawaiian is one of our two official languages, along with English.

There is also support for Hawaiian language programs in both our public and private schools. At the forefront of these efforts have been supporters of Aha Punana Leo, a Hawaiian language immersion program which has endeavored to include both students and parents in an exciting and innovative way to revitalize Hawaiian language and culture. Ms. Namaka Rawlins, Director of Aha Punana Leo, and her husband, Dr. William (Pila) Wilson, have been pivotal in these efforts. The lessons of family and community involvement in the preservation of the Hawaiian language that they and other have proven are and can be used by other native communities and cultures across the country.

While the Aha Punana Leo program initially started with pre-school students, Hawaiian language survival schools were also established to allow for students to graduate from high school. Over 2,000 students are currently enrolled in Hawaiian language nests and survival schools. A Hawaiian language center—Hale Kuamoo—was eventually established at the University of Hawaii at Hilo with the collaboration of Aha Punana Leo as well as a Native College—Ka Haka Ula O Keelikolani College. Both programs have been crucial in providing training to teachers in Hawaiian language, college courses in Hawaiian, and graduate education in Hawaiian language and culture.

The revitalization of the Hawaiian language in my state has been instrumental in the preservation of Hawaiian culture, which is important to all of us who call Hawaii home. Today's legislation will take this lesson nationwide in continuing the commitment made by the federal government in 1990 and the progress that has been made since that time to preserve Native American languages, including the Hawaiian language.

TRIBUTE TO COACH LOU GIANI

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to commend Coach Lou Giani of Huntington High School on his induction into the U.S. National Wrestling Hall of Fame.

Coach Giani is among the most successful wrestling coaches in New York State history, having compiled 388 victories in 34 seasons. This past season Coach Giani and his Huntington High School team won the New York State team title—a remarkable eighth title for Coach Giani. In addition to the team accolades, Huntington High School also had three individual wrestlers win State Championships, increasing the career total of Coach Giani to a record 22 individual state champions. In recognition of these accomplishments, the National Wrestling Coaches Association bestowed on him the honor of ''Coach of the Year''.

In addition to his service to Huntington High School and New York State, Coach Giani has served as an international ambassador for wrestling. Having organized cultural exchange programs in both the Soviet Union and Poland, he has provided disadvantaged youth with the opportunity to learn wrestling from one of the sport's best coaches.

Beyond his service as a coach and international teacher, Mr. Giani had an equally impressive career as a wrestler. Having not begun to wrestle until his junior year of high school, Mr. Giani went on to win ten New York Athletic Club titles, a gold medal at the 1959 Pan American Games and was given the honor of representing the United States on the 1960 Olympic Freestyle team.

I commend Coach Lou Giani for his dedication to the sport as well as his service to the students of Huntington High School and I congratulate him on his induction into the U.S. National Wrestling Hall of Fame.

HEALTH DISPARITIES AMONG MINORITIES

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. CUMMINGS. Mr. Speaker, I rise this evening to discuss the state of Health Care in America. Mr. Speaker, we have a health care crisis in America and in particular, we have a crisis in the African-American community with regard to disparities in treatment and access to care.

Mr. Speaker, the Congressional Black Caucus has made Universal Health Care the centerpiece of our agenda. The Congressional Black Caucus believes that everyone in America should have some basic level of health care coverage.

Mr. Speaker, today, as in the past, being Black in America is a medically dangerous condition. Being Black and poor can be deadly. That is a national tragedy that the Congressional Black Caucus is determined to end.

In 1998, President Clinton committed this Nation to eliminating racially based health disparities by the year 2010. As a result of this initiative, in the report entitled ''Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care'' issued March 2002, the IOM research team concludes that: Americans of color tend to receive lower-quality health care than do Caucasians and that African-Americans receive inferior medical care—compared to the majority population—even when the patients' incomes and insurance plans are the same. These disparities contribute to higher death rates from heart disease, cancer, diabetes, HIV/AIDS and other life-endangering conditions.

The Report found that African-American Medicare patients were almost 4 times less likely than their Caucasian counterparts to receive needed coronary bypass surgery.

Black seniors were nearly 2 times less likely to receive treatment for prostate cancer.

Older Black Americans were 3.6 times more likely to have lower limbs amputated as a result of diabetes.

Mr. Speaker, access to health care is becoming a critical issue for Black and Hispanic-Americans.

Overall, more than 40 percent of nonelderly African-Americans (12.5 million) and more than 50 percent of nonelderly Hispanic-Americans (18.5 million) had no health insurance in 2001–2002.

Minority children face obstacles in getting the health care they need. In 2001, there were 9.2 million uninsured children, the majority of them were minorities: 36 percent were Hispanic and 18 percent were Black.

Four-and-a-half million Black children now receive their health coverage through Medicaid or SCHIP (the Federal health program for children), and 4.7 million Hispanic children get healthcare through Medicaid or SCHIP.

That is why Medicaid, which provides health care coverage to low-income Americans, is critical to minorities.

The most recent data show that 9.8 million Blacks and 6.4 million Hispanics need Medicaid to get access to health care.

Mr. Speaker, despite these disparities the Bush budget continues to shortchange healthcare. To pay for the tax cuts for the wealthiest 5 percent, the Republican leadership under-funds numerous health programs including the Ryan White program, eliminates the Community Access Program, cuts the Veterans Health programs and the SCHIP program.

Despite these disparities the Republicans cut funding for Medicaid coverage for children, low-income seniors, people in nursing homes, and the disabled. And the Bush administration wants to block grant Medicaid—cut the funding by $3.2 billion over 10 years and give the

money to the States to let the States spend it on other competing priorities.

This will basically dismantle Medicaid's guarantee of access to healthcare for low-income individuals.

Mr. Speaker, this sort of policymaking does not make sense in the ''land of plenty.'' I can only quote my good friend Jocelyn Elders who stated, ''We, in our society believe that every criminal has a right to a lawyer. But yet we are one of only two countries, the United States and South Africa, who does not believe that every sick person should have a right to a doctor.''

Mr. Speaker, every American is entitled to access to quality healthcare. That's why I cosponsored Congressman JOHN CONYERS' bill to provide health insurance to every resident of the United States.

Our bill, the United States National Health Insurance Act, H.R. 676, would provide all individuals residing within the United States with insurance covering primary care, and preventative health services, prescription drug coverage, emergency care, and mental health services.

In essence, it would expand Medicare to cover all Americans.

Mr. Speaker, I realize that this is going to be a long hard fight. But I am convinced that the time for a ''single-payer'' system has come.

If we can spend hundreds of billions of dollars in an effort to protect the American people from foreign attack, we can raise and spend the money that it will take to protect the American people from dying before their time from accident or disease on our soil. If we can give universal health coverage to those on foreign soil, we can also do it for our own citizens.

It's time to make health care a civil right for all Americans, my friends. That is the hard lesson that Americans of color learned from our experience with this Nation's health care system.

And that is the same hard lesson that many, many other Americans are learning today. We speak truth to power, when we declare that discrimination and racial disparities continue to plague our system of health care.

Increasing the number of qualified minority physicians and other health care professionals—and assuring that they are adequately compensated for their work—are core prerequisites to transforming that equation.

That is the truth—but it is not the whole truth. It also is true that: Most poor children in America are not Black; Most sick children in America are not Black; And most Americans who cannot afford health insurance are not Black.

Mr. Speaker, these American children are our children, whatever may be the color of their skin. We must never allow the virus of racial division to infect our vision of what it means to be human beings.

Lastly Mr. Speaker, I implore my Republican colleagues to correct the injustice in the recently passed tax bill that denies millions of poor families, those making between $10,000 and $26,000 the Child Tax credit of $400 they so desperately need.

We should not shift the tax burdens from the wealthy to the working poor. These families need our help—we should give it to them. Restore fairness to the tax bill—tax cuts to the wealthy should not out millions of families.

Lastly, I thank my friend DANNY DAVIS for leading this floor effort.

THE CHILD TAX CREDIT: SUPPORTING FAMILIES IN NEED

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to voice my support of legislation to expand the child tax credit to working families left out of the tax bill that the President recently signed.

Last week, the President signed a $350 billion tax cut plan, a package of large tax cuts that are weighted heavily toward America's wealthiest families, and that will do little to spur economic growth or reduce the Nation's jobless rates. These additional cuts are likely to further burden the economy's future with growing budget deficits and debt—spending the Social Security Trust Fund surplus and threatening essential programs such as Medicare.

The most disturbing aspect of this legislative effort was the Majority's last-minute exclusion of a provision that would help nearly 12 million children and their families to get the child tax credit. In their persistent efforts to cut taxes for the wealthiest Americans, the Majority stripped this important provision from the final bill in order to make room for a dividend tax cut and other measures benefiting only those wealthiest taxpayers.

For some time now, the Administration has maintained that all Americans deserve a tax break. However, this new law did not honor that promise, and the President should not have signed legislation that denies a promised child tax credit to the millions of families that need it the most and are the most likely to spend it.

These families with children, earning between $10,500 and $26,625, are already working hard to make ends meet. Our immediate priority in Congress should now be to pass legislation that will correct this last-minute injustice and provide these moderate-income families with the relief they deserve. Therefore, I support the legislation introduced by House Democratic leaders to accomplish this goal and benefit almost 3 million children in my home State of California. I urge my colleagues on the other side of the aisle to join us in helping those Americans in most need.

TRIBUTE TO GENERAL ERIC SHINSEKI

HON. JERRY LEWIS

OF CALIFORNIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. LEWIS of California. Mr. Speaker, Mr. MURTHA and I rise today to pay tribute to General Eric Shinseki, an outstanding soldier and American who is retiring as the 34th Chief of Staff of the Army after more than 38 years of distinguished service to his country. He is an exceptional leader with a clear sense of purpose, conviction, and conscience of service to his nation.

General Shinseki has served as Chief of Staff in one of the most dynamic and challenging periods in the storied 228-year history of the United States Army. Under his leadership, the Army began a ''transformation'' from a force focused on a defined threat that won the Cold War to a more flexible force that is capable of meeting the new and varied threats of the 21st century. At the same time General Shinseki was managing this historic level of change, he ensured the Army maintained the highest levels of combat readiness that were demonstrated so successfully during operations in Afghanistan and Iraq.

General Shinseki received his commission from the United States Military Academy in 1965. He served two combat tours in the Republic of Vietnam with the 9th and 25th Infantry Divisions, first as an artillery forward observer and later as Commander of Troop A, 3rd Squadron, 5th Cavalry. During both he was seriously wounded.

Since Vietnam, General Shinseki has served in a variety of command and staff assignments in the Continental United States and overseas. He served in Hawaii at Schofield Barracks with Headquarters, United States Army Hawaii, and at Ft. Shafter with Headquarters, United States Army Pacific. He also taught at the United States Military Academy's Department of English. During duty with the 3rd Armored Cavalry Regiment at Ft. Bliss, Texas, he served as Regimental Adjutant and Executive Officer with the 1st Squadron.

