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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 25, 2003.

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

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

PRAYER

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

Joshua said to all the people: ''This is the Word of the Lord: I gave you land on which you had not labored, cities which you had never built; you have lived in these cities and you eat the produce of vineyards and olive groves which you did not plant. Therefore, hold the Lord in awe and worship Him with loyalty and truth.''

Lord God, gratitude overwhelms Americans for all we have received since the very founding of this great Nation. Therefore we are filled with awe and worship You, O Lord.

Blessed to be Members of this House of Representatives by the election of the people and Divine Providence, this governing body is humbled by the responsibility it has for this land, its cities and its resources. So we choose to serve this Nation with loyalty to the oath we have taken; and we will always search the truth for what is best for this Nation. This is the pledge of the United States Congress; so, help us God. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COOPER 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on each side.

HONORING 50TH ANNIVERSARY OF KOREAN WAR ARMISTICE

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

Mr. WILSON of South Carolina. Mr. Speaker, on July 27 we will honor the 50th anniversary of the armistice that ended the fighting of the Korean War. On that day, I encourage all Americans to remember the courageous men and women who sacrificed to prevent the spread of Communism and restore the freedom of South Korea.

I am particularly proud to recognize an event to be held in Lexington, South Carolina, to honor those who served so bravely. Veterans speaking at the event will be E. Pickens Rish, a U.S. Army Ranger from Lexington who was awarded the Purple Heart, and Anthony Forker, a native Korean who served 30 years in the U.S. Army and is currently the President of the Korean Association of Columbia, South Carolina.

As our military continues to fight in the War on Terrorism, we can find inspiration in remembering the Korean War victory over Communism, which reminds us that Americans have a long history of defeating enemies of freedom all over the world. In conclusion, God bless our troops.

WHERE IS COMPASSIONATE CONSERVATIVE?

(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, this was a very important week in the House of Representatives. Hopefully we learned a lesson of bipartisan cooperation last night with the historic victory on the drug reimportation bill; and hopefully we also learned the dangers of arrogance, anger, and insensitivity when a House chairman had to apologize to this House.

I hope that we apply these lessons to the child care tax credit today. We need to help the 12 million poor children waiting for that assistance. The Senate has voted 94–2 to help these children. The White House is for it. Only a small group in the House Republican leadership is opposing it. People of goodwill on both sides of the aisle want this relief to be granted today. Where is compassionate conservative? As one of the House Republican leaders said, ''It ain't going to happen.''

Mr. Speaker, this House needs to get relief to these 12 million poor children.

EARNED INCOME TAX CREDIT HELPS WORKING POOR

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

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Mr. HAYWORTH. Mr. Speaker, I listened with interest to the comments of the gentleman from Tennessee (Mr. COOPER) who served here in a previous majority that had its share of challenges in terms of a lack of modesty, and I think that is an ever-present danger for the majority.

At the same time, however, we cannot paralyze legitimate differences of public opinion, for that is the essence of the House of Representatives and debate within this body. Case in point: the upcoming motion to instruct. My friend, a Morehead Scholar at the University of North Carolina, Chapel Hill, is a student of history and he understands that for the working poor we instituted in the 1970s an earned income tax credit so the families he wants to help are already being helped to the tune of several thousand dollars. If not, I would urge every Member of this body to inform his or her constituents of the earned income tax credit. I look forward to the upcoming debate.

ASSAULT ON TRANSPORTATION ENHANCEMENTS PROGRAM

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

Mr. BLUMENAUER. Mr. Speaker, Members depart the Chamber today to go back to their districts, meeting with people to get in touch with what is on their minds. I hope that our colleagues will take the opportunity to discuss with their constituents an assault on the transportation enhancements program.

Mr. Speaker, this has been a program since 1991 that has funneled billions of dollars into opportunities for people to convert abandoned rail corridors to trails, to have programs to revitalize historic highways, and for bike and pedestrian paths. All of these have been critical elements of being able to improve the livability of our communities. Inexplicably, the Appropriations Subcommittee on Transportation stripped these elements out, and condemned them as ineffective. Hopefully the full committee is starting to right this wrong, but people at home need to be careful. If we are not diligent, we are going to lose an important part of the broad base of support for a balanced transportation system.

DEMOCRATIC SUCCESSION PLAN FOR AZERBAIJAN

(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, the United States and our allies need a democratic succession plan for the Government of Azerbaijan. Our country's energy policy depends in large part on foreign energy supply, and much of it comes from the Caspian region in Azerbaijan. The former President there, President Aliev, a former KGB leader, is coming in and out of a coma on death's door and trying to have his son succeed him.

I think for the long-term future of the United States' interests and those of our allies, we need to back a true democracy in Azerbaijan with a wide range of candidates, but right now some of the most powerful and important candidates are not allowed to register. For example, the former Speaker of the House in Azerbaijan has had no opportunity to stand before the people of Azerbaijan for election.

Mr. Speaker, this administration, and the administration of our allies, needs to support a true democratic process so we can have a stable Caspian region which is so important to the world's energy supply and so important to the economy of the United States.

TRIBUTE TO EDDIE MURRAY

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

Mr. CARDIN. Mr. Speaker, I rise today to bring to this body's attention that this weekend in Cooperstown, Cooperstown, New York, one of the greatest baseball players of all time will be inducted into the Hall of Fame, and that is Eddie Murray who played for the Baltimore Orioles. He played for other teams, but he is known as a Baltimore Oriole.

Eddie Murray is one of only three players, the other two, Hank Aaron and Willie Mays, who hit over his lifetime 500 home runs in 3,000 hits. But what we all know about Eddie Murray, he is a model of consistency, a real team player, a person who really brought championship to Baltimore, and championship to the baseball diamond.

He also gave back to the community. Particularly, I want to bring to this body's attention the Carrie Murray Nature Center that he founded in Baltimore, in honor of his mother, in Lincoln Park. He is known not only as a great baseball player, but a great person. I congratulate him on being selected for the Hall of Fame.

ILLEGAL IMMIGRATION

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

Mr. FLAKE. Mr. Speaker, I rise today to conclude a series of commentaries I have been making on illegal immigration and to find a solution to the Nation's current immigration woes. We in Arizona feel this in particular.

Over the past 8 months, I have been working with the gentleman from Arizona (Mr. KOLBE) to put together a comprehensive foreign worker program, a temporary worker program, which recognizes the way people organize and order their own lives, that recognizes that we need a rational policy to deal with the situation that we have along our Nation's borders.

We need to understand that we not only need to deal with those who want to come to our country to work on a temporary basis, but for those who are here illegally as well, and find a solution that will both encourage those who are here illegally to come out from under the woodwork, and to come into a legal framework and to provide an opportunity for those who wish to come and fill our Nation's labor needs to do so.

I am pleased that this will be introduced today, and I encourage my colleagues to look at it and join us in the debate and ultimately support it.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. SOLIS. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Ms. SOLIS moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentlewoman from California (Ms. SOLIS) and a majority Member each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. SOLIS).

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

Mr. Speaker, this motion would instruct our conferees to accept the Senate amendment to H.R. 1308. This

amendment restores the child tax credit to 6.5 million families. It restores a tax credit to military families with members serving in combat zones overseas. It requires that restoring the child tax credit does not become an excuse for further tax cuts for the rich.

We have had Democrats come to the floor every night this week to demand a child tax credit for all Americans. We have done so because while tax cut checks are going out today to some Americans, 6.5 million families will get nothing in their mailbox today. These families have 12 million children. They will get nothing because last-minute changes by Republicans prevent families with incomes between $10,500 and $26,625 from receiving the child tax credits.

We will not let these families be forgotten, and I will not forget the 140,000 families in my district in California that will get no child tax credit under the House Republican plan. These are working families, like the one pictured here, who told me how hard they are working just to provide for the basic needs of their children. This is a military family who saw fathers and mothers and sons and daughters go off to war. Across the country, there are over 250,000 children of active duty military families, such as this one depicted here, that will receive no child tax credit at all.

Republicans had the nerve to say these people should not get any tax relief because they pay no taxes. It is true that while soldiers are collecting combat pay and are putting their lives on the line, they do not pay taxes, but they pay their debt to our government, to our society, with hard and dangerous work, with months spent far apart from their families and loved ones, and sometimes even ending in tragedy.

It is true that families left behind by the Republicans do not pay Federal income taxes, but they do carry a far higher tax burden than the millionaires who would benefit the most from the tax cuts. This is because these low-income families, like this one depicted, pay sales tax, property tax and payroll tax. These taxes eat up a very high percentage of this family's income.

When we learned of the exclusion of the low-income families from the tax cuts, Democrats came forward and protested and the country listened to them. Our colleagues in the other body quickly and overwhelmingly acted to fix the glaring omission, but here in the House Republicans only responded with more tax cuts for the rich. Under the guise of restoring child tax credit, they passed an additional $82 billion tax cut that benefits themselves more than the working poor like this family here, more than our soldiers, more than 6.5 million families who were left out of the original tax cut plan.

Mr. Speaker, under the House Republican plan, a Member of Congress, like you and I, with two children will receive $1,750 while the same size family earning $20,000, like this family from my district, would only get $475. I did not come up here to represent myself, I came here to represent the people of my district, like this family here. How can I go back to my district and tell families such as this that their children will get no tax relief because Republicans choose to protect the wealthiest Americans in our country? How can I go home and tell these military families who sacrificed for our country that they will get nothing because Republicans would not even sacrifice a few thousand dollars of the millionaires' $93,000 tax cut?

It is for these families and their children that my colleagues and I rise to instruct our conferees to accept the Senate amendment. We ask the House simply to accept language that restores tax credits to 12 million children. That is fiscally responsible, and that does not neglect our military families. This is not a lot to ask for, and I hope this motion will pass as it did on June 12. Just yesterday our President, America's President, visited Michigan and Pennsylvania and he said, ''The child credit must be given to low-income families as well.'' Take a good look at this picture, and remember these families.

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

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. LEWIS) is recognized for 30 minutes.

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

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Kentucky, a member of the Committee on Ways and Means, for yielding me this time.

Mr. Speaker, here we go again. What is before the House is a classic example of not letting facts get in the way of impassioned debate. My friend from California rightly has a concern for the working poor, and I appreciate her mention of a specific family earning about $20,000 a year. Now for the rest of the story where the silence has been deafening.

Under existing law, we have the earned income tax credit specifically designed for the working poor. For a single mom with two kids earning $20,000 a year, a check is available from Uncle Sam for a total of $3,335, according to the Tax Foundation. On top of that, in the All-American Tax Act, we even expanded the child tax credit, not inconsistent with what our President has said, so even more funds are available.

It is true we expanded that child tax credit because we believe if we accept the philosophy of my friends in opposition here, if it is immoral to leave out children at the lower end of the socioeconomic scale, likewise it is unfair to limit those two-earner families, like the nurse practitioner who earns $63,000 a year and her spouse who is a school principal in the Awatukee section of Phoenix, both of these earning $64,000 a year, that should not invalidate their children either.

What this majority has done in the House is to expand the child tax credit while keeping intact the earned income tax credit. And, sadly, the silence from the minority on existing policy is deafening.

It will be interesting during the course of this debate to see if our friends will in fact acknowledge what they believed in public policy to be a triumph, but now is suddenly forgotten. I will not impugn their motives; but, Mr. Speaker, it is curious that for this entire week, my friends on the left have developed a severe case of political amnesia.

Reject the motion to instruct, embrace expansive, fair and equitable tax relief for all families, and we will work with the other body to ensure that comes to pass in conference.

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

Mr. Speaker, I remind my colleagues that this administration is now taking a very aggressive role to go after families that are seeking earned income tax credits. In fact, we should be spending more time going after the big guys like the Enrons, the WorldComs and all of the other corporations that do not have anybody tracking their abuses and fraud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for bringing this matter before the House.

On June 9, the President made it very clear that he wants this tax credit for low-income working people, the tax credit for their children to be passed and put into law. He wants the Senate provision passed. That was 2 months ago. In those 2 months, the House and the Senate have done very little to advance this ball. Why? Because the extreme radical position of the Republicans in the House of Representatives has essentially kept a conference committee from taking place because they have decided that to take care of a $3 billion oversight in the tax credit, they want to spend $80 billion to get there.

That is unacceptable to the President of the United States, that is unacceptable to the Senate on a bipartisan basis, and it is certainly unacceptable to many of us in the House of Representatives. They made a conscious decision in the last hours in the middle of the night in the consideration of the last tax bill that these children of low-income working parents would simply not get this credit. They had to make a decision between the millionaires who would get $44,000 a year in tax rebate; or if they gave the tax credit to low-income children's families, they would only get $38,000 in a tax rebate.

The person making that decision was one of the big beneficiaries, Vice President CHENEY. The children had the tax credit when Vice President CHENEY

walked into the room; when he left the room, he had the tax credit and the poor children's families didn't have the tax credit. That is the history.

Yesterday as the gentlewoman from California (Ms. SOLIS) pointed out, the President was in Dearborn, Michigan, where he was hailing the first checks to go out to families seeking the tax credit, deserving of the tax credit; and once again, he asked Congress to pass legislation, to pass the Senate bill. He said he wants to extend it to all spectrums of society.

Now maybe the Republicans in the House of Representatives think that President Bush is a wild-eyed, radical liberal who wants to take care of some families who are undeserving. I do not think he is. I think what he recognizes is that this is a matter of equity. This is a matter of whether or not people who go to work every day, work their tails off, and at the end of the year end up poor, and that this Congress decided we were going to place an additional value on the cost of raising these children, and we were going to help America's families with a child tax credit.

But the Republicans in this Congress decided the poor children were not going to be worth as much. Just a cold-hearted calculation, stone-cold decision that these poor children just are not worth as much. That somehow, their parents are not as noble when they go to work every day as millionaires are when they go to work every day.

Mr. Speaker, that is the calculation that this President has asked this Congress, these Republicans to reject, and to pass the tax credit so that these children will get their share of equity in American society.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a sense of fairness, as the gentleman just spoke of a minute ago. In this Nation, it is really a great privilege to live here and to have all of the blessings of freedom that we have and all the opportunity that we have. But along with that blessing and the wonderful aspects of what we have in this great country comes a certain responsibility. One of those responsibilities that we have is to pay an income tax.