Ric spent over ten years in Europe, which included assignments as Commander, 3rd Squadron, 7th Cavalry; Commander, 2nd Brigade; Assistant Chief of Staff G3; and Assistant Division Commander, all with the 3rd Infantry Division (Mechanized).

From 1994 to July 1995, he commanded the 1st Cavalry Division at Ft. Hood, Texas and in July 1996, he was promoted to Lieutenant General and became the Deputy Chief of Staff for Operations and Plans at the Department of the Army.

He was selected for the rank of General in June 1997 and assumed duties as Commanding General, United States Army Europe and Commander, NATO Stabilization Force in Bosnia-Herzegovina. In November 1998 he assumed duties as Vice Chief of Staff of the Army.

In addition to receiving a Bachelor of Science Degree from the United States Military Academy, he also holds a Master of Arts Degree in English Literature from Duke University. General Shinseki's military education includes the Armor Officer Advanced Course, the United States Army Command and General Staff College, and the National War College.

His awards include the Defense Distinguished Service Medal, the Distinguished Service Medal, the Legion of Merit (with Oak Leaf Clusters), the Bronze Star Medal with ''V'' device (with 2 Oak Leaf Clusters), as well the Purple Heart (with Oak Leaf Cluster). He has also been awarded the Parachutist Badge, the Ranger Tab, the Office of the Secretary of Defense Identification Badge, Joint Chief of Staff Identification Badge, and Army Staff Identification Badge.

History will look very favorably on the accomplishments of General Shinseki. It is easy to talk about concepts such as ''transformation'', but it takes a visionary leader to implement them. There are countless decisions that he has had to make that might very

well mean the difference between success and failure on current and future battlefields. General Shinseki successfully met every challenge during his tenure as Chief of Staff with professionalism, commitment, and perseverance.

To Ric and his wife Patti, God speed and enjoy a well-deserved retirement.

The United States Army will miss you and so will we.

HEALTH CARE BENEFITS FOR FILIPINO VETERANS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. SIMMONS. Mr. Speaker, today I am introducing a bill that would provide the Filipino veterans of World War II who now live in the United States health care benefits on the same basis as if they were veterans of the U.S. armed services.

This legislation would require the Secretary of Veteran Affairs, within the limits of the Department's facilities, to provide hospital, nursing home and medical care services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines New Scouts who legally reside in the United States, in the same manner as their American veteran peers.

The substance of this bill was included in the Veterans Health Care and Procurement Improvement Act of 2002 that passed the House last year, but failed to clear the other Body. I thank the President for his leadership and acknowledgement of the importance of addressing the health care issues of the Filipino veterans by recently requesting the introduction and prompt consideration of similar legislation this Congress. I also acknowledge the advocacy of my colleague from California, Mr. FILNER, who for years has kept this issue before the House as a matter of equity and recognition for an important allied force during a time of great peril for this Nation.

Currently, Commonwealth Army veterans residing in the U.S. are only eligible for VA health care services for treatment of service-connected disabilities and for non service-connected disabilities if they are in receipt of certain compensation. My bill would remove these barriers to treatment of veterans of World War II who are of Filipino descent by eliminating the receipt-of-compensation requirement for Commonwealth Army veterans and extending to new Philippine Scouts the same eligibility for medical care and services as Commonwealth Army veterans. Commonwealth Army veterans and new Philippine Scouts would be subject to the same eligibility and means test requirements as their American counterparts.

The military forces of the Commonwealth of the Philippines were called into the United States Armed Forces during World War II by President Roosevelt's Executive Order. Under the Command of General MacArthur, the Filipino soldiers served side-by-side with forces from the United States and exhibited great courage at the battles of Battan and Corregidor. The participation of the Filipino forces delayed and disrupted the initial Japanese effort to control the Western Pacific and was vital to giving the U.S. time to prepare the forces necessary to defeat Japan.

When the United States granted independence to the Philippines, Congress passed the Rescission Act of 1946, reducing or eliminating many of the veterans' benefits for which Filipino veterans had been eligible, based on service in the Commonwealth Army. The reclassification of their service to the United States during World War II by the Rescissions Act unfortunately left many Filipino veterans residing in the United States without eligibility for VA health care.

It is due time that these Filipino veterans are given the health care benefits they have been waiting more than 50 years to receive. I urge all my colleagues to join me in cosponsoring this bill, one that recognizes our Nation's moral obligation to extend VA health care services to the approximately 14,000 Filipino veterans who are in their senior years here in the United States.

THE BINGE ISN'T OVER FOR DILLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. TOWNS. Mr. Speaker, I submit the following article for the RECORD.

[From the Washington Post, June 5, 2003]

THE BINGE ISN'T OVER FOR DILLER

(By Leslie Walker)

Barry Diller may prove Woody Allen was right when he said 80 percent of success is showing up.

The onetime Hollywood mogul first got into electronic commerce more than a decade ago, never left and may end up being one of its biggest successes. It was 1993, soon after he entered the television home-shopping business, that he started extolling the convenience of ''buying underwear in your underwear.''

When the real electronic commerce wave arrived on personal computers instead of television, Diller regrouped and started buying Internet ventures. Yet except for his failed $18 billion bid to buy the Lycos Web portal in 1999, Diller has remained largely known as an entertainment and media executive, and his online escapades have attracted little attention.

Until now. The digerati are finally taking notice of Diller's online empire since his conglomerate, USA Interactive (USAI), announced a recent string of takeovers that are transforming it into one of the Internet's superpowers. Diller's moves are part of a consolidation wave gaining speed in the high-tech sector, where start-ups are still struggling to overcome depressed stock prices and an oversupply of goods and services.

''We want to be the largest and most profitable e-commerce company utilizing multiple brands,'' Diller, chief executive of USAI, declared in an interview this week. (Diller is a director of The Washington Post Co.)

Diller's recent acquisitions appear to reflect a shift toward more direct forms of commerce online, where new commercial matchmakers that could bypass traditional forms of advertising are catching on.

First, a look at Diller's march across the Web: Since early last year, USA Interactive has announced it will acquire LendingTree Inc., which pairs home buyers with lenders and real estate agents online; travel agent Expedia Inc., which lets consumers make travel reservations online; British UDate.com, an online personals site; the outstanding shares of Hotels.com, an online provider of discount lodging bookings; and the remaining shares of Ticketmaster, the electronic ticketing agency in which USAI first took a 50 percent stake back in 1997.

Also in the past year, Diller's company snapped up a string of offline travel-related companies, including the Entertainment discount-coupon book, the vacation exchange network Interval International and Britain's TV Travel Group. USAI already owned various ''back office'' services, thanks to acquisitions made a few years ago. In 1999, for example, it bought one of the world's biggest customer call-center operations, Precision Response Corp., which also conducts e-mail marketing campaigns and database services. And, of course, USAI still owns the Home Shopping Network.

As a result of its takeovers, USA Interactive appears poised to take in more than $6 billion in revenue this year—more than Amazon.com, eBay, Yahoo or any other Internet firm except America Online.

Diller said that his Internet binge is not over. He intends to buy more Net gems and hinted that LendingTree points in the direction he is headed. (Think financial services.) Some analysts worry that the LendingTree deal, a stock swap valued at roughly $700 million, may be inflated because the home refinancing wave caused a temporary spurt in its business. But Diller discounts such talk. ''We couldn't care less what happens in the very, very, very near term,'' he told analysts when he announced the deal last month. ''What we care about is that we've bought the right business in the right category.''

Still, his company seems to garner more dollars than respect, perhaps because it resembles a giant Internet puzzle with the pieces not yet snapped into place. That may explain why Diller said this week he is flirting with changing the name of his company again. USAI has gone by at least five names in the past, none too memorable. The latest moniker makeover came last year when it sold off its cable TV channels and replaced ''Networks'' in ''USA Networks'' with ''Interactive'' to focus more on electronic commerce.

Diller said the company's current mission is to act as a ''middleman'' between supply and demand in interactive commerce, making it more like eBay than retailer Amazon.com. Like eBay, USAI's companies typically take commissions for matching buyers and sellers. They hold little or no inventory, which lowers their costs and potentially boosts profit margins.

EBay mostly auctions used goods but is aggressively courting sellers of new merchandise as part of its avowed bid to become ''the world's marketplace.'' While analysts think this could make it a head-to-head competitor with USAI, Diller doesn't see it that way. He said he doubts eBay will succeed in becoming the world's marketplace: ''They are not going to make the transition in every category to a fixed-price model,'' he predicted, ''and will be predominantly based in peer-to-peer auctions.''

Time will tell how much advantage can be gained from lumping together different Internet entities or ''multiple brands'' online. But for starters, there should be savings from no longer having to run five separate public accounting operations for LendingTree, Expedia, Hotels.com, Ticketmaster and USA Interactive, all of which have been trading under separate stock symbols. After buying a controlling stake in Expedia from Microsoft Corp. last

summer, USAI declared its intention to buy the outstanding shares of its key subsidiaries. Expedia and Hotels.com resisted briefly but yielded this spring.

Soon USAI will introduce loyalty incentive programs for people using its various e-commerce services. Diller said the first incarnation, perhaps points-based rewards, will debut later this year or early next. He added that he has no plans to create an overarching Internet network with a ''single sign-on'' for users of USAI sites, such as AOL attempted with its Web properties and Time Warner did with its original magazine sites at the ill-fated Pathfinder.com.

''We do not believe in unnatural synergies, and we don't have one totalitarian brand,'' Diller said. ''We only want to make relationships where natural law dictates they make sense.''

AOL and Time Warner, of course, hyped ''synergies'' among their many brands when the two companies merged three years ago. Diller said the big lesson he learned from watching that merger flop was not to short-change his Internet products but to keep improving them. ''They took care of everything but the product itself and paid a terrible price for it,'' Diller said of AOL.

But USAI will exploit natural connections, he added, such as cross-linking among its Web sites and pursuing other cross-marketing opportunities. For instance, Evite.com, a free invitation service owned by USAI, already rotates banner ads on its online personals site, Match.com, and the Entertainment book. You can imagine its Citysearch's online city guides linking prominently to LendingTree's real estate service, or Hotels.com offering local event tickets from Ticketmaster when people book rooms.

Whatever Diller winds up calling his many-headed Internet beast, it's a good bet it will grow up to be one of the surviving giants of the dot-corn jungle.

PERSONAL EXPLANATION

HON. HENRY E. BROWN JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I was unable to participate in the following votes because of a death in the family. If I had been present, I would have voted as follows:

June 4, 2003: Roll call vote 236, on agreeing to H. Res. 257, I would have voted ''yea''; Roll call vote 237, on motion to suspend the rules and agreeing to H. Con. Res. 177, I would have voted ''yea''; Roll call vote 238, on motion to suspend the rules and agreeing to H. Res. 201, I would have voted ''yea''; and also on June 4, 2003—Roll call vote 239, on motion to suspend the rules and pass H.R. 1954, I would have voted ''yea.''