We have in our system a progressive income tax system where those who make a great amount or more money than someone else will pay a greater amount of taxes, and those that make less money pay less taxes, and those that reach a certain level in this country, they pay no income tax whatsoever. They may pay payroll taxes and other taxes. In order to offset those other taxes, there is the earned income tax credit that gives back to families that do not make enough to pay income taxes the money to offset the other taxes that they pay.

Now it seems to me that we have tried in this country to be as fair as we possibly can to all those in whatever income level they may be. When I think about this situation, those that are paying taxes are providing for a lot of things that we all get an advantage for: defense, infrastructure, highways, education, health care, law enforcement, and I could go on and on. When we look at what people pay in taxes, what they actually pay in taxes according to their income, I think we have tried to be as fair as we possibly can. I think those that are receiving earned income tax credits to offset their other taxes is certainly something that I do not think our friends on the other side of the aisle remember or understand or want to even talk about.

H.R. 1308, the All-American Tax Relief Act does a lot of wonderful things. It increases the child credit to $1,000 per eligible child through 2010, eliminates the marriage penalty in the child credit, celebrates the increase in refundable child credit, it provides tax relief and enhances tax fairness for members of the Armed Forces that my colleague mentioned a little while ago. It suspends the tax-exempt status of designated terrorist organizations, provides tax relief for astronauts who die in space missions.

Actually, the motion to recommit will do damage to a lot of families. The Democrat's motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election. As a result, millions of low- and middle-income families will receive a smaller child tax credit right after the elections. The House-passed bill ensures that the child credit remains at the $1,000 level throughout the decade. The Democrat's motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then, it only does so for 1 year.

Under the Democrat's motion, millions of children will be denied the child credit simply because their parents are married. The House-passed bill benefits middle-income families by eliminating the child credit immediately. The House-passed bill does not deny the child credit to military families. Military families include those who are deployed abroad who are already receiving a refundable child credit, and will continue to receive a refundable child credit under the House-passed bill.

The Democrat's motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

This motion to instruct, I think, is without merit. I ask my colleagues to vote ''no'' on the motion to instruct.

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

Ms. SOLIS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I find it incredible that the gentleman on the other side of the aisle would suggest that somehow these are not responsible people, that they accept the privileges of living in this country, but they are not responsible because they do not pay income taxes, so they are not entitled to the tax credit.

These people would love to pay more taxes. They would love to be rich. They go to work every day hoping that someday they might get rich, might get a benefit. They would love to pay more taxes, but the gentleman says they are not responsible. I guess that extends to the soldier who is putting his life on the line to defend the privileges that the gentleman talked about, and because he gets tax-free income while he is in battle risking his life, his family should not get a tax credit?

I think that soldier is a fairly responsible individual, and I bet his family is fairly responsible. But he does not pay much in taxes because we do not pay him much to do his job. That is your idea of the trade-off in America between those who are entitled in America and those who get privileges? This tax cut is denigrating families who work hard every day, and their children, and the military.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GEORGE MILLER of California. * * *

The SPEAKER pro tempore. The gentleman is out of order.

Mr. GEORGE MILLER of California. * * *

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

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) and I thank the gentleman from California (Mr. GEORGE MILLER) for making it very clear about whether or not we in this country really value work and ordinary workers.

Today is the day, July 25, that millions of child tax credits are going to start to be delivered to families around the country. President Bush went to Philadelphia to highlight those checks, to claim credit for getting some extra money into the pockets of working families.

My two children, each of whom have two children, are probably going to get checks in the mail, and I am happy about it. They are modest-income earners, and they are going to get their tax credit.

But this family, the Narvaez family, Maria and two of her three children, she makes $20,000 a year. She works in a day-care center, she works 40 hours a week. She is not going to get a check in the mail. There is no check in the mail for her family. I want to tell Members that this hardworking woman, I would think, is as deserving of getting a check in the mail.

Let us compare that to Vice President CHENEY who made the deal in the dark of night to say well, let us see, the tax breaks went too high. It exceeded our budget; who are we going to cut out? I have got it: Let us cut out families like the Narvaez family.

Vice President CHENEY will see a tax break of about $116,000 for 1 year. I am not talking income, I am talking tax break. Mrs. Narvaez, Maria, would have to work 5.8 years to get as much as Vice President CHENEY is going to get in 1 year in a tax break.

Let us see, who is more deserving; how about all those people, millionaires who go to work; no, maybe it is millionaires whose work is to cut open those envelopes that have dividend checks in them. Those people, do they deserve it more than the Narvaez family? I do not think so. Let us pass this motion to instruct, and let us get a child tax credit to the Narvaez family.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the comments of the gentleman from California (Mr. GEORGE MILLER). I certainly did not say that the working poor are not responsible. They are very responsible. I have been in that position. I have been among the working poor. I know how hard it is to make ends meet.

But, I also was brought up in a family, my father a construction worker, a pipe fitter that was many times without a job, that a full day's work for a full day's pay; we accept things in our life that sometimes we do not like. We try to make ends meet many times when that is all we can do. Sometimes we cannot even make ends meet.

I think we have provided in this country an opportunity for people that are working hard to receive an earned income tax credit to help them through the tough times.

I am certainly someone who believes that we should help those that cannot help themselves that are in need. It is our responsibility to do that. I certainly appreciate our military for what they are doing. I appreciate all the efforts that are put forward in this country by all those who are willing to work and earn a full day's pay for a full day's work, and we should support them and their families every way we possibly can.

But we also have to remember the liability. As I said, we have a progressive income tax system in this country. The liability, those who talk about the rich and how much tax relief they are going to get, well, how much are they paying in taxes? How much are those on the lower scale, how much are they paying in taxes? It is always how much refund are they going to get. Well, you have to pay income taxes to get a refund. If you do not pay taxes, we do provide an earned income tax credit. So we are helping.

But this idea of class warfare, sure there are families out there working hard, they want to be rich.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank the gentleman, and I understand the point that you are making, except the fact of the matter is that Enron paid no taxes the last 4 out of 5 years. There are companies who are paying zero in taxes, and yet they are the beneficiaries of a very, very hefty tax cut.

Mr. LEWIS of Kentucky. Mr. Speaker, reclaiming my time, Enron is being dealt with. No one appreciates what Enron did. It is a disaster for a lot of people, and they are being dealt with. It was really an embarrassment to our country that a corporation and the people that ran Enron acted the way they did, but that happens. That happens.

Anyway, getting back to the subject, we are doing everything we possibly can to provide tax relief across the board, provide people that are not paying taxes as much help as we possibly can, and we will continue to do that. But this motion to instruct does more harm to helping families with children and receiving tax credit than it will do good.

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

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

Mr. COOPER. Mr. Speaker, because of a very small group of Republican leaders, they are preventing this House from helping 12 million poor children around America. I would like to give my colleagues on the other side of the aisle, the rank-and-file Republicans, the benefit of the doubt. I do not believe that their heart is in this fight. I believe they are being compelled by their leaders to do the wrong thing. It is still not too late to do the right thing.

The checks are being mailed out today to the rich families in America, and Members know it was a mistake made also 2 months ago to prevent the other families in America from also getting help. That is not just my opinion. Our President, George Bush, called once again yesterday to help these children. President Bush is trying to be a compassionate conservative, but the other side of the aisle is not letting him do that. He has been calling for this 2 months now. Let us listen to our President. It is not just our President; the other body, by a vote of 94–2 has voted to do the right thing.

But too often we see in the House younger Members, Republicans, compelled in some cases to do the wrong thing. It happened last week when Member after Member came to this House to say that the chairman of the Committee on Ways and Means had done the right thing; when, thankfully, that same chairman came to the House floor this week to admit that he had done the wrong thing.

Do not support Republican leaders when they are asking you to do the wrong thing. Be the compassionate conservatives you claim to be. Help these 12 million poor children. It is not quite too late; but 2 months have passed, 2 months of waiting, 2 months of hurt for these families. These people work hard every day. They pay their fair share of taxes. Let us give them their fair share of tax help. Do the right thing today and vote for this motion to instruct.

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

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, do we not value all of this country's children and families? This body has shortchanged our children too often this year, and it is adding up to a heavy burden on their families, all to make the wealthiest in this country richer.

Underfunding for Leave No Child Behind, block grants to States with unmeetable requirements for Head Start teachers, and although it is a demonstration program, this is meant to be the first nail in the coffin of Head Start. We barely lost the vote last night, but Democrats will continue to fight for this country's children, all of them, but certainly those from lower-income families.

Today I am here with my colleague, the gentlewoman from California (Ms. SOLIS) and other Democratic colleagues to call on this House to instruct the conferees first to act; and, second, to provide what the President promised, tax relief to the 6.5 million families and over 12 million children. These families work hard, but in this economy this President has created, they still need help, and especially for the military families of soldiers who today are fighting for this country and fighting for us.

□ 0945

Democrats meant it when we said we will leave no child behind. Today we call on the leadership of this conference, and specifically the conferees, to expand the child tax credit and put our money where our mouth is and where our heart and our values should be.

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

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

Mr. PALLONE. Mr. Speaker, I listened to the gentleman from Kentucky, and he expressed a lot of sympathy with the plight of the people, the working poor and the people that we are trying to get some checks to this morning. But I listened to the gentleman and I could not believe, because he was suggesting that he was powerless to do something to help the working poor and the children that have been left out and the parents who are not getting this check.

Mr. LEWIS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. Mr. Speaker, I only have 2 minutes. I am trying to be nice, not critical.

But the bottom line is this should not be ideologically driven. The fact

that they are not paying income tax is not important. They are paying property taxes. They are paying sales taxes. In a State like mine in New Jersey, one could be paying a tremendous amount in property taxes and sales taxes and all kinds of other taxes, payroll taxes.

So I am just asking my colleagues, do not be ideologically driven. Do not say we cannot do this because they have not paid income taxes. My colleagues on the other side have the power. This is a political decision that is being made here.

The Republican leadership is making a political decision that they do not want to help these people. They want to go home. They do not want to go to conference. They want to go on break without helping these people.

Mr. Speaker, the other body is not saying that. They are supportive of what we are saying here. They want to send the checks and help these people. The President wants to help.

So keep in mind, this is an ideology. Forget the ideology. I ask my Republican colleagues to forget what they think about whether it is good or bad from an ideological perspective. The bottom line is that these people need help. The gentleman from Kentucky acknowledged that he himself was in that position, or his family was in that position. That is all we are saying as Democrats.

We know a lot of these people in the Armed Forces. Some of them are serving in Iraq. They need help. We go home. We will see them. They are constituents. They are having a hard time paying the rent and putting food on the table. They need help. The economy is not good. We are not doing well. They are having a hard time. Maybe if this was a better time, we might say do not do this; but it is not. The economic times are bad, and my colleagues cannot run away from this.

Mr. Speaker, it is the Republican leadership in the House that is preventing this from happening. I urge my colleagues on the other side to do it before they go home and before we have the recess and go on vacation.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out the child tax credit under current law is refundable to the extent of 10 percent of the taxpayer's earned income in excess of $10,500; salary and wages of $15,000, $450 refundable tax credit; $20,565, plus the earned income tax credit. It is $3,823 for a salary of $15,000; $2,770 for a salary of $20,000.

So it is not like we are not helping. We are. And the fact is that these individuals are not paying income taxes, and we are offsetting those other taxes the gentleman just spoke of through the earned income tax credit. So we are, under current law, helping these individuals right now.

Mr. Speaker, I might just say, I spoke to a young man and his wife not too long ago when we were debating the child tax credit for those that pay no income taxes. And they work at a factory. They are factory workers. They both work many hours of overtime. They have one child. And they were asking me why they had to pay the taxes that they pay, very high taxes, and they are taxed more because of the overtime that they work. And they were excited about the child tax credit for their own child. But when we were debating the issue of the child tax credit for individuals that pay no income tax, they asked me why that would be the case, that they were paying a lot of taxes, working very hard, overtime pay to provide for their family, and they seemed to think that was just a little, the playing field just was not level for them when they were doing everything they could. And they were not making a lot of money at that. I think $30,000 basically was their income.

But we are trying our best to do all we can. And I think the numbers here show that we are helping the working poor, those that are paying no income taxes. We are helping them through the earned income tax credit and through child tax credit, 10 percent of the taxpayers that earn incomes in excess of $10,500.

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

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

Mr. Speaker, I do want to clarify something. There are over 337,000 children of teachers, classroom teachers that are left out of this child tax credit. They pay payroll tax, gasoline tax, rent, property taxes, and other types of taxes. I would think that their burden falls very heavily on their children, and yet they get nothing.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, today the Federal Government is sending out checks to 25 million families in this country. More than 2 months after this House passed the President's tax bill, among those receiving their checks in the coming days will not be 6½ million taxpaying families, taxpaying families, taxpaying families: property taxes, payroll taxes, sales taxes. They pay taxes. They make low wages, yes. So what is wrong with making low wages? Those who make low wages do pay taxes.

My mother was a factory worker. She worked in the old sweatshops. She did not make a lot of money, but she paid her taxes like others do. Why should families not be allowed to have a child tax credit? These families were denied what they were rightfully due, the extension of the child tax credit, because they make low wages and for the last 2 weeks on this floor Democrats have been offering a motion to instruct conferees. We have implored the leadership of this House: do what is right; act on what the other body's legislation is.

Mr. Speaker, my colleagues on the other side of the aisle have criticized our motion. They argue that this would drop the child tax credit from $1,000 to $700 immediately after the 2004 election. There is a word for this type of argument: hypocritical. The child tax credit will already drop after the 2004 elections. That is no coincidence. It is a result of a deliberate decision made by the Republican majority to drop the credit once these families go to the polls with the impression that they are going to get the credit again in 2005.

Not so, my friends. Under the Republican-passed tax legislation, as the law stands today, the $1,000 credit goes down, it goes up, it goes down. It is more a seesaw than tax law.

When it came time to choose between a child tax credit or the tax cuts for the wealthy, they chose the latter over and over and over again. To meet their $350 billion goal, they cut out people who make $10,500 a year to $26,000 a year in favor of those who make over a million dollars a year who are going to get $93,000 in a tax cut every single year.

The President said it yesterday, he said it in June: adopt what the Senate has done. Fix this issue. Let us give these families what they want.