HONORING SHILOH BAPTIST CHURCH

HON. BARBARA LEE

OF CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Ms. LEE. Mr. Speaker, Mr. STARK and I rise today to honor Shiloh Baptist Church of Hayward, California and its pastor, Reverend Jesse L. Davis, Sr. on the 35th Anniversary of its founding.

On September 5, 1968, a small group of Christians met at the home of Emmett & Bernice Mason to organize a church. The Reverend Jesse L. Davis accepted the charge and was installed as Pastor of Shiloh Baptist Church by Adolph Kelly, Pastor of Macedonian Baptist Church in Milpitas, California.

Shiloh Baptist's first facility was shared with Indian Baptist Church on Arthur Street in Oakland. In its second year, Shiloh Baptist bought that building as well as the one adjacent. Additionally, an Assistant Pastor was ordained and appointed, the Reverend Porter Clewis. The old building was demolished in 1976 and a new one was dedicated in June of 1978, along with the Jesse L. Davis Educational building. The congregation outgrew its facility once more, and moved to its present location in Hayward in October, 1992.

Shiloh Baptist has been honored by the Southern Baptist Convention of California. Also, the Mass Choir has received the ''Church Choir of the Year Award'' at the 24th Annual Gospel Academy Awards. Sister Doria Cummins-Lewis was awarded ''Director of the Year.''

Among the ministries Shiloh Baptist has organized are Angel Tree (part of Prison Ministry), Street Witnessing, Feeding Program, Tutorial Program, Singles Ministry, Sisters of Excellence Women's Ministry, Alpha & Omega Drama and Dance Troupe. Together they have changed the lives of many people for the better.

Since its inception, Shiloh Baptist's rise has mirrored that of its leader, Reverend, Jesse L. Davis, Sr. Reverend Davis was born in Louisiana in 1937 and will celebrate his 66th birthday on June 11. He attained an Associate of Arts Degree at Merritt College before graduating the Bay Cities Bible Institute, both in Oakland. He later attended the Golden Gate Baptist Theological Seminary in Mill Valley and had an honorary Doctor of Divinity Degree conferred upon him by the University of Biblical Studies at Burbank, California.

In addition to his guidance of Shiloh Baptist for the past 35 years, Jesse has been a Lay Evangelism School Teacher with the Southern Baptist General Convention of California, Vice-President and past President of the Baptist Pastor's and Minister's Conference of Oakland, Director of Christian Education for the Mt. Zion District Association, and Treasurer for the California Baptist State Convention.

Finally as we honor Shiloh Baptist Church and the esteemed Reverend Dr. Jesse L. Davis, Sr., we want to thank them on behalf of the entire 9th and 13th Congressional District for serving the greater Bay Area for 35 years. Reverend Davis and his wife, Sister Alma Davis, have shared their wisdom and been great community leaders. Due to their positive influence, their sons, Rev. Jesse L. Davis, II and Rev. Andrew Paul Davis have followed in their father's footsteps. Most of all, we thank them for their friendship and for their prayers.

I take great pride in joining friends, family, and the congregation to salute Shiloh Baptist Church and its leader, the extraordinary Pastor Jesse L. Davis, Sr.

HONORING SMALLWOOD DRIVE SCHOOL ON THE 50TH ANNIVERSARY OF ITS PRESENT LOCATION

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. REYNOLDS. Mr. Speaker, It is with great pleasure that I rise to pay tribute to the Smallwood Drive School for its excellence in pursuing its mission of ''Learning, Growing, and Changing'' in educating the children in its community. This year marks the fiftieth anniversary since the school's relocation to its current site on Smallwood Drive in Snyder, New York.

Smallwood Drive School was founded in 1813. On January 5th, 1952, a groundbreaking ceremony was held for the creation of a new campus. On June 21st, 1952, the cornerstone was laid of what is the current Smallwood Drive School. And in February of 1953, the first principal, George Brighton, opened the classroom wings.

Beyond providing students with an outstanding education, Smallwood Drive School has been looked upon as an innovative school—a pioneer on many educational fronts—such as learning style approaches and an inclusion program to serve children with special needs. The school has brought in authors, writers, and scientists, and planned special days centered on communication and science. The school has worked with numerous outside groups over the years including the Young Audience, the University of Buffalo, and the World University Games.

Smallwood Drive School has also developed a number of unique and fun traditions that greatly benefit the children, such as bicycle safety rodeos, annual concerts, gym shows, class plays, annual craft shows, ice-cream socials, and a 5th grade operetta.

On the whole, Smallwood Drive School provides an outstanding education and social environment in which children may learn, grow, and change—all for the better.

Mr. Speaker, I ask that this Congress join me in saluting the Smallwood Drive School as it marks its 50th Anniversary at its current location. For the past 50 years, Smallwood Drive School has excelled in educating our youth and made its surrounding community a better place.

MEMORIAL DAY BRAT FEST OF MADISON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the annual Memorial Day Brat Fest of Madison.

This event, run by locally owned Metcalfe's Sentry Foods, started in 1983 as a modest customer appreciation luncheon and grew into the huge city wide charity event that it is today. Over this past Memorial Day weekend, an impressive $26,252 was raised for charity. Since the founding in 1983, the Brat Fest has raised over $220,000 for the local charities whose members volunteer at the stands each Memorial Day.

This year, Brat Fest reached two amazing milestones. The first was a new record high of 123,520 brats sold, setting a new world record. One of these brats was the millionth brat sold for charity since the birth of the festival.

Not only is the event to be recognized for its contributions to local charities, but also for its promotion of community spirit and vitality. This event brings people from all backgrounds in the community together in support of local organizations. Wisconsinites are given the chance to interact with ''celebrity'' cashiers. Every year as a cashier I truly enjoy gathering with my constituents at Brat Fest, serving up brats, and making sure no one leaves hungry.

This form of positive community building is commendable and deserves recognition. I look forward to future Memorial Day Brat Fests and the service that they provide for the community.

TRIBUTE TO THE HONORABLE PETER RODINO ON HIS BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to honor my predecessor and one of the most outstanding members ever to serve in this body, the Honorable Peter Rodino, as he celebrates his 94th birthday on June 7th.

As Chairman of the House Judiciary Committee from the 93rd through the 100th Congress, former Representative Rodino set a standard for excellence which earned him a national reputation. While he is best known for presiding over the Watergate hearings with fairness, decorum, and a respect for history, he also had many other legislative accomplishments during his 40 years of service in the U.S. House of Representatives. He managed the historic 1966 Civil Rights Bill on the floor of the House. He was the author of the 1982 Voting Rights Act Extension and a leader in the successful effort to make Dr. Martin Luther King's birthday a national holiday.

Chairman Rodino has been honored with numerous international, national and local awards, including Pope John Paul II's Pro Ecclesia et Pontifice Award; the Democratic Council on Ethnic Americans' Democratic Ethnic Heritage Award for Leadership, and the Rutgers University Award. He has received honorary degrees from more than 15 colleges and universities, including Seton Hall, Princeton, Rutgers and Fairleigh Dickinson. He joined the Seton Hall Law School faculty in 1988.

Along with many others, as a youngster growing up and as a college student, I was inspired by Peter Rodino to enter public service. Many of us followed his work in Congress with great pride and admiration for his integrity and willingness to stand up for what was right. I was proud that he served as Chairman of a reception held in my honor during my reelection campaign for county office in 1976 at my alma mater, Seton Hall University.

It has been a privilege for me to serve in the Congressional seat once held by Representative Rodino. I am always aware that I have big shoes to fill in replacing such a legendary public servant.

I know that my colleagues here in the U.S. House of Representatives join me in sending best wishes for continued health and happiness to Chairman Rodino on his birthday.

TRIBUTE TO JOANNE CARLIN

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BROWN of Ohio. Mr. Speaker, it is my privilege to pay tribute to the life of Joanne Carlin, a lifelong resident of the Cleveland area, who died on May 14 after a courageous battle against cancer.

Joanne's giving spirit was shaped by her experiences growing up in Cleveland's Tremont area. A product of St. Augustine Catholic School, she eventually moved to Garfield Heights, where she graduated from high school.

Joanne owned and operated a beauty salon on Cleveland's west side. Her former customers praised her as a loyal and generous person.

She later sold her business and moved to Medina County to become a full-time homemaker. An excellent cook, Joanne enriched the lives of her family and friends as the consummate hostess during family gatherings and holidays.

Our hearts go out to her husband and best friend, James; her four stepchildren and three stepgrandchildren; and legions of family and friends who recall the memories of these gatherings and the tremendous influence Joanne had in their lives.

HONORING THE GREECE LITTLE LEAGUE ON ITS 50TH ANNIVERSARY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to pay tribute to the Greece Little League of Greece, New York, on the occasion of its 50th Anniversary.

Baseball has been America's pastime for over a century: a source of recreation and enjoyment for young and old alike.

Fifty years ago, the Greece Little League was created to serve young boys and girls in the Greece community. Today, the League serves 1,200 children and 1,000 families, and has extended its services to include softball and the Challenger Program, which allows physically and mentally challenged children to compete. The league provides a positive environment and a tremendous recreational opportunity for children of all ages and abilities.

Over the last half-century, America's pastime has been shared and enjoyed by many in the Town of Greece, thanks to the Greece Little League.

Mr. Speaker, I ask that this Congress join me in saluting the Greece Little League as it marks its 50th Anniversary.

TRIBUTE TO ERIE MAE BENDROSS: THE PE0PLE'S ADVOCATE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. MEEK of Florida. Mr. Speaker, I want to bring to the attention of my colleagues the passing of Ms. Erie Mae Bendross, a compassionate, caring and tireless community activist who passed away last Saturday, May 31st.

Ms. Bendross was a native of Miami and long-time resident of the Liberty City and Wynwood neighborhoods. She attended Tuskegee University in Alabama and worked as a dietician in many area hospitals. She was also a devoted choir member at St. Luke's Missionary Baptist Church. But it was in community action where her talents truly shown.

Erie Mae Bendross leaves behind a legacy of achievement and inspiration, for she is an example of what caring and commitment can accomplish. Only three years ago, Ms. Bendross joined the community-based organization LIFFT, Low Income Families Fighting Together, a grassroots organization of public housing residents, low-wage workers and welfare recipients. She quickly became a leader of the organization.

As a resident of the Liberty Square public housing development, she first became active in the fight to ensure affordable and decent housing opportunities for all people, regardless of their incomes.

Ms. Bendross firmly believed in the power of organization. In 2001, Bendross played a key role in saving Liberty Square Homes, or the Pork and Beans, from demolition and the displacement of hundreds of families. Her organization also exposed the county's public housing vacancies crisis as well as improved the living conditions of elderly public housing developments. Most importantly, she played a key role in developing other leaders in the community to build the organization and continue the struggle against racism and poverty.