Mr. Speaker, let us abide by that. Let us go with that. Let us make sure that what we do allows today those 25 million people who are going to get their child tax cut. Let us make sure that those families who make $10,500 to $26,000 they get their child tax credit. They deserve it. It is the right thing to do. It is the moral thing to do, and that is the obligation of this House.

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

Ms. SOLIS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. SOLIS) for organizing this morning's discussion, because here we go. Is it not ironic that while the Nation is facing one of the biggest budget deficits in history, at least $450 billion, and I quote from the gentleman from Kentucky (Mr. LEWIS), ''Enron happens.'' Yes, it does. And we need to be doing something about it.

Republicans can find the money to provide tax cuts for the very richest Americans and not enough for the children of America's working families. Ha. The gentleman from Kentucky said Republicans are trying their hardest. Well, I am telling my colleague, Republicans have to try harder.

This supposed party of compassionate conservatism has exploited the child tax credit issue to pass even more tax cuts for their wealthy friends. Rather than bringing up the other body's child tax credit which would have cost $3.5 billion, they passed a bill that costs $80 billion to benefit the wealthiest in this Nation.

Earlier this week, I joined my Democratic colleagues in writing a letter to President Bush requesting that he lead the Republicans in Congress to do the

right thing, to provide a tax cut that will benefit over 12 million children of working families. One million of them, I remind my colleagues, one million of them are children of military families.

Congress must not recess today without giving American workers and their families the same consideration it gives the rich.

Why did Republicans in the United States House of Representatives not follow the other body and bring a clean child tax credit bill before us? According to a colleague from the other side of the aisle, and I quote: ''If we are going to do it, we should get something in exchange. If we give people that do not pay taxes a tax break, it is welfare.''

Well, Mr. Speaker, these families do pay taxes and they are not seeking welfare. They are seeking the same acknowledgment for their hard work as the rich receive in the Republican tax package. It is unfortunate that the Republicans believe these forgotten children and families do not contribute enough to deserve a break. Their actions leave no doubt that their priorities are dead wrong.

Mr. Speaker, we want to pass this tax break and we want to do it today before we go home to enjoy our tax breaks that we have passed in the House of Representatives.

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

Ms. SOLIS. Mr. Speaker, I would like to inquire about the time remaining on both sides.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. SOLIS) has 8 minutes remaining, and the gentleman from Kentucky (Mr. LEWIS) has 15½ minutes remaining.

Ms. SOLIS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise today in support of the motion offered by my colleague from California, and I want to thank her for her extraordinary leadership. The Republicans are holding this measure hostage because they really want to avoid doing what is right. They knowingly left out millions of families in their tax bill.

Mr. Speaker, this is shameful and that is why we have been protesting their failure to provide this vital relief for working families. When the child tax credit was created in 1975, it was for the purpose of helping families, not hurting them.

President Bush said that all Americans would receive tax relief, but that was not the case. Initially, it seemed that the President's $400 per child increase in the child tax credit was meant to help all families, but what we did not know was that the Republicans really did not mean ''all families.'' Their idea of helping families did not extend to low-income working families, the same people who were already left out of the President's tax cut on dividends which President Bush offered the wealthiest Americans.

When Republican negotiators went behind closed doors, suddenly these families of 12 million children were excluded from the child tax credit. Nationwide, that means one out of every six American children were excluded. These children come from families where the parents work hard and play by the rules. They deserve the same tax credit that other parents will receive, but they really need it more. Their families do not have the advantages that others have.

In the jobs depression this administration has put us in, the loss of the $400 tax credit is like rubbing salt really in their wounds. Now let us be clear about some of the people who will be hurt by this huge inequity in the Republican tax plan, because the victims will be disproportionately African American and Latino and other people of color. 8.1 million taxpayers will receive no relief under the Republican tax cuts; 1.6 million of them are Hispanic.

Mr. Speaker, 8.1 million represents 44 times the number of taxpayers who have incomes exceeding $1 million, yet the President and the Republicans have gone out of their way to help the wealthy. In fact, those people with incomes over $1 million will receive an average tax cut of $93,000 in 2003.

In terms of the child tax credit, one-half of all African American families will not get the full tax credit, while one-quarter will receive no tax credit.

And how can we abandon military families who are making tremendous sacrifices? One million children of military families were excluded from this tax package. So let us be for real in supporting our troops.

Mr. Speaker, the situation is outrageous, and it really does show the Republican leadership's complete, complete lack of compassion in their very conservative agenda.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are talking about tax credits here. Tax credits. One has to pay income taxes to get tax credits. A credit is on a tax that has been paid to get a refund.

My wife, not too long ago, said we needed a new automobile. And I said, great. I think the automobile dealer in town is having some tremendous rebates, so let's find the most expensive car we can buy so we can get a greater rebate. She did not think that was a very good idea because it was still going to be pretty expensive. So we are going to have to look at the less expensive cars. But I think we ought to get the rebate that the people who are paying for those expensive cars get. I mean, it is only fair. Or maybe I should not buy the car; maybe I should go down there and demand the rebate.

Mr. Speaker, that is what we are talking about here. What we are talking about is taking money out of the pockets of people that are paying taxes, income taxes, and putting it in the pockets of people that are not paying income taxes. And on top of that, we are already providing earned income tax credits, plus for those that are making $10,500, we are paying child tax credits under current law.

So I do not know what we are talking about here, but I think that there is some problem when we are talking about tax credits, when there are those who want to take money out of someone's pocket, like the couple that I was talking about a little while ago that works overtime, works as hard as they can, and I am not saying that the working poor are not working hard, but they are not paying taxes. They do not have to pay taxes. They are not making enough to pay taxes. And to account for the taxes that they are paying, to make up the difference, we are paying earned income tax credits. Plus for those over $10,500, we are paying child tax credits.

But, Mr. Speaker, I do not think we ought to be talking about tax credits here. We ought to be talking about helping those who are not paying income taxes. We are taking money out of one taxpayer's pocket and putting it in the pocket of someone who is not paying taxes.

Now, I think there can be an argument there that that is being compassionate. And being compassionate means that we are helping people that at some point cannot help themselves, and I think we are doing that. And I think the bill that we are talking about, H.R. 1308, provides a lot of help for families. A lot of help. And what this motion to instruct would do would reverse that. Again, I ask my colleagues to vote ''no'' on the motion to instruct.

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

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

Mr. Speaker, I would like to clarify that, to my knowledge, there are about 178,000 children from farming families that are going to be left out with no child tax credit. Perhaps the gentleman from Texas (Mr. REYES), our good friend and ranking member on the Committee on Armed Services, can speak to that effect about his experience as a veteran and how hard veteran families work.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, time after time during these times that our families are deployed overseas fighting for America's freedom and for the freedom of others, we hear many Members of this body talk about how great our soldiers are, and they are; how great their sacrifices are, and they are; how great the sacrifice of their family and the sacrifices that they are making, and they certainly are.

So perhaps I can clarify for my colleague here that one of the ways that we judge ourselves as a Nation is not about talking about today's heroes, but how we take care of yesterday's heroes. Cutting back veterans benefits is certainly not one of those ways that we honor the heroes of yesterday, because today's heroes fighting for our freedom across the country and across the world you are paying attention.

Mr. Speaker, today, as we speak, tax rebate checks are being sent to families around the country. But in my own district of El Paso and across America, there are hardworking families and families of brave members of our Armed Forces whose mailboxes will be empty. The tax bill passed in May leaves behind 8 million children by denying their families full access to child tax credit. This law fails to give the child tax credit to those earning between $10,500 and $26,625 per year.

Of the 8 million children left behind in this tax law, 1 million live with parents who are on active duty or are veterans. The children of our working families, especially those of our armed services, deserve better support from this body.

Mr. Speaker, there are over 16,000 military families with children stationed at Ft. Bliss in my district. With loved ones serving in Iraq, these families understand more than most what it means to sacrifice for our Nation. These families certainly do not deserve to be left behind, I would say to the gentleman from Kentucky that is handling the time on the Republican side.

The tax bill passed by this House penalizes enlisted soldiers who are serving in Iraq. For example, a staff sergeant with two children earning $29,000 qualifies for the child tax credit. But if this same staff sergeant is deployed in Iraq, 8 months, 10 months, 12 months, we do not know what the duration is. That is why they are frustrated, his taxable income drops and his children do not qualify for the tax credit.

Mr. Speaker, this is no way to treat our soldiers. This is no way to treat those that we exalt here on the floor of this great House who are risking their lives for our country.

This motion will help these families. It instructs conferees to include provisions to allow our men and women in uniform and their families to include combat pay in their gross earnings for the purposes of calculating eligibility for the child tax credit. They deserve it. We ought to provide it for them. Let us send a message to our hard-working families that they count too and that we recognize the sacrifices being put on the line by military families around the world. Let us pass the Solis motion.

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

Ms. SOLIS. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California (Ms. PELOSI), our Democratic leader.

Ms. PELOSI. Mr. Speaker, I rise in support of this very important motion to instruct conferees. In doing so, I want to acknowledge the excellent work and leadership of the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means; the gentlewoman from Connecticut, (Ms. DELAURO), who has taken a very important role of putting this issue of fairness to America's children forward; the gentlewoman from California (Ms. SOLIS), a member of the Committee on Education and the Workforce, now a member of the Committee on Commerce, for her leadership; representing the freshman class, the gentleman from Maine (Mr. MICHAUD), the gentleman from New York (Mr. BISHOP).

Mr. Speaker, night after night, night after night for the past 2 weeks, Democratic Members have come to the floor to make the case for America's children, the case for the children of America's working families, the children of parents on active duty in the military.

Mr. Speaker, see, this is a copy of the check the President is going around the country posing for pictures with, a check saying that this is a good day because the check is in the mail for so many children in America. The good news is that the check is in the mail for so many children in our country. The bad news is, and the President knows this, that the check is not in the mail for 12 million children, 250,000 of them children of men and women on active duty.

The good news for those children is that their parents work hard, care about them, and are the backbone of our country. The bad news is they do not make enough money to be considered worthy of this tax credit. I ask my Republican colleagues, why not raise the minimum wage if they do not think it is high enough to get a tax credit for these children? They say: Oh, no, we cannot do that.

The good news is that these children are children of men and women on active duty serving their patriotic duty to our country. The bad news is that although we honor their service on this floor of the House on a regular basis, the service of our men and women in Iraq and Afghanistan, at the same time we dishonor them by saying their children are unworthy of receiving the tax credit because their pay does not count and is not high enough for them to get the tax credit.

Mr. Speaker, I listened with great interest to our Republican colleague who must have drawn the short straw to come to the floor to defend the indefensible, cutting 12 million children out of the tax credit, when he said that these people who cannot help themselves, well, they want to help them. These people are helping themselves. They are helping themselves. They are helping their children. They are helping our country. They are entry level. They are people with aspirations. They are people with young families. They are the future of our country.

The gentleman from Kentucky also said, well, for them we have the earned income tax credit. That should take care of them. Others have said in the course of these couple of weeks, and on TV and again this morning here, they do not pay taxes. My colleagues have pointed out very clearly that they do pay taxes. I ask anyone who looks at his or her paycheck whenever they get paid, do they not think paying a payroll tax is paying taxes? Or paying sales tax is paying taxes?

The gentleman says, well, they get an earned income tax credit for that. Interesting to note, my colleagues, since we are having a quiet moment here this morning as Members come back to the Chamber after a very late night, the IRS has recently said that they are going to premonitor, premonitor, excuse me, I am using the wrong word, preaudit, preaudit families, low-income families who might wish to claim the earned income tax credit.

I ask my colleagues to think of it. These are people who make the minimum wage. We have said that they will get an earned income tax credit, and that is appropriate. The IRS is now saying they are going to preaudit these poor families before they can make that claim for the earned income tax credit by just listing their income on their income tax and signing that this is what their income is.

At the same time, they have a very, very low audit rate for wealthier individuals in our country. They have said on occasion that it is too difficult and too expensive to fight the lawyers of those with resources in our country, be they wealthy individuals or corporations. But instead, the IRS is using its resources to preaudit poor working families who may wish to claim the earned income tax credit. Just some issues of fairness that I thought it was important to note this morning.

Mr. Speaker, this check which will go out to many families of children in America, and that is a good thing and we all support that, this check for the poor children, though, of working families is delayed. Delayed. Delayed.

The President says he wants this tax credit for poor children. That is what the President said. That is what the President is saying on the road. The Senate has already passed the legislation and sent it to conference with the Republicans. It would take 1 minute for the conferees to meet, to accept the Senate language, put the bill on the President's desk, and remove this terrible embarrassment to the Republican Party. It is no wonder no Republican Members showed up on the floor today, leaving the gentleman from Kentucky (Mr. LEWIS) to do all of this heavy lifting by himself, carrying this unfortunate defense of the indefensible.

It has a nice ring to it. It is reminiscent. Delayed by whom? Delayed by DELAY. Delayed by DELAY. The child tax credit is delayed by DELAY.

I think the American people should know that. And if the President is serious about wanting this tax credit for

all children in America, and I believe that he does, then I think he should use his influence, his moral suasion, his leadership with the Members of his own party to say let us end this embarrassment. Let us end this embarrassment. Let us eliminate the delay caused by DELAY.

A couple of other thoughts that I wanted to convey to my colleagues this morning as we get back into the legislative mode after a very late night of debate and voting is that this delay for 12 million Americans takes place within the context of the past few weeks. As recently as yesterday, the Republicans strove to undermine, undermine Head Start. By one vote, this House passed a block grant program under Medicare that contained language that legalizes discrimination, but undermines Head Start, removing standards so important for lifting up children. And within the past couple of weeks, this body voted to underfund Leave No Child Behind by $9 billion, leaving millions of children behind.

No tax credit if a child's parents do not make enough money, $9 billion out of no Child Left Behind leaving millions of children behind. Undermining Head Start, removing the standards, turning it into a block grant, on its way to being unrecognizable. These, sadly, are the same children in many cases who are affected. The same children fall into the categories for education for disadvantaged children, children of parents making between $10,000 and $26,000 a year.

Mr. Speaker, that is not disadvantage. That is entry level. But nonetheless they would qualify for some of those educational benefits in Leave No Child Behind. And of course these children would take advantage of Head Start.