Ms. Bendross dedicated herself to the fight against poverty and discrimination locally, nationally and internationally. Through her work in LIFFT and in association with several other organizations, including the Community Coalition to Fix HOPE VI, including the ACLU of Miami, NAACP, African American Council of Christian Clergy, Miami-Dade Black Affairs Advisory Board and other civil rights organizations. As a LIFFT leader, she supported the work of the Haitian Women of Miami, Miami for Peace Coalition, Coalition of Immokalee Farmworkers, Brothers of the Same Mind, and countless other social justice movements in the county.

Nationally, Ms. Bendross worked with other low-income, community-based grassroots organizations and leaders in California and Washington, DC on issues of fair trade, jobs and income supports for low-wage workers, opposing the war, fighting budget cuts, and the unethical treatment of workers. Her work on low income housing was widely recognized. Internationally, in January, Ms. Bendross represented LIFFT as part of the United States delegation to World Social Forum in Porto Alegre, Brazil.

Our community is better for the efforts of Erie Mae Bendross. She is survived by her mother, Martha Bendross, her brother, Willie

Bendross, and her son and daughter-inlaw Eric and Angela Bendross. They have our deepest sympathy, and our hearts go out to them for their loss.

CONGRATULATIONS TO DR. VICTOR J. CONNORS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to Dr. Victor J. Connors from Middleton, WI. On June 21, 2003, in San Diego, CA, optometrists from around the Nation will elect my constituent, Dr. Connors, as the 82nd president of the American Optometric Association. Dr. Connors' enthusiasm and contributions to his profession have earned him this prominent recognition.

Dr. Connors has an impressive record in his profession at the local, State and national level demonstrating his leadership in the field of optometry. He served as president of the Wisconsin Optometric Association in 1987 and was recognized as our State's Optometrist of the Year in 1990. Dr. Connors has also served as the president of the North Central States Optometric Council and was elected to the American Optometric Association's board of trustees in 1997.

In addition to his extraordinary leadership in his profession, Dr. Connors has been an energetic leader in many civic organizations. He has served as president of the Middleton Optimist Club, chairman of the Middleton Park, Recreation and Forestry Commission, chairman of the Middleton Police Commission, president of the Middleton Area Development Corporation, president of the Middleton Chamber of Commerce, president of the Middleton Good Neighbor Festival and president of the church council at St. Andrew Lutheran Church in Middleton.

Dr. Victor J. Connors' vast achievements and commitment to public service have led him to develop a distinguished record of leadership in his profession and his community. It is evident that his dedication and motivation will allow him to have a successful term as president of the American Optometric Association. I join his many friends, colleagues and his wife, Becky, and children, Sara, Colleen and Colin in congratulating him and wishing well as the new president of the American Optometric Association.

IN SUPPORT OF H.R. 2286, THE WORKING FAMILIES TAX CREDIT ACT OF 2003

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BELL. Mr. Speaker, my colleagues on the other side of the aisle tout ''No Child Left Behind'' when in actuality they deliberately choose to leave millions of children behind. Last week, President Bush signed a new law that would provide tax cuts of $93,500 to the 200,000 taxpayers making over $1 million. Fifty three percent of all taxpayers would get less than $100 under the GOP law. Here is another example of the Administration choosing the wealthiest over America's working families.

What is even more egregious is that the Administration chose not to provide or increase the child tax credit to working families making between $10,500 to $26,625 per year. Mr. Speaker, Republicans in the Senate dropped a provision, added by Senator LINCOLN, that would have helped nearly 12 million children and their families get a tax credit. Out of that 12 million, a staggering 8 million receive no child tax credit under the GOP law.

Mr. Speaker, their plan in no way, shape or form protects the children that need it the most. Instead, their plan deliberately excludes these children. In actuality, the Republican plan should be called the ''Plan to Leave Children Behind.''

This is why I urge my colleagues to support H.R. 2286, the Rangel-Davis-DeLauro bill. I am proud to be a co-sponsor of this bill. This is a great start to repairing the damage inflicted by the Administration's reckless and negligent tax package. H.R. 2286 would restore the child tax credit to families making minimum wage by providing greater tax relief to working families. Nineteen million children and their families will benefit from this bill. In fact, over 2 million children in my home state of Texas would benefit under Rangel plan.

In addition to the child tax credit, H.R. 2286 would create more jobs. The provisions in this bill are key elements of the House Jobs and Economic Growth package and will create more than 1 million jobs without adding one penny to the deficit. Lastly, this bill has key elements that would ensure our brave men and women in uniform are not denied tax relief just because they are on active duty.

Mr. Speaker, I urge my colleagues to support H.R. 2286—this tax plan is fair—it helps: America's economy, America's men and women in uniform and America's working families. Most importantly, this child tax credit helps America's children by leaving no child behind.

THE INCLUSIVE HOME DESIGN ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to announce that today I am reintroducing the Inclusive Home Design Act. I want to thank my colleagues BARBARA LEE and LOUISE SLAUGHTER for joining me today as original cosponsors of this legislation. I hope that all of my colleagues on both sides of the aisle will join us. I also want to thank my friend Marca Bristow of Access Living for her dedication and outstanding leadership. Finally, I want to offer my gratitude to all of the architects and community leaders who worked with me to craft this legislation. The Inclusive Home Design Act will greatly increase the number of homes that are accessible to people with disabilities. It is supported by the Paralyzed Veterans of America and countless other national and local disabilities rights organizations.

The Inclusive Home Design Act requires all newly-built single family homes receiving federal funds to meet three specific standards: an accessible route, or ''zero step,'' into the home, ″32″ clearance doorways on the main level, and one wheel chair accessible bathroom. These nationally mandated standards for homes built with federal dollars will close a major loophole in our current housing laws.

Under current law, 95 percent of federally supported homes do not have to meet any accessibility standard. This creates unnecessary barriers for disabled veterans and other people with mobility impairments. It defies logic to build new homes that block people out when it's so easy and cheap to build new homes that let people in. Many states and localities have already incorporated visitability standards. This list includes Naperville, Bollingbrook, and Champagne, Illinois, Atlanta, Vermont, Texas, Kansas, Arizona and others. Also the United Kingdom passed a law in March 1998 mandating that every new home become accessible. A federal law will build on the momentum that has already been created here and abroad.

The proposed legislation is based on the concept of Visitability, an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. Architects and builders will have latitude in how they comply with the act. For example, the zero step entrance can be placed at the front, side, or back of the home. The accessible route can even go through an attached garage.

When homes are accessible, it benefits not only today's disability community, but also all of us who are friends and family members of people with disabilities. Often, the prohibitive cost of making an existing home accessible deprives seniors of their independence and pushes them into nursing homes. It generally costs thousands of dollars for a homeowner to retrofit their home. However, on average experts estimate that it only costs $300 to $400 to add visitability features into a new home. In addition, the zero step entrance requirements can be waived if the terrain makes compliance impractical.

By making new homes accessible, we guarantee that many seniors can age at home instead of moving into expensive assisted living facilities. This will save taxpayer money and it will help improve the quality of life of our senior citizens. As the population becomes older, this will become more important. Fifty-eight percent of people over eighty years old suffer from physical impairments. In 2000, there were 30.5 million people between 65–84 years old. This number will grow to 47 million by 2020. Today, over 4.3 million individuals are over 85. By 2020, this number is projected to grow to 6.8 million. There is no question that the Inclusive Home Design Act will enable many of our seniors to remain at home.

Homes that meet visitability standards are essential for people with disabilities and sensible because 3 out of 10 people will face a disability before they are 67, practical, and cost effective. I am looking forward to working with my colleagues to pass this legislation, the Inclusive Home Design Act, into law.

TRIBUTE TO CONNIE ANN VEILLETTE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. REGULA. Mr. Speaker, I rise today to recognize Connie Veillette for her 20 years of dedicated public service in my Washington, D.C. office and to the people of Ohio's 16th Congressional district.

Connie began her career in my office just after completion of her college degree from Ohio University in 1982. Over the next 20 years, she became a vital member of my office staff, handling policy issues as diverse as foreign affairs and transportation. Connie also served as a key staff person handling Appropriations Subcommittee work in my office. Over the past 10 years, Connie has served as my Chief of Staff. In this role she managed the Washington office and oversaw the District offices, she acted as my principal policy advisor and continued to advise me on foreign policy matters, she served as my press secretary and coordinated all Ohio Delegation matters. During her tenure in my office I have valued her excellent management skills and relied on her good judgment with regard to policy and political matters.

During her tenure in my office, Connie also served as the Congressional manager of the Congress-Bundestag exchange, a 20 year program that promotes greater understanding of the U.S. legislative process and the German parliamentary system. This vital exchange program has allowed hundreds of Congressional staffers to visit Germany and hundreds of German Parliamentary staff to visit the U.S. The program has allowed participants to gain insights into our different political systems and to develop personal and professional relationships that benefit both nations.

Throughout her service in my office, Connie pursued her higher education goals, completing both a Master's Degree and most recently completing course work toward her Ph.D. in Political Science from the George Washington University. We were very proud when she completed her doctoral exams with distinction. These experiences have enabled Connie to develop an expertise in Latin American affairs which she will use in her new position as Analyst for Latin America with the Congressional Research Service.

We are glad that she has not traveled far and that we will still be able to call on her excellent research and analytical skills as will all Members and staff in Congress. We wish her much success in her new endeavors.

CONGRATULATIONS TO DR. RALPH NURNBERGER, RECIPIENT OF GEORGETOWN UNIVERSITY'S EXCELLENCE IN TEACHING FACULTY AWARD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. PAYNE. Mr. Speaker, I would like to ask that my colleagues here in the U.S. House of Representatives join me in congratulating a highly respected and accomplished professor, Dr. Ralph Nurnberger, on being selected as the recipient of the Excellence in Teaching Faculty Award at Georgetown University. Dr. Nurnberger received this outstanding honor at the University's 2003 commencement ceremonies.

For over 2 decades, Dr. Nurnberger has taught courses in the Liberal Studies Degree Program focusing on an array of issues including American foreign policy, congressional relations, and international affairs. Most recently, he has been teaching a course on the aftermath of September 11, considering the domestic and international ramifications for the United States. His teaching has been marked with extensive experience in domestic and international affairs. Dr. Nurnberger has held positions with former Senator James Pearson, the Senate Foreign Relations Committee, the American Israel Public Affairs Committee, the Center for Strategic and International Studies and the U.S. Department of Commerce. He currently holds the position of Counsel with the law firm Preston Gates Ellis and Rouvelas Meeds.

Following the signing of the Oslo Accords, Dr. Nurnberger was appointed to the position of Executive Director of the organization ''Builders for Peace'' to assist the Arab-Israeli peace process. Also an accomplished writer, his articles have appeared in The Washington Post, The Washington Times, Christian Science Monitor, Baltimore Sun and numerous journals.