So this is all part of a pattern. I call it the trifecta against children that the Republicans have put forth. Actually, it is not my idea. The gentleman from California (Mr. GEORGE MILLER) calls it the trifecta, that great champion for children in our country.

So let us calm down after all the debates that we have had night after night that we have tried to make the case to the American people. This is almost like a Christmas carol or something where wealthier people are treated better than poor kids. And the children of America are in solidarity. They respect each other. They do not want other children not to have toys at Christmas and food to eat and a home to live in, the dignity of that kind of shelter.

Children are sympathetic to each other. Why can we not, as a Congress, be sympathetic to all children? Because what we are doing here today by saying this to these children, as I said again the context of the Head Start legislation and the Leave No Child Behind legislation, and when these children and some of the older siblings of these children have a bigger struggle affording college and higher education because of what this Congress is doing to Pell grants, this is just not right.

Mr. Speaker, this is America's future. This is America's future. And to every one of those children, how much better if we could say to them: you are important to us. As President Kennedy said, children are our greatest resource and our best hope for the future. He did not say children of those making over $26,000 are our greatest resource, and if their parents are even wealthier than that, our best hope for the future. He said all children are.

So this is about aspirations. This is about the American Dream. This is about making the future better. And day by day, quickly and surely, the actions of this House, lead by the Republican Majority, are undermining those aspirations.

It is not too late. It is not too late. We can accept the motion offered by the gentlewoman from California (Ms. SOLIS) to instruct the conferees to agree to the Senate language. We can do it right now.

End the delay. Have our conferees go to conference. Agree to the language. Put the bill on the President's desk. And would it not be a wonderful gift to him who has said, the President who has said over and over again that he wants this for America's children, all of America's children, that when he returns from his trip he can immediately sign the No Child Left Behind bill? In fact, they could probably get the bill to him on the road so that history will never show that on the same day that these checks were being received by some children, that other children were getting nothing. Were getting nothing.

Mr. Speaker, with that I commend all who have worked so hard to make the case for America's children, for America's future. I thank the gentlewoman from California (Ms. SOLIS) for her diligence, and all of our colleagues, the gentlewoman from California (Ms. WOOLSEY), who I see on the floor has been so much a part of this fight. I could name practically every Member of the Democratic Caucus who has played a major and significant role in making the case on this floor, to the press, and across the country that fairness is a value that Americans hold dear and that we agree with President Kennedy that children are our greatest resource and our best hope for the future. All of America's children.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. LEWIS of Kentucky. Mr. Speaker, I think fairness really is the issue here. When I look at the child tax credit that is refundable to the extent of the taxpayer's earned income in excess of $10,500, plus the earned income tax credit, the earned income tax credit, here are some numbers that I think are interesting. There are 18 million families receiving earned income tax credits at a cost of $30 billion. $30 billion, 18 million families. I think those numbers need to be looked at.

But here are the actual numbers. The head of a household with two children at $10,000 in wages would receive $4,010 in earned income tax credit; $15,000, a refundable child tax credit of $450; earned income tax credit of $3,823; $20,000, $565 child tax credit, an earned income tax credit of $2,770. We are helping those that need this help.

And going back to the military, the House-passed bill does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit. Under the House-passed bill, the Democrat motion to commit would only increase the credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

Mr. Speaker, The House-passed bill provides more tax relief to military families because it includes $806 million of military tax benefits. These provisions have passed the House on numerous occasions and are awaiting action in the Senate.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the motion to instruct conferees.

Mr. Speaker, it's a simple question: Will the Republican leadership permit Congress to pass tax relief for millions of working and military families before the August break?

Unfortunately, we know the answer, and it is not good news for the 4 million families with incomes between $10,000 and $26,000 who were left out of the original Republican tax cut plan. And it is not good news for the 262,000 children of military servicemen and women who currently serve or have served in Iraq or other combat zones because their combat pay actually reduces their tax credit.

With the Republican party in control of the White House, the Senate and the House of Representatives, President Bush and the Republican leadership have the political power to pass tax relief for these families today. But do they have the political will?

I think that question was answered by Speaker HASTERT, when he was asked last Sunday if he and the Republican leadership would pass the child tax credit before leaving town. Speaker HASTERT dismissed the question by saying that the families making between $10,000 and $26,000 ''don't pay taxes.''

I hope the Speaker will talk to some of these families in his own district. If he does, they will be glad to inform him that even though they don't earn enough to pay income taxes, they pay plenty in Social Security payroll taxes, sales taxes, and—if they are fortunate enough to own a home—in property taxes.

Mr. Speaker, we should pass the child care tax credit bill today and give working and military families the tax relief they deserve. As I said at the outset, it's really a very simple question: Will the Republican leadership permit Congress to pass tax relief for millions of working and military families before we break or will they continue to look the other way and go home?

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. SOLIS).

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

Ms. SOLIS. 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 motion are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

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. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: under the heading ''State and Tribal Assistance Grants'' beginning with '', except that, notwithstanding section 1452(n)'' through ''water contaminants''. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. 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. 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. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. Speaker, House Resolution 338 is an open rule which provides 1 hour of general debate, equally divided between the chairman and ranking minority member.

Mr. Speaker, H.R. 2861, the Fiscal Year 2004 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Act we are hearing today. The rule waives all points of order against consideration of the bill and against provisions in the bill, except as specified in the resolution.

After general debate, any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. The bill shall be read for amendment by paragraph and the rule authorizes the Chair to accord priority in recognition to the Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, there is much to be said about what is good in this bill.

Mr. Speaker, I reserve the balance of my time at this point, and will speak about it later.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes and yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, part of the cost of waging war is the cost of caring for our veterans when they return home. Today, American troops are fighting in Iraq and Afghanistan and this body is considering an appropriations bill that grossly underfunds the veterans health care.

It is projected that 600,000 veterans will enroll in the veterans health care system this year. However, the veterans health care system cannot meet the medical needs of the number of veterans who are already enrolled because of inadequate funding.

□ 1030

More than 235,000 veterans are waiting 6 months or more for doctors' appointments. Embarrassingly, many veterans have reported waiting 2 years before they were able to see a Veterans Affairs doctor. The VA has reached capacity at many health care facilities and has closed enrollment for new patients at many hospitals and clinics. The VA has also placed a moratorium on all marketing and outreach to veterans.

According to the Veterans of Foreign Wars, because the veterans health care system is underfunded, 1.1 million veterans will either be pushed out or not even bother to try to access the VA health care. The funding allocated for veterans health is simply not enough and our veterans pay the price.

With this bill, we break many promises that we made to the veterans. The budget resolution for fiscal year 2004 pledged billions more for veterans medical care than has been allocated in H.R. 2861. Whenever America's men and women are sent off to war, they leave with the promise and the expectation that a thankful and grateful America will provide them with quality and accessible health care at least when they return home. We break this promise if we do not provide the funds necessary to ensure that no veteran waits months for a doctor's appointment or is denied admission to the VA health care system.

Late last night, the Committee on Rules prioritized tax cuts for the wealthiest Americans over the health care needs of America's veterans. Along party lines, the committee rejected an amendment by the gentleman from Texas (Mr. EDWARDS) that sought to increase the funding for veterans medical care by $2.2 million. A small reduction in the tax cut for people making more than $1 million would provide the needed additional health care funds with no pain to the millionaire. We should not accept the proposition that the government is able to pay for a $350 billion tax cut for the wealthiest Americans but is unable to fund $2 billion more for veterans health care needs.

The Committee on Rules also rejected an amendment by the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS), again on party lines. This amendment would have increased funding for veterans health care by $1.8 billion, bringing the total funding level for veterans health care to the level set in the budget resolution. Meeting the budget funding levels would ensure that the VA is able to continue to treat all of the veterans currently enrolled and ensure that the VA is able to maintain nursing home care levels for the aging veterans, and indeed, it recognizes the fact that more veterans will be coming home from the present wars needing help.

Mr. Speaker, it is heartbreaking that we have American soldiers in Iraq and around the world who will find the system they count on crumbling when they return home. We need to fix the inadequacies in the underlying legislation. I urge my colleagues to oppose this rule, and I hope that I can tell the 60,000 veterans in my district that we honor our commitment to them and will provide them with the health care we promised them.

I do want to say that I think both the committee chair and the ranking member on the committee tried extraordinarily hard in a bipartisanship that is really the way our House ought to

operate, and I want to give them my thanks for their hard work. Nonetheless, I would like to call for the defeat of this rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I am here to speak against the rule on the VA-HUD appropriations bill.

Our troops are beginning to return from their service in Afghanistan and Iraq. Sadly, these have not been bloodless wars. None of them are in history, and certainly many of these brave men and women will now rely upon the VA for their health care. They do not deserve delayed or rationed services.

Ultimately, this Congress did the right thing in approving a budget resolution that increased funding for veterans programs by $1.8 billion. We want to ensure that we keep the promise that we gave our veterans and add these funds to the appropriation for veterans health care. Please give us the opportunity to do so.

Mr. Speaker, Sunday is the 50th anniversary of the signing of the peace treaty for the Korean War. Veterans have gathered here in Washington and elsewhere to commemorate this event. Some of these veterans are gathered in the halls of this Congress today.

It comes down to this, Mr. Speaker, with the vote on this rule: You are either for or against veteran health services for veterans. What will you say to the veterans watching today and your veterans at home tomorrow who are showing great interest in this issue? Do you support them or not? Vote no on this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, everyone knows that there is a crisis in veterans health care in this country. All too often a veteran who has prostate cancer will be told that it is going to be 3 months before he can see a specialist. There are delays in seeing almost any specialist in the system. Veterans hospitals are in many ways inadequate for the demand that they face, and there is no question that if this bill passes as is, it will make that situation worse.

Now how can I say that? After all, the bill has a 6 percent increase. Here is how I can say it.

Inflation, first of all, will cost at least 3 percent more this year to serve the same population. In addition, the population which will be served, or will be eligible to be served I should say, will increase by 9 percent this year. So that means that this bill would need to be 12 percent above last year for veterans health care just to stay even.

This bill does about half of that. So if you pass this bill as is, veterans health care will get worse, not better, in this country, and I do not think that makes any sense.

Members from both sides of the aisle asked the Committee on Rules to allow amendments to be offered that could fix this situation, and they have been told, ''No, sorry, boys and girls, cannot do it.'' That, I think, means that if you want to do anything meaningful besides send out a political press release or a nice flowery letter, another one of those wonderful resolutions that passed this Congress 430 to nothing, if you want to do something to back up all those wonderful flowery words, if you want to send your veterans, as the gentleman from Michigan (Mr. KILDEE) says, if you want to send them something other than a get well card, you will vote against this rule, and give us the chance to boost veterans health care in a meaningful way.

We want to be able to offer the Edwards amendment which would raise the veterans health care budget by over $2 billion, and it would pay for it by reducing the size of the tax cut for people who make over $1 million a year from $88,000 to about $77,000. So we have a choice. What is more important to the country, an $88,000 tax cut for someone who makes 100,000 bucks a year or putting veterans where we promised we would put them, which is first in line immediately for the medical care they need?

Now, I know some people will say, ''You know, this is a bottomless pit.'' I have heard it said this is a bottomless pit. How much are we going to give the veterans? We did not ask how much the veterans were going to give us when they agreed to put everything on the line, and it just seems to me that our position ought to be that whatever it takes to provide people who wore the uniform of this country under any circumstances, whatever it takes to provide them with decent health care we are going to do.

To me, that is a whole lot more important than a number of the tax choices that have been made, and I think it is to a lot of people in this Chamber as well.

So I would strongly urge you to vote against this rule. If you are not willing to vote against this rule, do not go back home and tell your veterans, oh, man, we put you first, we really did. This committee has done a a credible job with the resources available, but the resources available are pitiful in comparison to need.

So I would hope Members would recognize that it is no criticism of the subcommittee itself to vote against this rule. It is a criticism of misplaced institutional priorities in this House, and we ask the House to take the only action you can take if you want to correct those misplaced priorities, and that is to turn down this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, this is a defining moment for this Congress. What we are talking about here today is a big deal. It is a huge deal. This is about veterans and the services that they receive in this country. The vote on this rule will show once and for all which Members of this body truly support veterans and which Members are merely talking a good game when it comes to funding veterans programs.

This bill woefully underfunds veterans services. It is disgraceful. We have young men and women who are bravely serving in Afghanistan and Iraq and around the world, and how do we thank them for their sacrifices? By cutting important veterans programs and services.

I know the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Ranking Member MOLLOHAN) did the very best they could with the little money they had to work with. In fact, they should be praised for crafting this bill out of such few resources. They are both dedicated and good public servants, and I do not fault them for this problem.

But I do fault the Republican leadership and the Republicans on the Committee on Rules for not making several bipartisan amendments in order last night that would have increased veterans spending by at least $1.8 billion. The gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) had an amendment, the gentleman from Texas (Mr. EDWARDS) had an amendment, and they were just shut out.

The Committee on Rules provides waivers all the time, and it could have provided waivers for these amendments. Not only did the majority fail to provide waivers for these amendments, but in fact, every single Republican on the Committee on Rules voted against every amendment to increase veterans spending last night.

Mr. Speaker, the sad reality is that the Republican leadership is all talk and no action. They talk about funding important programs. They talk about their support and their admiration for our veterans. They like to pose for pictures with our veterans. They speak at every veterans conference, but they do not back up their rhetoric with the funds necessary to pay for these programs.

Frankly, this body is quick to pass authorization bills that designate the necessary funding levels, followed by lengthy press releases and big press conferences, claiming support for these programs, but the Republican leadership does not put its money where its mouth is when it comes time to genuinely provide the funds needed to run these programs.

This entire year has been nothing but a history of broken promises, to our

teachers, our schools, our children and, today, to our veterans. It is wrong, Mr. Speaker, and it is outrageous that this Congress is turning its back on the men and women who have defended this country and made it the greatest and freest country in the world.

We have veterans in our districts who have to wait months and months and months to get health care. We have veterans programs that are being slashed, but it does not have to be this way.

I truly believe that this is a defining moment for this body. A yes vote on this rule is a vote against veterans. This rule prohibits any opportunity to increase veterans spending. So if my colleagues want to live up to their rhetoric, if they actually support our veterans, then join me in voting against this rule. Send this flawed rule back to the Committee on Rules and force the majority at a minimum to give us a vote but, more importantly, to give our veterans what they deserve.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my distinguished colleague, the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I would like to thank the gentlewoman from Ohio (Ms. PRYCE), my colleague from the Committee on Rules, who has helped us to guide this bill through the Congress the last three years. She does a great job and knows the bill very well and is very capable at this.

I would like to first of all, Mr. Speaker, talk a little bit about the rule. This rule provides for the customary protections usually afforded all appropriations bills at this stage of the process. It is an open rule but it waives points of order against unauthorized appropriations because so much of this bill is unauthorized.

The Appropriations subcommittee is appropriating funds for NASA, much of which is unauthorized; EPA, much of which is unauthorized; HUD programs, National Science Foundation, and we have heard a lot about veterans, and we will continue to hear more about veterans.

□ 1045

But there are a lot of items in this bill that are of critical importance to these Departments; and this would, in effect, provide the authorization required for this current year.

Most of the focus has been on veterans issues in this bill, and rightly so. It is the priority for the subcommittee each and every year that we provide for funding for this area. But I would like to talk a little bit about some of the other aspects of the bill, the other Departments that are funded in this bill.

HUD is the Department that provides for housing for all Americans. We have fully funded the section 8 housing voucher program, which allows individuals to live where they would like and take their housing vouchers with them to help pay for their rent. It is a very popular program. It is fully funded. Of our allocation, which was only about a $3 billion increase over last year, a billion of that goes just to fund the cost increases in the section 8 housing voucher program. No new vouchers, but it is fully funded. And I would remind my colleagues that thousands of American veterans live in section 8 housing, and they benefit substantially from that portion of the bill, as all other Americans do.

In the AmeriCorps program, which has had a lot of discussion and debate of late, the subcommittee provides them with about a $100 million increase over last year's budget. We raised the cap. We allow AmeriCorps to put on an additional 5,000 volunteers, which is something the President wants. We go from 50,000 to 55,000. Our only hope is that they will hire that many, as opposed to last year when they had a cap of 50,000 and they put on 67,000 volunteers. So there are problems over at AmeriCorps and National Corporation that they are working on trying to fix. We are going to provide them with additional funds this year; and, hopefully, we will get it right this year.

The Environmental Protection Agency. We provide for about $8 billion in funding for that agency. We maintain the level of enforcement that we maintained last year, which was an increase over the prior year. We have added back about $.5 billion in funds to the EPA to provide for clean water, wastewater improvements, and combined sewer overflow conversions so that we can help clean up our Nation's water. There is a tremendous demand out there. This will not cover the problem; but of our $3 billion increase in allocation, about $.5 billion of it went to clean water SRF and State and tribal assistance grants.

NASA is really a status quo budget because we are waiting to hear what happens with the Gehman Commission. They will be reporting back to the Congress probably in August, and we expect that that will have some major ramifications for NASA. The administration will have to weigh in on that, and possibly we could be dealing with that in a supplemental later in the year. I do not know. I do not know what the administration will want us to do. But we did not deal with those issues in this bill. As I said, it is a status quo budget for NASA.

National Science Foundation. The Congress has asked us to double National Science Foundation over a 5-year period. We could not do that with this allocation. We have provided for in the last several years almost double-digit increases in the National Science Foundation. Everybody agrees these are important investments for the country, but we provided for about a 5 percent increase in National Science Foundation.

That brings us to veterans. And I describe this bill, the VA–HUD and independent agencies bill, as a train, and the engine that pulls the train through the Congress is the veterans funding. It is the most important priority of the subcommittee. It has the largest advocacy group. It has the broadest support within the Congress.

Now, as I said, we had about a $3 billion increase in our allocation over last year's enacted level, and $1.3 billion of that goes toward the veterans medical care. There is also a $1 billion increase for veterans mandatory programs for veterans benefits, so a $2.3 billion increase just for veterans out of the about $3 billion that we got as an increase. Actually, the mandatory is separate, but an overall increase in veterans, counting discretionary and mandatory, is about a $2.5 billion increase.

Mr. Speaker, we have increased veterans spending in the last 5 years by almost 50 percent, 49 percent. I do not believe there is any other Department in the Federal Government that has experienced a 50 percent increase in the last 5 years. This subcommittee has bent over backwards to try to meet the needs of our veterans.

Now, we will hear, and it is accurate, that the number of veterans actually coming into the VA has increased beyond that number. But I would submit that most of the new veterans coming in are coming in for prescription drugs. They are what we refer to as category 7s and 8s.

The Congress has, in its wisdom, dramatically expanded eligibility for access to the veterans health agency. Many of the new veterans that are coming in are not indigent and they are not service connected, but they are eligible under the new broadened eligibility rules that the Congress put in place. That is putting an additional burden on the VA. It is creating long waiting lines.

There are a couple things that can happen that the administration can do. One of the things the Secretary is talking about relates to one of the problems we are experiencing. A category 7 and 8 looking to come in for prescription drugs cannot get them until they have a physical, even if they have had a physical by their own personal doctor. Now, that it is a double cost. It is a cost possibly in Medicare; it is also a cost in the VA if they need to get two physicals. There is some discussion about waiving that initial physical for veterans when they come to the VA if it is just for prescription drugs. So that would reduce the waiting time.

Also, there was in this bill when we first brought it to the Congress a fee requirement, a $250 premium and a $15 copay, which has been stripped from the bill. So those additional fees that were in the bill are no longer in the bill. We just do not have the allocation that some people would like us to have, the amount of funds some people would like us to provide. The budget resolution that we passed required us to raise veterans spending for health care even higher. The problem was we did not have the resources to do that.

There was an assumption in that budget resolution for $7.5 billion more than we actually had. It was supposed to come from mandatory savings, from waste, fraud, and abuse savings; but that was knocked out in the conference so we did not have those additional funds. Now, we went back and rescinded $5 billion from defense to provide the Committee on Appropriations with an additional $5 billion, which we did do, which provided some relief; but we still came up about $2.5 billion less than what was assumed available in the budget resolution. So it squeezed us.

Now, I do not stand back from the commitment that this bill has made to veterans. We have increased mandatory spending. We have increased discretionary spending. It is clearly the priority. We have increased veterans health care 50 percent in the last 5 years. As I said, no other Department, no other agency in the Federal Government has experienced that kind of growth.

This is a bill we can be proud of. This is a bill that maintains its commitment and maintains its promise to veterans, but it also provides the necessary resources to make the investments in our Nation's intellectual and technological future by making investments in the National Science Foundation. On NASA, we are waiting for the report and we will respond to that. Environmental protection, we think this is a strong vote of support for protecting our environment, which is a priority for our party and for all parties in this country, certainly for the President. It provides an increase for AmeriCorps, and it also fully funds our Nation's public housing program, which, to me, is as important a commitment as our commitment to the veterans.

We have an obligation, I think, in this country. This is a very competitive society. Some people do not compete as well as others. There is a need out there for public housing, and this Congress stands behind that commitment to those individuals that, until they can get on their feet and manage their own housing costs, we need to stand behind them.

So it is a very complex bill; we have limited resources, but a full desire to meet our commitments that we have. Mr. Speaker, I am proud of this bill, and I urge its support and support of the rule. It is a good rule. It is an open rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 20 seconds to say to the gentleman, the Chair of the subcommittee, the gentleman from New York (Mr. WALSH), that we do know what a wonderful job that he does with what he has been given, but we do believe we could make the bill a little better if we were allowed the Edwards amendment.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I know you know about veterans issues, because I was honored to serve as your ranking member on the Subcommittee on Benefits. As I sit here and listen to my good friend and colleague trying to deal with a very difficult situation, trying to put the best face he possibly can on this, the thought occurs to me that if we are interested in doing right by our veterans, and I spoke earlier about the sacrifices that today are being made by the families of our veterans and current members of the armed services, it occurs to me that no amount of parliamentary gerrymandering that talks about unauthorized appropriations and those kinds of fancy words can make this issue go away.

Yes, there have been increases in the VA budget, but I would remind my colleagues on both sides of the aisle that not too long ago we were in a situation where we had a surplus. I spoke about putting our veterans at the head of the line. Instead, we put tax cuts before our veterans. The gentleman from New York (Mr. WALSH) is absolutely correct, we do not have the resources today. Why do we not have the resources? Because we prioritized tax cuts ahead of our veterans and ahead of so many other programs.

Those of us that continuously have an opportunity to go visit with today's heroes, heroes that we talk about on the floor of this House, heroes that we talk about in our respective committees, and I am talking about the men and women that are laying down their lives in Iraq and other parts of the Middle East and around the world in serving proudly for our country, we go to Walter Reed Hospital and to Bethesda and we see the results of those sacrifices. Why can we not increase the budget of the veterans administration that take care of today's heroes? Because we are not even taking care of yesterday's heroes.

Veterans today are not coming in just to get prescription drugs. They are coming in because they need attention after putting their lives on the line for this country. They deserve better. They deserve to have us do our job for them, if nothing else. Vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as we speak from the comfort and security of this House Chamber, tomorrow's veterans are putting their lives on the line in Iraq today. That is why this rule is shameful.

With this rule, the House Republican leadership has guaranteed inadequate funding for veterans health care during a time of war. And to add insult to injury, the House Republican leadership has broken its recent promises with this rule to veterans. How? By ensuring that we cut VA health care funding by $1.8 billion less than they promised our veterans just a few weeks ago.

Do not listen to just my voice; more importantly, listen to the voices of America's veterans' leaders. Let us go to Ron Conley, the national commander of the American Legion. He said this: ''I have visited over 60 VA medical facilities across the country only to find that budgetary shortfalls are preventing hundreds of thousands of Americans from receiving timely access to quality health care.'' He goes on to say that to fund VA medical care short of that recommendation in the House budget resolution ''sends a chilling message to those who served in the liberation of Iraq.''

Shameful, Mr. Speaker.

□ 1100

Let us talk about broken promises. It would be wrong to break promises to veterans in any year, but to do so in a time of war is absolutely inexcusable. The VFW in its national press release just a week ago calls this bill without the amendment that has been prohibited with this rule to increase veterans funding by $2.2 billion ''a clear betrayal of the assurances made to America's veterans by the House Republican leadership.'' VFW Commander in Chief Ray Sisk said on July 17, ''The House leadership has deceived us.''

The national legislative directors of AMVETS, Paralyzed Veterans, and Veterans of Foreign Wars said this:

''This represents a flagrant disregard to promises made to veterans by this Congress.''

I think I know what is happening. The Republican leadership is carrying out the will of its majority leader, TOM DELAY, who said not long ago that in time of war nothing is more important than tax cuts. I would hope, Mr. Speaker, that Mr. DELAY would tell that into the eyes and into the faces of the 20,000 soldiers from my district that are presently putting their lives on the line in Iraq. This rule that prohibits a $2.2 billion increase in veterans health care guarantees broken promises to our veterans in time of war, and it guarantees inadequate funding for veterans health care. That is shameful.

Vote ''no'' on this rule and in doing so let us support America's veterans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. There is nothing extraordinary about it at all.

This is a standard rule for consideration of an appropriation measure. It is an open amendment process. For my colleagues, I would like to explain exactly what it is that we have done. The subcommittee, very ably chaired by our friend from New York (Mr. WALSH), worked its will, went through its subcommittee process, worked through the full committee, and it had a number of very important items focused obviously at its number one priority, dealing with the veterans of this Nation. Do I wish that more could be done for veterans? Absolutely.

I was just having a conversation with my friend from Connecticut (Mr. SIMMONS), subcommittee chairman on the authorization committee. Obviously, we would like to be able to do more. We live within the constraints of the 302(b) allocations, and I believe that the gentleman from New York did a phenomenal job with those limitations that have been imposed on him.

There are a lot of other issues that are included in this measure, Mr. Speaker, some that are important to me. I happen to be privileged to represent the Jet Propulsion Laboratory just above Pasadena, California, in La Canada-Flintridge. They are phenomenal projects that they have been pursuing, the Prometheus Project, the Jupiter program. They have been involved on the cutting edge of exploration, which is improving the quality of life for all of us. Important funding for that is included in this measure.

As the full Committee on Appropriations worked out its package, they came to the Committee on Rules and asked for, as is usually the case, a waiver to simply protect the work product of the subcommittee and the full committee. Chairman YOUNG, who does such a great job, was supportive of that request that came forward to provide the protection for the bill itself. And then, Mr. Speaker, what we did is we made in order what is called an open rule. An open rule means that any Member can offer a germane amendment that relates to this appropriations bill. That means they can offer striking amendments, cutting amendments. Those are in order. Those amendments are in order.

That is why, while I am very sympathetic, very sympathetic, with the concerns that have been raised by my colleagues as it relates to veterans, we need to recognize everything that has been done for veterans. The dedication that the United States Congress and our government has made to those who have sacrificed for our country is very strong. I was just telling the gentleman from Connecticut that my father was a drill instructor, Mr. Speaker, in the United States Marine Corps. He passed away 6 years ago this past March 3. I miss him greatly, but he inspired me. The service that he provided to our country inspired me. I cannot in any way turn my back on that kind of dedication, that kind of commitment to our country. I believe that this measure does effectively address the challenges that we have, and I hope very much that we will at some point be able to do more. I appreciate the work of so many of our colleagues on this.

But I think that we need to move ahead and get this bill done. Chairman YOUNG has done a phenomenal job with the appropriations process, but we have a lot of work ahead of us so I hope we are able to move quickly. I thank my friend from Ohio for yielding me this time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I extend my heartfelt gratitude to the honorable gentlewoman from New York for yielding me this time. I do not believe that there is any Member of all of us who does not love veterans. I really believe that you genuinely love veterans and that you probably have some of them in your district. So I believe that you love them. I am here simply to say, help my disbelief.

We have hospitals closing that were inspired and created specifically to accommodate health care for veterans. We have veterans in my district, if you would care to talk to some in yours, who have endured long waits just to have an opportunity to see a doctor in a VA hospital. If you really love your veterans, give up your seat in Congress to a veteran so that they can go down to the attending physician's office and go out to Walter Reed or Bethesda whenever they have a toe ache or a headache and then that would be showing your love for a veteran.

In 1789, General and President George Washington, whose picture hangs on the wall here in the Chamber, said: ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.''