Dr. Nurnberger is popular with students because of his reputation as an insightful educator who promotes lively and thought-provoking discussions encouraging the expression of all points of view.

Mr. Speaker, I ask that we here in the U.S. House of Representatives join Georgetown University in commending Dr. Ralph Nurnberger for his excellence in teaching and congratulate him on receiving such a prestigious award.

TRIBUTE TO CHARLIE PARKER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to honor the career of my friend and eastern Kentucky native Charlie Parker, president and CEO of Buckhorn Children's Foundation. Charlie is retiring after 21 years of service to the children and families of Kentucky. It is only fitting to take this opportunity to recognize all that he has accomplished.

Buckhorn Children's Foundation's mission is to alleviate the suffering of children and families and bring hope to otherwise hopeless lives in Appalachia. Through a variety of programs, Buckhorn has helped thousands learn about themselves, feel pride in who they are, and become successes in life. Although they actively seek out the most troubled of our youth, Buckhorn can boast of an over 70 percent success rate, which is far above the national average.

Coming on board in 1982, Charlie took over Buckhorn's one residential campus with a budget of $650,000. Under his vision and leadership, that one residential campus has grown to three with a budget of $18 million. Its reach has extended beyond the hills of Eastern Kentucky into more urban areas. Without question, this would never have been accomplished were it not for the tireless efforts of Charlie.

While we have taken much time recently to recognize our heroes that have defended our freedom abroad, we must also recognize our heroes at home. I know that the many young people that Charlie has positively affected consider him a hero, as do I. Thank you, Charlie, for giving young people one of the greatest gifts of all—a future.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, June 5, 2003, to vote on Roll Call Vote Numbers 243, 244, 245, 246, 247, and 248 due to a family medical emergency.

Had I been present, I would have voted:

NO on Roll Call Vote Number 243 on Ordering the Previous Question on H. Res. 256, Providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes;

NO on Roll Call Vote Number 244 on Ordering the Previous Question on H. Res. 258, providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes;

NO on Roll Call Vote Number 245 on H. Res. 258, providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes;

AYE on Roll Call Vote Number 246 on H. R. 1474, Check Clearing for the 21st Century Act;

AYE on Roll Call Vote Number 247 on S. 222, Zuni Indian Tribe Water Rights Settlement Act of 2003; and

AYE on Roll Call Vote Number 248 on S. 273—Grand Teton National Park Land Exchange Act.

TRIBUTE TO IMMANUEL UNITED METHODIST CHURCH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. LEVIN. Mr. Speaker, I rise today to recognize the designation of Immanuel United Methodist Church in Roseville, Michigan as a Michigan Historical Site. The site will be dedicated on Sunday, June 8, 2003, when the Michigan Historical Marker is officially unveiled at the church.

The criteria for becoming a Michigan Historical Site are strict. A site must possess integrity of location, design, materials, and workmanship. Additionally, a property's historical significance must reflect the distinctive characteristics of a type, period, or method of construction.

The Immanuel United Methodist congregation has continuously ministered to this community for over 153 years. The congregation was established in November 1849 and moved to its present location in 1933. This Neo-Gothic sandstone church was designed by Merritt and Cole of Detroit and was dedicated on November 5, 1933.

Many changes and improvement have been made to the church over the years. A thirteen room educational unit was added in 1956, and the existing rooms were refurbished to create a beautiful new church parlor. The church was also renovated in 1997 to include facilities for the physically handicapped. The new structure addition was named Peace Memorial Lobby in honor of the merger of Peace United Methodist Church with Immanuel in 1996.

Mr. Speaker, I ask my colleagues to join me in congratulating the leadership and the entire congregation at Immanuel United Methodist Church, as they celebrate this important designation as a Michigan Historical Site.

CONDEMNING THE ATTACKS AGAINST AUNG SAN SUU

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. BROWN of Ohio. Mr. Speaker, I condemn the attacks by Burma's brutal military regime against 1991 Nobel Peace Prize recipient Aung San Suu Kyi (Chee) and her party, the National League for Democracy.

The NLD and its members are the rightfully elected leaders of Burma. For 13 years the military rulers of Burma have suppressed their people and ignored the results of the 1990 elections.

Burma's military regime must not be permitted to attack, murder, imprison, and torture its people with impunity.

Now is the time for the United States to increase pressure against this regime. Now is the time for Congress and the administration to ban imports from Burma and freeze their assets.

I am disappointed in the silence of the Asia Bureau at the U.S. State Department over the past month.

While human rights groups have sought to bring to their attention the need to increase pressure on this regime, the Bureau has done nothing.

Now Miss Kyi (Chee) is once again being illegally detained against her will, ''for her own protection,'' as the military has termed it. The Asia Bureau sticks to its indefensible position of doing nothing.

Now is the time for Congress to act.

RECOGNIZING AND COMMENDING ALL WHO PARTICIPATED IN AND SUPPORTED OPERATION ENDURING FREEDOM IN AFGHANISTAN AND OPERATION IRAQI FREEDOM IN IRAQ

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. SOUDER. Mr. Speaker, yesterday, with the passage of H. Con. Res. 177, the House paid tribute to the unwavering dedication of the men and women who serve America as members of the armed forces. In addition to the professional soldiers, sailors and Marines who are risking their lives throughout the world, thousands of reservists have interrupted their lives to answer their nation's call. In my district alone, nearly 650 members of the 1st Battalion 293rd Infantry Division of the Indiana National Guard are currently serving in Iraq.

Whether active or reserve, at home or abroad, members of America's Armed Forces accept their difficult mission and carry out their duty with unparalleled skill, courage and dedication. We owe them our gratitude.

In the aftermath of September 11, 2001, American forces displayed their incomparable skills and adaptability across the rugged terrain of Afghanistan, where they confronted and defeated forces that had threatened the security of the free world. More recently, when called to free the Iraqi people from the rule of an evil despot, the United States Armed Forces performed among the most daring, well-executed military missions in the history of warfare. In both instances, when detractors claimed that the United States would become mired in untenable situations, our military devised strategies to obtain the stated objectives with minimal casualties or collateral damage and then proceeded to unleash the focused force of America's soldiers to carry out decisively the task of victory.

Tragically, as the war on terrorism carries American forces throughout the world to continue the battle for liberty, many of our young men and women will not return. Among them, Lance Corporal David K. Fribley of the United States Marine Corps, originally from Atwood, Indiana, in my district, was killed in the opening days of Operation Iraqi Freedom in an ambush near An Nasiriyah, Iraq. At that time, I rose in the House to pay tribute to this courageous young man, and I would like to express once again the nation's eternal thanks to those like Lance Corporal Fribley who make the greatest of sacrifices for our nation and our freedom.

FULLY FUND THE NO CHILD LEFT BEHIND ACT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce legislation to right a terrible wrong that has been perpetrated on our schools and our children in this country.

Last Congress, we passed and the President signed into law, the No Child Left Behind Act (NCLB). I voted for that bill because the Administration promised historic new investments to facilitate education reforms and dramatically improve educational performance in this country.

Unfortunately, that promise has been broken. The Administration has refused to fund its own program and is cutting billions from NCLB. In this year's budget request alone, the Administration is proposing to shortchange NCLB by $9.7 billion. Over the first three years of the new law, the Administration cuts $20 billion from the funds that are needed to make NCLB work.

Without the promised federal funds, states and mostly localities will be forced to bear the brunt of these tough new requirements. In North Carolina and across the country, the state budget and those in our counties, towns and cities are in fiscal crisis. The administration's education cuts to NCLB will cruelly punish our children by withholding funds needed to achieve these tough new requirements. And without the promised funding NCLB will become a massive unfunded mandate on our local governments that could lead to higher property taxes, cuts in vital services like police, fire and rescue and roads. Or both.

Mr. Speaker, a promise is a promise and a deal is a deal. Because the Administration has demonstrated its unwillingness to live up to its side of the bargain and provide necessary funding, Congress should rescind its authority to implement the reforms until those funds are forthcoming.

Today, I am introducing legislation that I have been working on for several months to accomplish just that. My bill, the Fully Fund the Leave No Child Behind Act requires the federal government to fully fund NCLB or the requirements in the statute are suspended for the year in which full funds are not provided. My bill specifies Title I and Title II of NCLB, which deal with school assessments and teacher training requirements respectively. My bill does not apply to sections of NCLB on Limited English Proficient Education, 21st Century Schools, public school choice, Impact Aid and other important provisions.

Let me state that I continue to support the goals of NCLB. As the former Superintendent of North Carolina's public schools, I have led the fight for standards based education reform in the state that is widely recognized as the national leader in that effort. I want to make sure NCLB works so that every school in this country is a quality learning environment for our children. This legislation is an effort to hold the Administration's feet to the fire to make sure that its record matches its rhetoric.

Mr. Speaker, Congress must ensure that the federal government honor its commitments to our nation's children. I urge my colleagues to join me in support of this vital legislation.

CONGRATULATIONS DR. GARY E. JONES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Assistant Superintendent Dr. Gary E. Jones of the School City of Hammond on his retirement. Dr. Jones has made many distinguished contributions to the City of Hammond and all of Northwest Indiana during his 41 years of dedicated service.

Dr. Jones earned his bachelor's degree in education at Youngstown State University, and then went on to earn his master's degree and Doctorate in education from Indiana University, Bloomington. He began his career in education in 1962 as the Administrative Assistant to the Superintendent of Schools in the Geneva Area School System in Ohio. He has been involved as a principal in the Hammond School System from 1976 through 1986. He was the first person to ever be awarded the Outstanding Principal award for his notable achievements. He has served as the Assistant Superintendent for Hammond Schools since 1986. His history of service to the education of our youth is apparent in all facets of his prestigious career.

Of the many outstanding accomplishments made by Dr. Jones, one of his proudest contributions has been the amazing vision of a robotics program that brought about the design of Team Hammond. Team Hammond has competed competitively at the US FIRST National Competition for the past several years. US FIRST is an organization dedicated to motivating America's youth about science, technology, and engineering through hands-on methods. The program involves a unique blend of problem solving and competition that prepares students for real world situations. Through his sincere and honorable service to the students of Hammond, Dr. Jones has been a guiding light to the Northwest Indiana community.

Dr. Jones has not only served his community through his educational accomplishments, but he has also positively contributed in other ways by being a dedicated member of various community service organizations such as the Woodmar Kiwanis Club, the Hammond Board of Health, the Public Improvements Task Force, and Lake Area United Way to name just a few. He is also a ten-year member of the PTA Executive Committee and has received the PTA National Life Membership Award, which was presented to him by the Hammond Council of PTA's. He has received many awards that exemplify his dedication and leadership to the Hammond community. He is a member of the Indiana Congress of Parents and Teachers, as well as a recipient of the Outstanding Volunteer Service Award.