We pass feel-good legislation not to desecrate the flag. We pass resolutions to support our troops. If we truly, genuinely, without hypocrisy want to support our troops, vote against the rule. If any of you care to notice, many of our young women and men who are in war right now will come back hopefully in this country, but many will be maimed, many will be without limbs, many will suffer post-traumatic stress disorder, in need of dire medical care. We are closing down veterans hospitals around this country. That is just devastating that we are shutting out the people who fought for the freedom of the United States of America. We come in here and pledge allegiance to the Flag on a daily basis, pretending to support those who preserve the freedom for this country.

The President's budget requested a $1.4 billion increase when it really needed at least $2.5 billion, even to meet its own definition of current services, which includes serving fewer veterans and further rationing services like nursing home care. It meets the shortfall by proposing poorly defined management efficiencies, including outsourcing a significant part of the workforce. The President's budget also contained a number of legislative initiatives designed to limit veterans' use of health care services by increasing copayments for medication and outpatient visits and levying a new enrollment fee. Give me a break.

This rule is atrocious. It reeks with hypocrisy. It reeks with inhumaneness. I would encourage anybody in the name of the veteran to vote against the rule.

In 1789, General and President George Washington spoke these words:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by this country.

This bill shortchanges veterans.

I do not believe we should be balancing the budget on the back of veterans. By not allowing priority 8 veterans to claim the benefits they deserve for serving this nation only because they were lucky enough to escape combat without injury is wrong.

The President's budget requested a $1.4 billion increase when it really needed at least $2.5 billion even to meet its own definition of current services, which includes serving fewer veterans and further rationing services like nursing home care.

It meets the shortfall by proposing poorly defined management efficiencies, including outsourcing a significant part of its workforce.

The President's budget also contained a number of legislative initiatives designed to limit veterans' use of health care services by increasing copayments for medication and outpatient visits and levying a new enrollment fee.

Congress has not had the stomach for the Bush legislative initiatives, but hasn't replaced the funds they were designed to create.

Ultimately this body agreed to accept the Senate budget numbers that increased VA discretionary funds, including medical care by $1.8 billion in fiscal year 04.

This level of funding would allow VA to fill the funding deficiencies left from our rejection of Bush's legislative initiatives, restore a vital nursing home program and fund much-needed construction.

We must not break our promises to veterans. The VA–HUD appropriations bill will not meets veterans' needs. Its increase from last year is $1.4 billion, which does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

Even the President's own Task Force to Improve Health Care Delivery for Our Nation's Veterans acknowledged the problem, stating that ''There is persistent concern about the inability of VA to provide care to enrolled veterans . . .''.

The President's Task Force also noted that ''the Federal Government has been more ambitious in authorizing veteran access to health care than it has been in providing the funding necessary to match declared intentions.''

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. ''To bind up the Nation's wounds, to care for those who have borne the battle.'' Those are the words of our greatest Republican President. It was the beginning of a national promise, a promise, an obligation, a sacred obligation to look after those who bore the battle. The result is today we have in the VA excellent doctors and nurses, excellent facilities as far as they go, but it is not far enough.

Patients have unacceptable waits. And when it comes to medical care, to delay is to deny. Those who served in uniform did not wait to serve. This bill effectively cuts veterans health care. Do not just take my word for it. The DAV, the VFW, Paralyzed Vets say this cuts health care. The rule denies waivers to the gentleman from Texas (Mr. EDWARDS), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Illinois (Mr. EVANS) to try to address this. That is reason enough to justify defeating this rule. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) have done their best; but we must not forget, these cuts were not an accident. They did not happen in the Committee on Appropriations just yesterday. They are the deliberate result of a partisan budget that was rammed through Congress a few months ago. It was passed with some empty promises to some of our colleagues that veterans would be taken care of later.

But this budget, despite the words of the chairman, who a moment ago said, ''We would like to do more,'' this budget that was rammed through Congress months ago cut veterans benefits.

Here is what they said: You know, we found several trillion dollars of money that we don't need. It's your money, Americans. We'll give it back to you. You know how to spend it better than we do.

I ask you, Mr. Speaker, whether these young and old millionaires who get 80, $90,000 will spend it better than the government to take care of those veterans, to see that they do not have to wait at their local clinic at Fort Monmouth; or Brick, New Jersey; or Lyons Hospital in New Jersey. Do they know how to spend it better?

Defeat this rule. We owe it to those who served in the Second World War, in Korea, in Vietnam, in the Gulf War and in a number of other actions; and we owe it to the new veterans who are coming home every day. Defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I oppose this rule. This bill critically underfunds veterans health care, affecting the lives of more than 26 million veterans in our country and 75,000 veterans in my State of Connecticut. For over 200 years our veterans have made sacrifices for our country. Some of them continue their sacrifices after they come home. They may require continued care, rehabilitation, help with job training, college, promises that were made to them when they volunteered to serve. Shamefully, we are going back on those promises now.

This bill breaks the promise by the House Republican leadership to veterans by providing $2 billion less than the budget resolution. The administration recognized the shortfall in their budget request, but claimed that they made up much of the difference implementing so-called, quote, management efficiencies by outsourcing a large portion of the medical care workforce. Outsourcing medical care will in all likelihood mean inadequate care for many of the 2.3 million veterans currently receiving benefits for service-related disabilities. It could mean longer lines for the more than 134,000 sick and disabled veterans who have already been waiting more than 6 months to simply get an appointment at veterans hospitals.

In my State, almost 2,000 veterans will be frozen out of VA enrollment entirely. I am troubled that the President has made no attempt to request emergency funding to restore enrollment for new priority 8 veterans. If this is not an emergency, then what is?

The respect and the fair treatment of veterans is an issue that hits close to home to me, Mr. Speaker, because my dad, an immigrant to this country from his native Italy, was a veteran. He proudly served in the United States military. He would find it unconscionable that this Republican Congress would renege on a commitment they made to our soldiers at the very moment our men and women are securing the peace overseas.

Mr. Speaker, you cannot support our troops and not support our veterans. Mr. President, you cannot support our troops and not support our veterans. You cannot pay for today's military services by cutting the funds for those who served in the past. It is wrong. We should honor the legacy of sacrifice made by American soldiers by supporting our veterans and the services that they rely on. We owe our veterans better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, despite the Republicans' promise to veterans during the budget process, we find ourselves with a VA-HUD appropriations bill that is shamefully inadequate. We have cut the $3.4 billion increase that we promised veterans in half. Even though the Committee on Appropriations took out the President's recommendations to impose new enrollment fees and copayments on veterans, they did this by simply shifting funds and adding no new money.

□ 1115

Therefore, we have a new $264 million hole in the VA budget. Chairman SMITH and Ranking Member EVANS had an amendment to restore $1.8 billion. But it was denied a waiver by the Committee on Rules. Mr. EDWARDS had an amendment that would have added $2.2 billion to VA health care for all veterans including priority 8 veterans, they were recently shut out of VA health care altogether, but it was also denied.

A few weeks ago some of my Republican colleagues held a press conference in order to calm the fears of the veterans across America who were concerned that their health care system would not be adequately funded. They assured the veterans that funding veterans service was a priority of the Republican Party. A priority of the Republican Party. We now know that their words were empty. Their promises were nothing, nothing but empty rhetoric.

We can find money for a massive tax cut. We can find money for Pakistan. We can find money for Turkey. We are spending $4 billion a month in Iraq. We can find money for veterans health care. You just do not want to. Shame on you. I feel sorry for you when you go home in August and explain to your veterans why you turned your back on them, why you gave them an inadequate health care budget when you promised to do better.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

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

Mr. SIMMONS. Mr. Speaker, I rise in opposition to this rule. I rise in opposition to this rule because without an amendment that we presented to the Committee on Rules last night, we cannot fix the VA/HUD appropriations bill, and that bill needs to be fixed. That bill needs an additional $1.8 billion that was carried in the budget resolution that we passed in this body just a few months ago.

Over 30 years ago, I went to infantry OCS at Fort Benning, Georgia and I learned there that an officer's word is his bond and I have carried that with me through 3½ in Vietnam, 37 years in the U.S. Army, 10 years in the Central Intelligence Agency, and 3 years in this body. An officer's word is his bond. And we pledged in April that we would fund veterans health care adequately. This bill does not fund veterans health care adequately. It does not help us keep the promise. It does not allow me to keep my word, which is my bond. Vote against the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding.

I rise in strong support of defeating this rule and keeping our promises to our veterans.

Ms. SLAUGHTER. Mr. Speaker, I yield my remaining time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the most powerful statement made in this debate this morning is the deafening silence of House Republicans. I hope veterans all across America have noticed that only one Republican out of over 200 in this House had the courage to say that we should have just the right to be able to vote for an amendment to increase veterans health care spending this year by $2 billion. Deafening silence. Broken promises to veterans in time of war, inadequate funding for veterans health care. That is what Republicans are saying when they vote yes on this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, when Members of Congress met in the subcommittee to write this appropriations package, planning the most effective and efficient way to fund many of these programs, they did not pick random funding level. Quite the contrary. The gentleman from New York (Chairman Walsh) and the gentleman from Florida (Chairman Young) had a good solid record of success to guide them upon which to build. They were able to look at all of the significant battles that Congress has fought and won for our veterans in the past, the measurable steps we have taken to provide better and better and better benefits and care for our veterans.

In the fight to enhance veterans access to high-quality health care, we have won many battles. Through the Veterans Benefits and Health Care Improvement Act, we ensured quality medical staff through competitive compensation for VA nurses. Through the Veterans Millennium Health Care and Benefits Act, the House has increased access to geriatric evaluation, nursing home care and adult day care.

In our fight to improve job training, education and employment placement for veterans, we have won many battles as well. Through the Jobs for Veterans Act, Republicans have provided a new system of incentives and accountability measures aimed at enhancing economic security. Through the Veterans Entrepreneurship and Benefits Improvement Act, the House has provided veterans with assistance in starting and growing small businesses.

In our fight to enhance veterans survivor benefits, we have won many battles. Through the Survivor Benefits Improvement Act, Republicans have provided $100 million in new health care benefits for surviving spouses and extension in life insurance coverage to families in their time of need. In our fight to improve the overall quality of life for veterans and their loved ones, we have won many battles. Through the homeless veterans law, we have provided $1 billion to help homeless veterans receive housing vouchers and assistance for those veterans undergoing treatment for mental illness and substance abuse.

Today we are here to add to that long list of successes. Today we are claiming victory. Today we have an opportunity to make greater gains for our veterans and their communities by approving this significant funding plan. This bill provides $27.2 billion in total budgetary resources for the Veterans Health Administration, a $1.4 billion increase over last year. A $1.4 billion increase over last year, that is not a cut, Mr. Speaker.

This package includes nearly $16 billion for medical services, $4 billion for medical facilities, $408 million for veterans medical and prosthetic research. In addition, this plan makes significant investments in America's communities. There is more in this bill than what we have just discussed today. Over $2 billion to assist low-income families in making down payments as they purchase a home, invest in their communities, and achieve the American dream; $850 million for safe drinking water, nearly $16 million for NASA further space exploration.

In nearly every way, this funding package builds on our past successes for our veterans and for our own communities.

Is it everything on our Christmas list? No, it is not. Is it everything that we had ever hoped to provide our veterans, their families and America's communities? Not even close. But is this progress? Yes, sir, this is progress. It is one more achievement that will encourage us to return and fight harder tomorrow, next month, and next year for more for our veterans and for our communities.

Mr. Speaker, America's veterans have served our Nation in invaluable ways. Repaying them for upholding our values of liberty and freedom seems nearly impossible, but we will continue to try. Each year we will work harder and harder to reward their sacrifices. Each year we make progress, and each year we fall short because, very honestly, freedom has no price tag. We can never repay what we owe them. But step by step, bit by bit, we can continue to make gains in honoring their service with better health care, enhance access to housing and job opportunities and more generous benefits for their loved ones, and that is what this plan does. It places us one step further in the ongoing and never-ending quest to reward those who have upheld the liberty we all enjoy. Mr. Speaker, I urge my colleagues to pass the rule and approve the underlying bill.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the rule provided for consideration of the VA/HUD appropriation bill with great sadness.

Sadness knowing that our veterans will not receive the health care they have earned.

Early this morning I joined my esteemed (bipartisan) colleagues on the House Veterans Affairs Committee Chairman CHRIS SMITH and Ranking Member LANE EVANS before the Rules Committee in support of their Amendment that would have added $1.8 billion dollars in funding for veterans health care for the 2004 budget.

This amendment was ruled out of order.

Mr. Chairman is ensuring that the VA is able to continue offering health care for all veterans currently enrolled—is that out of order?

Our veterans deserve better than this.

Many are old and frail and unable to afford any other form of health care.

Have no doubt if we pass this budget without this amendment we are handing the Department of Veterans Affairs serious challenges.

These challenges will include deciding which veterans will and will not be served.

Mr. Speaker it is time for us to put our money where our mouth is and support our veterans.

I urge a ''no'' vote on this rule.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to H. Res. 338, the rule providing for consideration of the Department of Veterans Affairs and Housing and Urban Development appropriations bill. I am again disappointed by the lip service being paid to veterans by the Republican leadership. This bill falls far short of giving the VA adequate resources to meet the health care needs of America's veterans. The Independent Budget authored by AMVETS, Disabled American Veterans, Paralyzed Veterans of American, and Veterans of Foreign Wars recommended $27 billion for veterans' health care, a $3.3 billion increase over the current level. That was the nonpartisan recommendation of America's veterans, the men and women who fought and served for our Nation.

But our veterans came under attack when the President's budget only recommended a $1.4 billion increase to $25.7 billion and dared to ask certain veterans to pay a fee to enroll in VA health care and pay increased copayments. The House took a step forward when it passed a budget resolution in April that provided $27 billion in funding for VA health care, but the resolution still funded this increase by charging veterans enrollment fees and raising copayments. While, I am pleased to learn that the Appropriations Committee did not include the President's proposal to impose new fees and increase copayments, I am sorely disappointed that the Committee shortchanged veterans what was promised in the budget resolution by only providing $25.2 billion for veterans' health care.

I am equally disappointed that the Rules Committee did not make in order an amendment offered by Veterans Affairs Committee Chairman SMITH and Ranking Member EVANS that would have increased funding for veteran's health care by an additional $1.8 billion to match the $27 billion in the budget resolution we passed in April. Additionally, the Rules Committee did not make in order an amendment by the gentleman from Texas (Mr. EDWARDS) to increase funding above the Appropriations Committee figure by an additional $2.2 billion to $27.4 billion. Veterans need these increases to insure that they are no longer turned away from their own health care system.

This debate is yet another reason for this House to consider legislation to make veterans health care funding mandatory. Our veterans deserve better than bickering over discretionary funding. They deserve a Congress

that will live up to its pledge by providing health care to all veterans, by ensuring that it is accessible, and by fully funding the VA health care system.

Mr. Speaker, I urge my colleagues to join me in voting against this rule that will again deny veterans the health care funding that they deserve. I have said many times before that veterans were promised by the Federal Government that for their service to the country they would be provided a lifetime of health care services, as well as their own health care service network. It is time for us to no longer say we will support our veterans, but to actually act to support our veterans.

Mr. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

Ms. SLAUGHTER. 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 resolution are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 339

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Toomey of Pennsylvania or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to 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 purposes of debate only.

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 339 is a modified closed rule waiving all points of order against the consideration of H.R. 2859, the Emergency Supplemental Appropriations for Disaster Relief Act, 2003. The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule also provides for a consideration of an amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY), or his designee, which shall be considered as read, shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment. Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2859 was introduced by the chairman of the Committee on Appropriations and provides $983.6 million in emergency supplemental funds for the Federal Emergency Management Agency for fiscal year 2003. This emergency appropriation is necessary to replenish the Disaster Relief Fund to make certain Federal resources available for the current fiscal year to meet the needs of Americans affected by tornadoes, floods, forest fires or other national disasters. The administration has informed Congress that without supplemental funds it is estimated that the Disaster Relief Fund would soon be exhausted. Additional funds are needed to respond to emergencies created by extreme weather and deadly wildfires.

Our Nation was struck by a record 562 tornadoes, Mr. Speaker, in May alone. The National Oceanic and Atmospheric Administration forecasters predict an above average season for tropical storms and for flooding, with Hurricane Claudette already striking the Gulf Coast of Texas.

The summer fire season is also fully upon the Western United States. The National Interagency Fire Center in Boise, Idaho reported yesterday that there are currently 45 large fires burning in 12 western States. Three of these fires are burning in my State of Washington. The largest of the fires in Washington State is the Farewell Creek fire burning in the arid north central portion of the State. This fire has grown so large that it could burn, Mr. Speaker, for 3 months and not be fully extinguished until the first heavy rainfall or snowfall this winter.

The emergency appropriation included in H.R. 2859 will make certain that FEMA and the Department of Homeland Security have the funding and resources needed to meet the needs of Americans affected by these tornadoes, floods, wildfires and other national disasters. H.R. 2859 was introduced by the chairman of the Committee on Appropriations to allow for prompt consideration by the House of Representatives and by the Congress. Accordingly, I encourage my colleagues to support both the rule, H. Res. 339, and the underlying bill.

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

□ 1130

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

Mr. Speaker, I thank my friend from Washington for yielding me the customary 30 minutes.

Mr. Speaker, the Republicans have put us in quite a situation here. We all remember the great job that President Clinton and James Lee Witt did in the 1990s by remaking FEMA into the world-class disaster response agency it is today. But earlier this year, the Republicans in the House decided to play games with FEMA's funding levels. They deliberately provided inadequate resources for FEMA in order to meet their arbitrary budget cap. They knew full well that they would have to come back for more FEMA funding; and surprise, surprise, here we are.

We are here to consider a new supplemental appropriations bill that will partially fund FEMA through August and through part of the hurricane season. I am sure almost all of us will vote for this bill, because this funding is so important for FEMA and the families that they help.

But it is important that we discuss the other emergency that is looming, and that is that of AmeriCorp. As many of my colleagues probably know, AmeriCorp is woefully underfunded. Without immediate action, 20,000 AmeriCorp positions will be lost; 20,000 AmeriCorp positions will be lost.

The other body did the right thing, and they added $100 million to AmeriCorp to their version of the supplemental. But on a near party-line vote in the House Committee on Appropriations, the Republican majority killed this funding. This must be another part of the Republican employment plan.

Mr. Speaker, the Republican majority is playing games with the lives of 20,000 AmeriCorp employees. These people are proudly serving their communities and have committed themselves to this important public service program. But without our help, they will be cast aside, at no fault of their own.

After September 11, President Bush issued a challenge to Americans to give back to their communities, right here in this Chamber. He specifically singled out AmeriCorp as one way to give back. Unfortunately, the administration's actions have not matched their rhetoric. While they have talked a good game about the importance of this program, they have done absolutely nothing, absolutely nothing, to ensure its long-term stability.

Mr. Speaker, these are real people we are talking about. I recently talked to a young woman in Worcester, Massachusetts. She was thrilled just to be accepted into the AmeriCorp program. But then she told me that her hiring depends directly on whether AmeriCorp receives the emergency funding it needs. Her life is on hold while the Republican leadership plays more games and breaks more promises.

Mr. Speaker, all of us support important funding for FEMA, but we cannot and must not turn our backs on the young people across this country who have stepped up to serve their communities. We owe it to them to do the right thing.

Mr. Speaker, at the end of this debate, I will call for a vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will provide us the opportunity to debate the Obey amendment, which will provide important AmeriCorp funding.

Mr. Speaker, this is the only way we can help AmeriCorp. Once again we must take this avenue of defeating the previous question because the Republicans on the Committee on Rules shut us out. Last night they shut us out with regard to increasing veterans funding, and, then, after that, they shut us out with regard to finding ways to help 20,000 AmeriCorp volunteers keep their jobs.

Mr. Speaker, I would urge my colleagues to join me in defeating the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I simply want to say that before this year is done, we are going to need a lot more supplemental funding than we have before us in the bill that will be brought to the floor under this rule. There is no question we are going to need money for Iraq. I personally have doubts that the money being requested for FEMA is going to be sufficient, unless we get by with virtually a storm-free summer, and I would not expect that. And as the gentleman from Massachusetts has indicated, if we do not fund AmeriCorp, we are going to have thousands of people who have offered to give their services to their communities in various capacities who are going to get laid off. It is as simple as that.

So if we want to ignore that fact, as we earlier today ignored the problem of children from families who get the earned income tax credit, if we want to follow that example and again turn our backs on them, the House has the power to do that. But it should not do that. That is why we are asking the House to vote against the previous question on the rule, so that we could amend the rule to provide for consideration of funding for AmeriCorp, as well as FEMA.

Mr. Speaker, I would hope that that is what the House would do, but we shall see when the votes are counted.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time, and I rise to say that I think the supplemental appropriations bill makes an irreversible mistake by letting one of our Nation's preeminent volunteer programs die.

AmeriCorp helps thousands each year, and now it is our turn to help them. AmeriCorp members dedicated thousands of hours, providing health care, tutoring, food and public safety services to some of our neediest citizens. We must resolve the accounting crisis that put them in danger in the first place, but we need not destroy the program in the process.

At a time of record unemployment and rising poverty, it is foolish to deny our AmeriCorp volunteers the opportunity to serve. These are Americans who have not asked what their Nation can do for them; they have asked what they can do for our Nation. And the answer they are getting back is basically, nothing.

In Rochester, this funding crisis means a loss of over 100 AmeriCorp volunteers by the end of August. Each year the members much the Rochester, New York, AmeriCorp and other volunteers contribute over 150,000 hours of service to our community. Their services reach over 10,000 children and young people.

Volunteers help to revitalize communities in countless ways. They mentor youth, they build affordable housing for families, they teach computer skills to people of all ages, they clean the parks and the streams that have been polluted, and they run the after-school programs.

The value of even one AmeriCorp participant is simply staggering. A single AmeriCorp volunteer can create a reading program to help dozens, even hundreds, of students at a school. AmeriCorp has made thousands of American cities and towns safer and cleaner and better places to live.

In Buffalo, the AmeriCorp volunteers increased the capacity of 225 small community and faith-based organizations. One example is the Response to Love Center on Buffalo's east side, which was founded by Sister Johnice.

She told me when heavy snow paralyzed the city last winter, she worked with AmeriCorp volunteers packing thousands of food bags, delivering heavy packages of food to the homebound that she could never have managed on her own. ''I saw AmeriCorp volunteers walk miles,'' she said, for a prescription for a new mother after having a baby. I looked at the workers shuffling snow for hours so the emergency vehicles could move, and I witnessed faith and love in action.''

It is not only our community as a whole that benefits from AmeriCorp. In return for serving our community, the volunteer members receive an education award of up to $4,725 to help pay for college or pay back student loans. What a cheap price we pay for all that help.

Today, more than 13,000 New York residents have qualified for those awards. Now, when the State budget crunches are hitting and we expect college tuition to rise, it is not the time to make it more difficult for people who have public service in mind to be disallowed their education benefits.

Social programs are being cut to ribbons in the United States, Mr. Speaker, as the deficits mount on all the levels of government; and we should not close AmeriCorp, which gives so much for so little.

If I might be allowed a personal note, I am so proud of my granddaughter, who graduated last year from Wake Forest, and was so pleased to be accepted into the Teach for America program. Unfortunately, as AmeriCorp dies, so does Teach for America; and that child, who was so excited about that program, waits now in some limbo again to start her future, hoping that somehow some miracle will happen and that program, which will mean so much to so many children, will be saved.

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

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

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

Mr. DICKS. Mr. Speaker, I thank my colleague for yielding me time.

I am pleased that the House is taking quick action to address the critical shortfalls facing the Director of Emergency Preparedness and Response, the entity we used to know as FEMA. In fact, I was speaking with the new Under Secretary, Mike Brown, just last night, who informed me that EPR will have to close regional offices within 2 weeks if funding is not approved. So I strongly support the approval of this money.

However, there are other important programs that will have to start closing down in August if funds are not approved immediately.

As was mentioned by the gentlewoman from New York, Teach for America, there are 2,700 people in this country who were signed up for Teach for America. They would be trained in August and start working in September. So obviously if we do not appropriate the money now, we appropriate the money in September, it is going to completely disrupt this program, which has been so important for helping kids in school who need special training and special help.

These young people all across this country who think that they are going

to have a contract are not going to have one because we have failed to act here in the House of Representatives. We tried to offer this amendment in committee to add $100 million for this important program, and on a straight party-line vote it was voted down.

We certainly can do this now if we can defeat the previous question. We can add this $100 million and take care of FEMA, take care of AmeriCorp and send the bill to the Senate. Frankly, as the ranking Democrat on the Committee on the Interior, I am worried about the money for forest fires. Again, we are not putting up the money for the forest fires either.

Now we use the old adage, well, we can borrow the money and then pay it back. But they have not paid back the money from the last year that they have borrowed. I was pleased that the administration requested, I think, $289 million, maybe it was $320 when you add BLM and Forest Service together; but that money is not in here.

I just had a conversation with the distinguished chairman in the other body on the interior appropriations, and he is very concerned about the fact that we do not have the forest fire money in here as well.

So I understand that the problem with FEMA is very urgent, but these other issues are also important. So I wish we could do a broader supplemental and deal with them. I hope that the gentleman from Wisconsin (Mr. OBEY) is going to have an amendment that will deal with the problem of AmeriCorp. I just hate to see, if we are going to solve this thing in September anyway, why screw up the entire program and not get it done now when we have an opportunity to.

There are 224 Members of the House who have signed a letter, a majority, Democrats and Republicans, in favor of adding the $100 million. I am told the President now has changed his mind and he is in favor of it. So if everybody wants to do it, why not do it?

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of defeating the previous question so we will have an opportunity to properly fund AmeriCorp. AmeriCorp is desperately in need of $100 million to make sure we do not provide the kinds of cuts that can be devastating, not only to the AmeriCorp volunteers, but to our communities.

In my own State of California, we are talking about cuts if this funding is not realized of some 64 percent. That means some 2,000 service members in AmeriCorp, young people volunteering, will not be eligible to have their positions continued.

This is not just about them; it is about the work they do in our communities, in after-school programs, building affordable housing, to help the communities respond to disaster, and helping to train a new core of teachers. Those are the services they provide. That is the multiplier that they provide.

Many of us have witnessed AmeriCorp workers at work. We spend time with them at social occasions and you start to appreciate their infectious enthusiasm and their desire to help their country and help our communities and help young people and older people. They provide a huge amount of services. And yet because of a squabble, because of a mistake by the executives in the corporation, we are now going to hold these young people liable. We are going to decimate this program.

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And we do that in light of the fact that the President of the United States asked us to increase AmeriCorps from between 50,000 to 75,000 new volunteers, recognizing the spirit and the contribution that AmeriCorps makes to our communities and to our Nation. But now, what we find out is that this supplemental, if we do not defeat the previous question, will provide for 28,000 positions. That is an anemic form of AmeriCorps in a country that has so many needs and has the ability to attract the best of these young people with their talents, with their education, and with their desire to help our communities.

So I would urge my colleagues to vote against the previous question so that we can open up this supplemental to provide fpr the funding for AmeriCorps that is so urgently needed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, whether one supports AmeriCorps or not, recently they got over $60 million. Now they want another $100 million. Just do the math; 50,000 AmeriCorps, what they call volunteers, take 50,000 into $162 million. They are making over $30,000 each per volunteer, if you take the cost of it.

Now, the individuals do not do that, but that is the cost of the program per person that is in there. We do not need this.

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

Ms. DELAURO. Mr. Speaker, I am disappointed that this bill does not include funding for AmeriCorps. AmeriCorps is about fortifying our democracy, energizing and unlocking the potential of young people, and improving our communities. AmeriCorps has given a quarter million Americans the opportunity to serve millions of their fellow citizens in countless ways, fighting poverty, tutoring and mentoring neglected youngsters, cleaning up the environment, and providing long-term care to the elderly, to name a few. It is the premier national service program of the United States.

Critical vital services in our communities would not be the same without the efforts of the dedicated young volunteers whose energy, compassion, and commitment touch people's lives every single day.

The Corporation for National Community Services, yes, has had management problems. They have been identified. They are being addressed by the managers and administrators, and it is vital that we remain vigilant that these reforms continue.