Mr. Speaker, Dr. Jones has contributed graciously to not only the youth of Hammond, but also to the entire Northwest Indiana community. His dedication and devotion to the youth of our nation is a goal we should all strive to achieve. I respectively ask that you and my other distinguished colleagues join me in congratulating Dr. Jones on his retirement. His valiant effort to educate the youth of Northwest Indiana is most commendable, and will be truly remembered.

IN MEMORY OF MICHAEL J. HANDY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. FOSSELLA. Mr. Speaker, earlier this week New York City suffered a blow with the untimely death of Mike Handy. He leaves behind his wife, Edna Wells-Handy, and four daughters. He was 55.

Mike served as Director of Veterans Affairs for New York City, a position he held under Mayors Ed Koch, David Dinkins, Rudy Giuliani and Mike Bloomberg. Professionally he had earned a great deal of respect, but it was his personal dealings with veterans, colleagues and friends that had earned him so much love. He will be very much missed.

A veteran of Vietnam, he served as a ''Quick Reaction Team'' leader (with a rank of E–5) and was a .50 Caliber Machine Gun Instructor at Phu Cat.

He was active in veterans affairs for nearly 30 years, acquiring more than 50 honors and awards from city, State and Federal levels. He was a member of the American Legion, the Catholic War Veterans, the Navy League, an honorary member of the New York Society of Military & Naval Officers, and a member of the Veteran Corps of Artillery.

Mike led New York City's fight to save the Times Square Recruiting Station and then chaired a City/Army Corps of Engineers Task Force to facilitate its renovation.

In 1991, he was appointed to the Operation Welcome Home Commission, which organized what was at the time the largest Ticker Tape Parade in the city's history. In 1995, he was the Mayor's representative for the ''Nation's Parade'' NYC tribute to the 50th anniversary of World War II. He was the Mayor's representative for seven of thirteen ''Fleet Week'' celebrations in New York City.

Without fanfare, Mike helped thousands of veterans. He did this not for credit but to help his comrades-in-arms who were in need. His is a loss not only for New York, but for the Nation as well. He will be missed.

ALL AMERICAN CITY AWARD

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2003

Mr. WELDON of Florida. Mr. Speaker, I rise today to congratulate the residents of Palm Bay, Florida Since 1949 the National Civic League has recognized great American cities from across the Nation. Palm Bay is among the 30 finalists that will compete for the title of ''All American City.''

An All American City is a city that has addressed community issues through the strong collaborative efforts of its citizens. It is no surprise to me that Palm Bay, my hometown for many years, has been selected as a finalist for this honor.

During the 1980s, Palm Bay's population more than tripled from just 18,560 to 62,540. Then in the early '90s the General Development Corporation declared bankruptcy. Although this could have had a stagnating effect on city development, Palm Bay's grassroots rose to the occasion. Deteriorating infrastructure and poorly groomed public areas have been replaced by better roads, new parks and recreation areas, a community pool, the renewal of the U.S. 1 corridor and the continued efforts of ''Keep Brevard Beautiful'' and the Marine Resources Council.

The All American City competition specifically seeks cities in which key civic projects are community and citizen driven. Palm Bay certainly has an abundance of community driven projects and organizations. These include the Volunteer Citizen Observer Program started in 1995 and the more than 100 Palm Bay Citizens who dedicate their time who assist the Palm Bay police force as volunteers.

Next week nearly 100 residents of Florida's 15th district will travel here to Washington, DC to compete for the 54th Annual ''All American City'' Award. City employees, elected officials, activists, pastors, school children and other Palm Bay citizens will have an opportunity to share just a small piece of Palm Bay with the National Civic League. I commend the city and its citizens for all of the hard work that has made Palm Bay the wonderful place that it is today. I wish these delegates the best as they represent all of the great Floridians living in Palm Bay.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 1308, Child Tax Credit.

House passed H.R. 1474, Check 21 Act.

House agreed to H. Con. Res. 190, to establish a Joint Committee to Review House and Senate Rules Pertaining to the Continuity of Congress.

House passed S. 222, Zuni Indian Tribe Water Rights Settlement Act and S. 273, Grand Teton National Park Land Exchange Act—clearing the measures for the President.

Senate

Chamber Action

Routine Proceedings, pages S7417–S7509

Measures Introduced: Eighteen bills and two resolutions were introduced, as follows: S. 1188–1205, and S. Res. 160–161. **Page S7476**

Measures Reported:

S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner. **Page S7476**

Measures Passed:

Child Tax Credit: Senate passed H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, after agreeing to the following amendments proposed thereto: **Pages S7449–59**

By 94 yeas to 2 nays (Vote No. 210), Grassley Amendment No. 862, in the nature of a substitute. **Pages S7449–56**

Grassley/Lincoln Amendment No. 863, to amend the title. **Page S7459**

Senate insisted on its amendments, requested a conference with the House of Representatives thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Grassley, Nickles, Lott, Baucus, and Lincoln. **Page S7509**

Commemorating the Life of Al Lerner: Senate agreed to S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner. **Pages S7507–08**

Commending Clemson University Men's Golf Team: Senate agreed to S. Res. 161, commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship. **Page S7508**

Energy Policy Act: Senate continued consideration of S. 14, to enhance the energy security of the United States, taking action on the following amendments proposed thereto: **Pages S7421–49, S7459–62**

Adopted:

Boxer Amendment No. 854 (to Amendment No. 850), to promote the use of cellulosic biomass ethanol derived from agricultural residue. **Pages S7421–23, S7444**

By 68 yeas to 28 nays (Vote No. 209), Domenici (for Frist) Amendment No. 850, to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence. **Page S7447**

Domenici (for Bingaman) Amendment No. 860 (to Amendment No. 840), to reauthorize LIHEAP, weatherization assistance, and State energy programs. **Pages S7448–49**

Domenici/Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program (LIHEAP), weatherization assistance, and State energy programs.

Rejected:

By 26 yeas to 69 nays (Vote No. 207), Schumer/Clinton Amendment No. 853 (to Amendment No. 850), to exclude Petroleum Administration for Defense Districts I, IV, and V from the renewable fuel program. **Pages S7442–43**

By 38 yeas to 57 nays (Vote No. 208), Boxer Amendment No. 856 (to Amendment No. 850), to provide for equal liability treatment of vehicle fuels and fuel additives. **Pages S7423–32, S7443–44**

Withdrawn:

Domenici (for Gregg) Amendment No. 841 (to Amendment No. 840), to express the sense of the Senate regarding the reauthorization of the Low-Income Home Energy Assistance Act of 1981. **Pages S7448–49**

Pending:

Campbell/Domenici Amendment No. 864, to replace ''tribal consortia'' with ''tribal energy resource development organizations''. **Pages S7459–62**

A unanimous-consent-time agreement was reached providing that on Tuesday, June 10, 2003, when the Senate considers the Wyden/Sununu amendment relative to commercial nuclear power plants, there be 2 hours equally divided; that no amendments to the amendment or the language proposed to be stricken be in order prior to the vote on or in relation to the amendment; and that the amendment remain debatable and amendable, if not disposed of.

A unanimous-consent agreement was reached providing for further consideration of the bill at 1 p.m., on Monday, June 9, 2003. **Page S7509**

Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit at 5:15 p.m., on Monday, June 9, 2003, with 30 minutes of debate, to be followed by a vote on confirmation of the nomination to occur at 5:45 p.m. **Page S7507**

Nominations Confirmed: Senate confirmed the following nominations:

Peter D. Keisler, of Maryland, to be an Assistant Attorney General. **Page S7509**

Nominations Received: Senate received the following nominations:

Karin J. Immergut, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

Lance Robert Olson, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard. **Page S7509**

Messages From the House: **Page S7474**

Measures Referred: **Page S7474**

Executive Communications: **Pages S7474–76**

Executive Reports of Committees: **Page S7476**

Additional Cosponsors: **Pages S7477–78**

Statements on Introduced Bills/Resolutions: **Pages S7478–97**

Additional Statements: **Pages S7472–73**

Amendments Submitted: **Pages S7497–S7506**

Authority for Committees to Meet: **Pages S7506–07**

Privilege of the Floor: **Page S7507**

Record Votes: Four record votes were taken today. (Total—210) **Pages S7443, S7443–44, S7447, S7456**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:47 p.m., until 12 noon, on Monday, June 9, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7509.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings to examine proposed budget estimates for fiscal year 2004 for foreign operations, after receiving testimony from Andrew S. Natsios, Administrator, United States Agency for International Development.

AUTHORIZATION—DEFENSE PRODUCTION ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine proposed legislation authorizing funds for the Defense Production Act, focusing on its role in helping to obtain the goods and services needed to promote the national defense, after receiving testimony from Ronald M. Sega, Director, Defense Research and Engineering, and Suzanne D. Patrick, Deputy Under Secretary for Industrial Policy, both of the Department of Defense; Karan K. Bhatia, Deputy Under Secretary of Commerce for Industry and Security; R. David Paulison, Director, Preparedness Division, Emergency Preparedness and Response Directorate, Department of Homeland Security; and Denise Swink, Acting Director, Office of Energy Assurance, Department of Energy.

INTERCITY PASSENGER RAIL FINANCE

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine intercity passenger rail finance, focusing on existing and future Amtrak services, government and freight railroad subsidization, and a separate and sealed future high-

speed passenger rail corridor, after receiving testimony from Allan Rutter, Administrator, Federal Railroad Administration, Department of Transportation; Jeff Morales, California Department of Transportation, Sacramento; Robert Serlin, Rail Infrastructure Management, Phoenixville, Pennsylvania; Sonny Hall, Transportation Trades Department, (AFL–CIO), on behalf of the Transport Workers Union of America, and Edward R. Hamberger, Association of American Railroads, both of Washington, D.C.; and James Query, Lehman Brothers, Philadelphia, Pennsylvania.

TITLE XI MARITIME LOAN GUARANTEE PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded hearings on reform of the Title XI Maritime Loan Guarantee Program, which authorizes the Maritime Administration (MARAD) to assist private companies in obtaining financing for the U.S. construction of vessels or the modernization of U.S. shipyards, after receiving testimony from William G. Schubert, Administrator, Maritime Administration, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; and Thomas J. McCool, Managing Director, Financial Markets and Community Investment, General Accounting Office.

CLEAR SKIES ACT

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, focusing on emissions-control technologies and utility-sector investment issues, after receiving testimony from Randall S. Kroszner, Member Council of Economic Advisers; Larry S. Monroe, Southern Company, on behalf of Edison Electric Institute, and Margo Thorning, American Council for Capital Formation, both of Washington, D.C.; Steve Benson, University of North Dakota Energy and Environment Center, Grand Forks; Richard Bucher, W.L. Gore and Associates, Inc., Newark, Delaware; Denise L. Nappier, Connecticut State Treasurer, Hartford; Wes Taylor, TXU Energy North America, Dallas, Texas; Jim McGinnis, Morgan Stanley, New York, New York; Douglas G. Cogan, Investor Responsibility Research Center, Washington, D.C.; and Mark S. Brownstein, Enterprise Strategy, Newark, New Jersey, on behalf of the Public Service Enterprise Group and Clean Energy Group.

BUSINESS MEETING

Committee on Finance: Committee met and approved a proposal to extend expenditure authority for the aviation trust fund through September 30, 2006, and conform the expenditure purposes to include those obligations of the United States authorized by S. 824, Aviation Investment and Revitalization Vision Act (pending on Senate calendar).

NORTH KOREA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine the human rights situation in North Korea, focusing on social and religious control, access to food and health care, political prisoners, prison, and labor camps, after receiving testimony from Andrew S. Natsios, Administrator, U.S. Agency for International Development; Debra Liang-Fenton, U.S. Committee for Human Rights in North Korea, and Marcus Noland, Institute for International Economics, both of Washington, D.C.; Kongdon Oh Hassig, Institute for Defense Analysis, Alexandria, Virginia; Stephen W. Linton, Eugene Bell Foundation, Clarksville, Maryland; and Hae Nam Ji, North Korea.

Nominations:

Committee on Governmental Affairs: Committee concluded hearings to examine the nominations: of C. Stewart Verdery, Jr., of Virginia, to be Assistant Secretary for Policy and Planning, Border and Transportation Security Directorate, and Michael J. Garcia, of New York, to be Assistant Secretary for the Bureau of Immigration and Customs Enforcement, both of the Department of Homeland Security, after each nominee testified and answered questions in their own behalf.

TRIBAL FISH AND WILDLIFE MANAGEMENT PROGRAMS

Committee on Indian Affairs: On June 4, 2003, Committee concluded oversight hearings to examine the status of tribal fish and wildlife management programs across Indian country, focusing on efforts of tribal governments to preserve and protect fish and wildlife resources, after receiving testimony from D. Robert Lohn, Regional Administrator, Northwest Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Hannibal Bolton, Chief, Division of Fish and Wildlife Management and Habitat Restoration, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; J. Mark Robinson, Director, Office of Energy Projects, Federal Energy Regulatory Commission, and Steven Wright, Administrator, Bonneville Power Administration, both of the Department of Energy;

Jim Wells, Director, Natural Resources and Environment Team, General Accounting Office; Olney Patt, Jr., Columbia River Inter-Tribal Fish, Portland, Oregon; Charles Wilkinson, University of Colorado School of Law, Boulder; Bill Frank, Jr., Northwest Indian Fisheries Commission, and Jim Anderson, Northwest Indian Fisheries Commission, both of Olympia, Washington; Dave Hererra, Skokomish Tribe, Shelton, Washington; Mel Moon, Quileute Tribe, Forks, Washington; Gary Aitken, Sr., Kootenai Tribe of Idaho, Spokane, Washington; and Terry Gibson, Shoshone Paiute Tribes of the Duck Valley Reservation, Owyhee, Nevada.

ASBESTOS LITIGATION

Committee on the Judiciary: On June 4, 2003, Committee concluded hearings to examine S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after receiving testimony from Senators Hagel and Murray; Laurence H. Tribe, Harvard University Law School, Cambridge, Massachusetts; James D. Crapo, National Jewish Medical Research Center, Denver, Colorado; Laura Stewart Welch, Center to Protect Workers Rights, Silver Spring, Maryland; John E. Parker, University of West Virginia Department of Medicine, Morgantown, West Virginia; Mark A. Peterson, Legal Analysis Systems, Thousand Oaks, California; Fred Dunbar, National Economic Research Associates, and Robert Hartwig, Insurance Information Institute, both of New York, New York; Eric D. Green, Boston University School of Law, Boston, Massachusetts; and Jennifer L. Biggs, Tillinghast-Towers Perrin, St. Louis, Missouri.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. Res. 116, commemorating the life, achievements, and contributions of Al Lerner; and

The nominations of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, J. Ronnie Greer, to be United States District Judge for the Eastern District of Tennessee, Mark R. Kravitz, to be United States District Judge for the District of Connecticut, and John A. Woodcock, Jr., to be United States District Judge for the District of Maine, and R. Hewitt Pate, of Virginia, to be an Assistant Attorney General, David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States, and Harlon Eugene Costner, to be United States Marshal for the Middle District of North Carolina, all of the Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 47 public bills, H.R. 2344–2390; and 6 resolutions, H. Con. Res. 208–211, and H. Res. 260, 261, were introduced.

Pages H5042–45

Additional Cosponsors: **Pages H5045–46**

Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the Very Rev. Ernesto Medina, Provost, Episcopal Cathedral Center of St. Paul, Los Angeles, California.

Page H4981

Member Sworn—Nineteenth Congressional District of Texas: Representative-elect Randy Neugebauer presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier the Majority Leader asked unanimous consent that the Oath of Office be administered today after the Clerk of the House transmitted the unofficial results of the Special Runoff Election held on Tuesday, June 3 from Ann McGeehan, Director of Elections, State of Texas. **Page H4982**

Check Clearing for the 21st Century—Check 21 Act: The House passed H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system by yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 246.

Pages H4985–H5005, H5022

Pursuant to the rule the Committee on Financial Services amendment in the nature of a substitute now printed in the bill (H. Rept. 108–132) was considered as an original bill for the purpose of an amendment. **Page H5001**

Agreed to:

Hart amendment No. 1 printed in the Congressional Record that changes the short title to the Check Clearing for the 21st Century Act or the Check 21 Act. **Pages H5001–05**

Agreed to H. Res. 256, the rule that provided for consideration of the bill by voice vote. Earlier agreed to order the previous question by yea-and-nay vote of 220 yeas to 198 nays, Roll No. 243.

Pages H4995–96

Joint Committee to Review House and Senate Rules Pertaining to the Continuity of Congress: The House agreed to H. Con. Res. 190, to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people. The concurrent resolution was considered pursuant to the order of the House of June 4. **Pages H5005–12**

Rule Providing for Consideration of Senate Bills: The House agreed to H. Res. 258, the rule that provided for consideration of S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and S. 273, to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park by recorded vote of 229 ayes to 175 noes, Roll No. 245. Earlier agreed to order the previous question by yea-and-nay vote of 220 yeas to 194 nays, Roll No. 244. **Pages H5012–22**

Zuni Indian Tribe Water Rights Settlement Act: The House passed S. 222, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona by yea-and-nay vote of 389 yeas to 3 nays, Roll No. 247—clearing the measure for the President. **Pages H5023–28, H5029–30**

Grand Teton National Park Land Exchange Act: S. 273, to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park by yea-and-nay vote of 375 yeas to 4 nays, Roll No. 248—clearing the measure for the President. **Pages H5028–29, H5030–31**

Legislative Program: The Majority Leader announced the Legislative Program for the week of June 9. **Pages H5031–32**

Meeting Hours—Monday, June 9 and Tuesday, June 10: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 9 for morning hour debate; and further that when the House adjourns on Monday, it adjourn to meet at 10:30 a.m. on Tuesday, June 10, for morning hour debate. **Page H5032**

Calendar Wednesday; Agreed to dispense with the Calendar Wednesday business of Wednesday, June 5. **Page H5032**

Late Report: The Committee on Transportation and Infrastructure received permission to have until midnight on Friday, June 6 to file a report to accompany H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration. **Page H5032**

Senate Message: Message received from the Senate today appear on page H4981.

Referral: S. 1047, S. 1048, and S. 1049 were held at the desk. **Page H4981**

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H4995–96, H5021, H5021–22, H5022, H5029–30, and H5030. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:15 p.m.

Committee Meetings

COMMODITY FUTURES TRADING COMMISSION

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing on the Commodity Futures Trading Commission. Testimony was heard from James E. Newsome, Chairman, Commodity Futures Trading Commission.

"CONSUMER DIRECTED SERVICES: IMPROVING MEDICAID BENEFICIARIES' ACCESS TO QUALITY CARE"

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Consumer Directed Services: Improving Medicaid Beneficiaries' Access to Quality Care." Testimony was heard from Terry White, Secretary, Department of Elder Affairs, State of Florida; and public witnesses.

SECURITIES FRAUD DETERRENCE AND INVESTOR RESTITUTION ACT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing on H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003. Testimony was heard from Stephen M. Cutler, Director, Division of Enforcement, SEC; and public witnesses.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION EXTENSION; OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

Committee on Government Reform: Ordered reported the following bills: S. 858, to extend the Abraham Lincoln Bicentennial Commission; and H.R. 2086,

amended, Office of National Drug Control Policy Reauthorization Act of 2003.

WASTED SPACE, WASTED DOLLARS—REFORMING REAL PROPERTY

Committee on Government Reform: Held a hearing entitled ''Wasted Space, Wasted Dollars: Reform Federal Real Property to Meet 21st Century Needs.'' Testimony was heard from Steven Perry, Administrator, GSA; Linda Springer, Controller, Office of Federal Financial Management, OMB; Bernard Ungar, Director, Physical Infrastructure Issues, GAO; Mark Catlett, Principal Deputy Assistant Secretary, Management, Department of Veterans Affairs; Charles Williams, Director, Overseas Building Operations, Department of State; and a public witness.

OVERSIGHT—DEPARTMENT OF JUSTICE

Committee on the Judiciary: Held an oversight hearing entitled ''The United States Department of Justice.'' Testimony was heard from John Ashcroft, The Attorney General.

HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AMENDMENTS ACT

Committee on Science: Subcommittee on Environment, Technology, and Standards approved for full Committee action, as amended, H.R. 1856, Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003.

MANUFACTURING R&D: HOW CAN THE FEDERAL GOVERNMENT HELP?

Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on Manufacturing R&D: How Can the Federal Government Help? Testimony was heard from public witnesses.

OVERSIGHT—AIRCRAFT CABIN ENVIRONMENT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on The Aircraft Cabin Environment. Testimony was heard from John L. Jordan, M.D., Federal Air Surgeon, Office of Aerospace Medicine, FAA, Department of Transportation; John Howard, M.D., Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

BRIEFING—GLOBAL INTELLIGENCE UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

BIO-WARFARE THREATS

Select Committee on Homeland Security: Subcommittee on Emergency Preparedness and Response and the Subcommittee on Intelligence and Counterterrorism, joint hearing entitled ''Does the Homeland Security Act of 2002 give the Department the tools it needs to Determine Which Bio-Warfare Threats are Most Serious?'' Testimony was heard from the following officials of the Department of Homeland Security: Paul J. Redmond, Assistant Secretary, Information Analysis; and Eric Tolbert, Director, Response Division, Emergency Preparedness and Response Directorate.

Joint Meetings

ARMING ROGUE REGIMES

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine arming rogue regimes, focusing on the role of Organization for Security and Co-operation in Europe (OSCE) Participating States, after receiving testimony from John Robert Bolton, Under Secretary of State for Arms Control and International Security; Roman Kupchinsky, Crime and Corruption Watch and Radio Free Europe/Radio Liberty, Prague, Czech Republic; and Terence Taylor, International Institute for Strategic Studies—US, Washington, D.C.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 6, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold closed hearings to examine mission of the 75th Exploitation Task Force and the mission performed by the Iraq survey group related to Iraqi weapons of mass destruction and other issues, 10 a.m., S–407, Capitol.

Committee on Finance: to hold hearings to examine issues related to strengthening and improving Medicare, 10 a.m., SD–215.

Committee on the Judiciary: to hold hearings to examine the nomination of Eduardo Aguirre, Jr., of Texas, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security, 9:30 a.m., SD–226.

House

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on ''Elevation of the Environmental Protection Agency to Department Level Status: H.R. 37, and H.R. 2138 (Department of Environmental Protection Act),'' 10 a.m., 2154 Rayburn.

Select Committee on Homeland Security, hearing entitled ''Bioshield: Lessons from Current Efforts to Develop Bio-Warfare Countermeasures,'' 9 a.m., 345 Cannon.

CONGRESSIONAL PROGRAM AHEAD

Week of June 9 through June 13, 2003

Senate Chamber

On *Monday,* at 1 p.m., Senate will resume consideration of S. 14, Energy Policy Act. Also, at 5:15 p.m., Senate will consider the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, with 30 minutes of debate, to be followed by a vote on confirmation of the nomination to occur at 5:45 p.m.

During the balance of the week, Senate will continue consideration of S. 14 (listed above) and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 12, to hold hearings to examine the Department of Agriculture's implementation of the Agricultural Risk Protection Act of 2000 and related crop insurance issues, 10 a.m., SR–328A.

Committee on Armed Services: June 10, to hold closed hearings to examine certain intelligence programs, 9:30 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: June 10, to hold hearings to examine the Administration's proposal for reauthorization of the Federal Public Transportation Program, 10 a.m., SD–538.

June 12, Full Committee, to hold hearings to examine expanding homeownership opportunities, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: June 10, to hold hearings to examine reauthorization of the Federal Motor Carrier Safety Administration, 9:30 a.m., SR–253.

June 11, Subcommittee on Competition, Foreign Commerce, and infrastructure, to hold hearings to examine reauthorization of the Federal Trade Commission, 2:30 p.m., SR–253.

June 12, Full Committee, to hold hearings to examine global overfishing, 9:30 a.m., SR–253.

June 12, Subcommittee on Science, Technology, and Space, to hold hearings to examine issues relating to cloning, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: June 10, Subcommittee on National Parks, to hold hearings to examine S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, S. 546, to provide for the protection of paleontological resources on Federal lands, S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, S. 1060 and H.R. 1577, bills to designate the visitor center in Organ Pipe National Monument in Arizona as the ''Kris Eggle Visitor Center'', H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska, and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, 2:30 p.m., SD–366.

June 12, Subcommittee on Public Lands and Forests, to hold hearings to examine S. 434, to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes, S. 435, to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, S. 490, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, H.R. 762, to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts, S. 1111, to provide suitable grazing arrangements on National Forest System land to persons that hold a grazing permit adversely affected by the standards and guidelines contained in the Record of Decision of the Sierra Nevada Forest Plan Amendment and pertaining to the Willow Flycatcher and the Yosemite Toad, and H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, 2:30 p.m., SD–366.

Committee on Environment and Public Works: June 10, Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine the current regulatory and legal status of federal jurisdiction of navigable waters under the Clean Water Act, focusing on issues raised by the Supreme Court in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers No. 99–1178, 10 a.m., SD–406.

Committee on Foreign Relations: June 12, to hold hearings to examine repercussions of Iraq stabilization and reconstruction policies, 9:30 a.m., SD–419.

Committee on Governmental Affairs: June 11, Permanent Subcommittee on Investigations, to hold hearings to examine patient safety, focusing on instilling hospitals with a culture of continuous improvement, 9 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: June 11, business meeting to consider S. 648, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, proposed legislation entitled ''Greater Access to Affordable Pharmaceuticals Act'', and pending nominations, 10 a.m., SD–430.

June 12, Full Committee, to hold hearings to examine private sector lessons for Medicare, 10 a.m., SD–430.

June 12, Full Committee, to hold hearings to examine certain issues relative to TWA/American Airline workforce integration, 2 p.m., SD–430.

Committee on Indian Affairs: June 11, to hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, to be followed by hearings on S. 1146, to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota, 10 a.m., SR–485.

Committee on the Judiciary: June 11, to hold hearings to examine the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice, 9:30 a.m., SD–266.

June 11, Full Committee, to hold hearings to examine P2P file-sharing networks, focusing on personal and national security risks, 2 p.m., SD–226.

June 12, Subcommittee on Constitution, Civil Rights and Property Rights, business meeting to consider S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 9:30 a.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Armed Services, June 11, hearing on worldwide U.S. military commitments, 1 p.m., 2118 Rayburn.

Committee on Education and the Workforce, June 10, to mark up the following bills: H.R. 438, Teacher Recruitment and Retention Act of 2003; and H.R. 2211, Ready to Teach Act, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, June 10, Subcommittee and Air Quality, hearing entitled ''Natural Gas Supply and Demand Issues,'' 2 p.m., 2322 Rayburn.

June 11, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''The Reauthorization of the Federal Trade Commission: Positioning the Commission for the Twenty-First Century,'' 10 a.m., 2123 Rayburn.

June 11, Subcommittee on Telecommunications and the Internet, hearing on entitled ''The Spectrum Needs of Our Nation's First Responders,'' 11 a.m., 2322 Rayburn.

Committee on Financial Services, June 10, Subcommittee on Financial Institutions and Consumer Credit, hearing on Financing Employee Ownership Programs: An Overview, 2 p.m., 2128 Rayburn.

June 10, Subcommittee on Housing and Community Opportunity, to continue hearings on ''The Section 8 Housing Assistance Program: Promoting Decent Affordable Housing for Families and Individuals Who Rent,'' 10 a.m., 2128 Rayburn.

June 11, Subcommittee and International Monetary Policy, Trade, and Technology, hearing entitled ''Matching Capital and Accountability—The Millennium Challenge Account,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, June 10, Subcommittee on Government Efficiency and Financial Management, oversight hearing on ''Fixing the Financials—Featuring USDA and Education,'' 2 p.m., 2154 Rayburn.

June 10, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled ''Geospatial Information: A Progress Report on Improving Our Nation's Man-Related Data Infrastructure,'' 10 a.m., 2247 Rayburn.

June 11, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, to consider the following: The Citizen's Guide on Using the Freedom of Information Act and The Privacy Act of 1974 to Request Government Records, 2 p.m., 2154 Rayburn.

Committee on International Relations, June 10, hearing on Renewing OPIC and Reviewing Its Role in Support of Key U.S. Foreign Policy Priorities, 10:30 a.m., 2172 Rayburn.

June 10, Subcommittee on East Asia and the Pacific, hearing on Recent Developments in Southeast Asia, 1:30 p.m., 2172 Rayburn.

June 11, full Committee, hearing on The Middle East Peace Process at a Crossroads, 10:30 a.m., 2172 Rayburn.

June 11, Subcommittee on Europe, hearing on Renewing the Transatlantic Partnership: A View From the United States, 1:30 p.m., 2172 Rayburn.

June 11, Subcommittee on Western Hemisphere, hearing on Overview of Radio and Television Marti, 2:30 p.m., 2200 Rayburn.

Committee on Resources, June 12, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 1006, Captive Wildlife Safety Act; and H.R. 1472, Don't Feed the Bears Act of 2003, 10 a.m., 1324 Longworth.

Committee on Rules, June 9, to consider H.R. 2143, Unawful Internet Gambling Funding Prohibition Act, 5 p.m., H–313 Capitol.

Committee on Science, June 10, Subcommittee on Energy, hearing on The Future of University Nuclear Science and Engineering Programs, 10 a.m., 2318 Rayburn.

June 11, Subcommittee on Space and Aeronautics, hearing on U.S.-Russian Cooperation in Space, 10 a.m., 2318 Rayburn.

June 12, Subcommittee on Research, hearing on Plant Biotechnology Research and Development in Africa: Challenges and Opportunities, 10 a.m., 2318 Rayburn.

Committee on Small Business, June 11, hearing entitled ''Revitalizing America's Manufacturers: SBA Business and Enterprise Development Programs,'' 2 p.m., 2360 Rayburn.

June 12, Subcommittee on Tax, Finance, and Exports, hearing on the Chilean Free Trade Agreement, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, June 10, Subcommittee on Railroads, oversight hearing on New Technologies in Railroad Safety, 10 a.m., 2167 Rayburn.

June 11, Subcommittee on Water Resources and Environment, hearing on EPA Grants Management: Persistent Problems and Proposed Solutions, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, June 10, to continue hearings on past and present efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

June 11, Subcommittee on Benefits, hearing on the following bills: H.R. 886, to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; H.R. 1167, to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; H.R. 1500, Veterans' Appraiser Choice Act; H.R. 1516, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; and H.R. 2163, 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, 10:30 a.m., 334 Cannon.

June 11, Subcommittee on Health, hearing on the following: H.R. 1720, Veterans Health Care Facilities Capital Improvement Act; a measure to authorize specific major medical construction projects in Las Vegas, Chicago Westside, West Haven, San Diego, and a lease at the Charlotte, NC outpatient clinic; H.R. 116, Veterans' New Fitzsimons Health Care Facilities Act of 2003; and other measures to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities in the Department of Veterans Affairs, 2 p.m., 334 Cannon.

Committee on Ways and Means, June 10, Subcommittee on Trade, hearing on Implementation of the U.S. Bilateral Free Trade Agreements with Chile and Singapore, 1 p.m., 1100 Longworth.

June 11, Subcommittee on Human Resources, hearing on the Administration's Foster Care Flexible Funding Proposal, 2 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, June 12, executive, hearing on Special Programs, 2:30 p.m., H–405 Capitol.

June 12, executive, to mark up the Intelligence Authorization Act for Fiscal Year 2004, 5 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: June 10, to hold hearings to examine internally displaced persons in the Caucasus Region and Southeastern Anatolia, 2 p.m., 334, Cannon Building.

Joint Economic Committee: June 11, to hold joint hearings to examine issues relating to Iraq's economy, 9:30 a.m., SD–628.

Next Meeting of the **SENATE**

12 noon, Monday, June 9

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will resume consideration of S. 14, Energy Policy Act.

At 5:15 p.m., Senate will consider the nomination of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, with 30 minutes of debate, to be followed by a vote on confirmation of the nomination to occur at 5:45 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Monday, June 9

House Chamber

Program for Monday: To be announced.

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