In doing so, we should not punish the communities, the thousands of young volunteers. Why do we want to dampen their enthusiasm and their spirit? Why do we want to hurt those people who rely on their services, simply because top administrators failed to do their jobs? And without funding, more than 20,000 AmeriCorps volunteers will lose their positions. Counselors at the LEAP program in my hometown of New Haven, Connecticut provides mentoring and service opportunities for area kids. It shows 1,300 children across Connecticut with over 350 college and high school students lending their time.

One hundred percent of LEAP's junior counselors graduate from public high schools, and 80 percent go on to college. If we lose that sense of community spirit, shared responsibility, and shared purpose of our young people, in addition to the services they provide to millions of Americans, everybody in this country loses.

Mr. Speaker, 228 Members of Congress and 43 Governors have written to the President of the United States asking for his support. The President says that he supports AmeriCorps and the idea of public service and national service. Keep this program alive. Let us defeat the previous question, and make sure we provide this opportunity for our youngsters.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I simply want the record to reflect that it is not correct that AmeriCorps volunteers make $30,000. They have a small stipend to pay for their living expenses and $5,000 on their college loans. That is it. It is a bargain.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for setting the record straight.

Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Speaker, I offered an amendment in today's bill that would ban using funds in the supplemental to support FEMA's Congressional and Intergovernmental Affairs Office in Washington, D.C. The amendments were born out of my frustration in dealing with FEMA which, up to now, had an excellent working relationship with my office and many other congressional offices.

The problems relate to the very serious floodings in part of my district in May of this year. More than $100 million in damage resulted from floods. FEMA's recommended denial of Michigan Governor Granholm's request for a Federal major disaster declaration that would permit Federal aid to the hard-pressed local governments, businesses, and individuals affected.

My district is rural, mostly low income, and these 4 counties just cannot bear this kind of financial hardship and economic burden without our help.

My frustration with FEMA is not with the men and women who actually do the work for the agency in the Region 5 office. In fact, FEMA responded with impressive speed immediately after the disaster to put people on the ground and to investigate, even before a formal disaster request was made. My frustration is the runaround I received from the Washington office since the decision in June not to declare a major disaster.

For the first time in my 11 years in Congress, I was forced to file a Freedom of Information request to receive the factual information I needed to represent my constituents. When I asked for the reasons for their decisions and the copies of correspondence related to the decision process, FEMA refused to give me this basic information. In fact, they refused to even voluntarily tell me whether the decision to deny disaster relief was made in FEMA in Chicago, or FEMA at headquarters here in Washington.

FEMA headquarters even refused to have a meeting with me, our two State U.S. Senators, the Governor's representative, and the Under Secretary responsible for emergency aid to discuss this issue.

In order to properly appeal the decision, the Governor's office should have had the information they needed and any documentation we needed to make the appeal. Congressional liaison offices are there to facilitate the needs of Members' offices, not throw up roadblocks.

I realize my amendment was not made in order, but I wanted to bring to the attention of the House this situation. There is no reason for not giving me the information I need to respond to my constituents when they ask me whether the refusal for disaster aid is political. There is no reason to refuse to have a meeting with top-level FEMA officials, a Member of Congress, two U.S. Senators, and representatives from the Governor's office.

I hope that speaking out on the floor will make our point, and I am here to do so.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to address the gentlewoman from New York (Ms. SLAUGHTER). My friend, and she is my friend; she is a valued Member, she is a close friend. But I want to tell the gentlewoman, I never said AmeriCorps volunteers got $30,000. As a matter of fact, I said they do not individually get that amount.

But my colleagues, we want to increase AmeriCorps $100 million. Look at the money we have already put in AmeriCorps last year, I think $260 million. If we look at this, to me a volunteer at a church, they get coffee and doughnuts. If we take all of the hundreds of millions of dollars that we put into AmeriCorps each year and want to put another $100 million in this year, if you take 50,000 workers into that, that is over $30,000 per person cost. Now, a lot of that goes into administration. But when we define volunteer, let us make sure that volunteer is volunteer, not paid worker. That was my point.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply say to my friend that there are 42 Governors of both parties who have asked us to take this action, so I think they must feel that the investment is well worth the cost. I think that most mayors around the country receive the services these volunteers would also approve.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I did not say the program was not supported, to the gentleman, my friend. But I would say that be careful when we talk about volunteer, because the cost of this is very high per person.

Mr. OBEY. Well, they are still volunteers. They have not been drafted.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, today we are considering a stripped-down supplemental appropriations bill that contains funding for FEMA disaster relief.

As a representative from a State that benefits from this funding, I have no problem with including FEMA funding in an emergency supplemental, but I do have a problem with what is omitted from this bill.

I am concerned about what we are failing to do for AmeriCorps and all of the faith-based and community-based groups who depend on AmeriCorps participants.

The Senate supplemental appropriations bill which was completed 2 weeks ago contains $100 million for AmeriCorps, the amount needed to sustain 50,000 AmeriCorps participants this year. This funding has strong bipartisan support, in the Senate if not in the House. It was sustained on a 71–21 vote in the other body. Without this funding, AmeriCorps will see its numbers reduced by something like 40 percent, a drastic reduction to around 30,000 participants.

Why has it taken so long for the House to act? The Committee on Appropriations did not even consider the supplemental until this past Monday, with no intention of actually bringing it to the floor. And where has the President been? The President spoke in this Chamber, urging us to increase AmeriCorps enrollment to 75,000 participants. But, up to now, he has hardly lifted a finger to maintain even the current enrollment of 50,000 participants.

Now we have a bill before us, at the last minute, just before the House recesses for 5 weeks, leaving the Senate with the option of either passing our version or passing nothing until at least September. And our version, the House version, omits AmeriCorps. It was defeated on a party-line vote in the Committee on Appropriations this week. Our only resource now is to defeat the previous question and add the $100 million to the bill on the House floor today.

Failing to provide this funding will deny hundreds of faith-based and community-based organizations around the country the AmeriCorps positions they depend on. We are talking about groups like Habitat for Humanity, Teach for America, hundreds of home-grown programs in the districts of everyone here that make a difference every day.

A letter was sent Monday to the House leadership from 43 of our Governors, Republicans and Democrats alike, in support of this AmeriCorps funding, and it articulates very well what is at stake.

I will close by quoting from this letter: ''Without an emergency appropriation,'' the Governors say, ''the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs which do not have the resources to sustain a significant budget cut, even if only for 1 year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.''

These faith-based and community-based groups, who are doing good works in our communities with just a little help from their Federal Government, depend on AmeriCorps participants, and right now they are depending on us to come through for them. September will be too late. Fiscal year 04 will be too late. Let us include the AmeriCorps emergency funding in this supplemental appropriation. Vote against the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as a fiscal conservative, I believe national service is one of the most productive and cost-effective investments our government

can make. Through service, Americans of all ages gain a sense of commitment to their community and their country, which will prove invaluable for the rest of their lives.

National service benefits both the recipient and the giver. Volunteers not only address an immediate need, they lead and teach through example, and through that example, they learn the value of serving and helping others. We need to harness the energy and commitment of those anxious to contribute to their country, not deny them the opportunity to serve.

As an eighth grader, I vividly remember President John Kennedy's call to service when he created the Peace Corps in 1961. He said, ''Life in the Peace Corps will not be easy, but if the life is not easy, it will be rich and satisfying.''

As a former Peace Corps volunteer, and I want to emphasize I had the name ''volunteer,'' I can attest to the positive effect the Peace Corps has on the lives of people around the world.

□ 1200

Peace Corps volunteers are not high-paid consultants. Just like AmeriCorps volunteers, they are hands-on workers in the trenches who live in the communities they serve. Just like the Peace Corps, the challenges are great for those working in domestic service programs, but the rewards are immeasurable. I believe I would not be a Member of Congress today were it not for my experience in the Peace Corps. And I particularly believe I am a better person because of this service. I think the same thing applies to those who serve in AmeriCorps.

Both Democrats and Republicans should speak loudly and passionately in support of all service programs. And we must not stop until citizen service truly becomes a universal opportunity and a common expectation. I want to say parenthetically, in most cases, AmeriCorps volunteers in my communities are young men and women who have no resources whatsoever to serve their community or their country if it were not for AmeriCorps.

As most of you know, AmeriCorps—the most recognizable domestic service program—is experiencing significant challenges this year, and there is danger that countless programs across the country will receive little or no funding. Without question, there have been mistakes and mismanagements by the Corporation for National and Community Service. This summer, however, a series of steps have been taken to help put AmeriCorps on a sound financial footing. Earlier this month, we passed, and the President signed, the Strengthening AmeriCorps Program Act to correct the financial accounting problems. Additionally, the President has named David Eisner, AOL/Time Warner executive, as his nominee to head the Corporation. With these reforms in place, we ought to fulfill our commitment to the thousands of young people who have answered the President's call to service. I believe we must to do that, but not in this legislation.

We are in a war against terrorism, and national service is a vital part of winning that war. AmeriCorps and other service programs are the right prescription during these times because the best antidote to terror and hate in society are acts of kindness and service. If we are truly to expand service opportunities, we must find a way to work with those who see national service so differently.

Recently, I read an op-ed by former Majority Leader Dick Armey stating that programs like AmeriCorps robs the American taxpayer. I could not disagree more, but I know this notion is shared by too many of my colleagues. As a Peace Corps volunteer, I was paid a minimum wage to live, and I was given a small stipend. I have failed to understand why some of my colleagues would object to people earning a degree while serving their community. Isn't that preferable to just being given a grant. I do not understand why we would not be eager and thrilled to have more people participate in community service, particularly those with the least amount of resources.

The current accounting problems at the Corporation offer an opportunity to work together and ensure all service programs are transparent and accountable.

I believe that has to happen, but not in the vehicle we see here today. We need to reauthorize national service. We need to find a way to prevent further mistakes and mismanagement. It will not happen on this legislation. It needs to happen with men and women in this Congress working together. And I believe that there are commitments on both sides of the aisle and in the White House to do that.

The current accounting problems of the Corporation offer an opportunity to work together and in doing so, we will remember that a life of service connects us to generations of Americans who we will never know but whose service and sacrifice enable us to live in freedom. It also connects us to future generations of Americans who will inherit a world be built on the legacy of service we leave them.

Increasing and expanding opportunities to serve will not be easy, but in the words of President Kennedy, the effort will be ''rich and satisfying.'' I hope this Chamber will reauthorize national service. I hope we will find the funds necessary to make sure this program continues unabated, and I believe we will.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

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

As I speak here on the floor, there are fires burning across the West, a major fire in my own district, and others elsewhere. The President asked for an additional $280 million to fight these fires because the Forest Service has already spent 84 percent of the inadequate budget for this year, 16 percent left; and the years fires have hardly begun. Last year we spent $1.6 billion.

Now, the majority here wants to pretend that we can do this all on the cheap. We do not need money to fight fires. We do not need money to prevent fires. They have jammed through a so-called Healthy Forest Bill after stripping out the money we proposed last fall in a bipartisan way to fund fuel reduction efforts. You cannot do that for nothing, but they want to pretend you can; and now they want to pretend that you can fight fires for nothing.

There is not an additional penny in this bill for the fire emergency in the western U.S. So you know what the Forest Service is going to do? They are going to borrow money. You know where they are going to borrow the money? They are going to borrow money from the already underfunded fuel reduction programs. Guess what? We have created a little endless cycle here. We are going to pretend we are doing something about fuel reduction in healthy forests, but we are not really going to do it. But it is a great political issue.

In fact, the little bit that we are already doing, we are going to rob it to fight this year's fires. The Forest Service is already preparing those cuts. That means this year's fuel reduction program will not go forward because the majority here will not even meet the President's meager request to help fight the fires that are burning today in the western United States.

Come on, you can find the money for everything else around here, tax cuts, for all sorts of other things; but somehow we get fires burning, we cannot find the money to fight the fires. And what is worse, we are going to create worse fires in the future because you are going to borrow that money and stop those programs in their tracks. It is a sad day for the United States Congress.

Mr. MCGOVERN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 19½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Speaker, I rise today in opposition to this rule and urge my colleagues to defeat the previous question so that the gentleman from Wisconsin (Mr. OBEY) may offer his amendment to add $100 million for the AmeriCorps program.

The deep cuts this AmeriCorps program is facing will severely undermine the progress we have made in expanding opportunities for national service.

program. These programs all over the country have already run out of money. Many of them will not recover.

In my own home State of Texas, we will lose at least 800 teaching volunteers, many who have committed to teach children in the Rio Grande Valley. We have an acute shortage of teachers, and we cannot afford the loss.

The Senate has stepped up and signaled its commitment to these programs, but the House has dragged its feet on restoring the funds for this critical program.

The AmeriCorps program has come to embody what is best in America, the desire to make a difference in local communities. All of this will be jeopardized if we do not find a way to provide the funding for our young teachers; men and women are only receiving a small stipend to help them pay their living expenses. Yes, our children throughout the country benefit from these AmeriCorps teachers.

Vote ''no'' to defeat the previous question so we can keep the spirit of service alive in America. Fight to restore the $100 million needed to keep the AmeriCorps program alive and working well. Do that today.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentleman from Washington (Mr. HASTINGS) how many more speakers he has.

Mr. HASTINGS of Washington. I am prepared to yield back after we go through the amendment process.

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

Mr. Speaker, I will insert in the RECORD the letter that was sent to us by 43 Governors, including Governor George Pataki and Governor Jeb Bush, in support of funding for AmeriCorps. I would only say to my colleagues, if Members do not want to listen to President Bush, maybe you might listen to his brother and provide the funding that all these Governors are asking for.

The letter is as follows:

JULY 21, 2003.

PRESIDENT GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: As strong supporters of America's, national service programs, we are writing to urge you to help solve the crisis confronting AmeriCorps. This crisis is felt most directly by states and localities facing the imminent closure of hundreds of AmeriCorps programs. We hope you will do everything possible to ensure that these programs are not closed or drastically cut, that needed services continue to be provided by AmeriCorps members, and that we can continue to tap the idealism and patriotism of so many of our citizens who want to serve.

Your leadership on national service has helped to boast our nation's civic spirit and we appreciate that, in your 2004 budget request, you proposed that the number of AmeriCorps volunteers increase from 50,000 to 75,000. Since your 2002 State of the Union Address, when you called upon Americans to dedicate two years—or 4,000 hours—of their lives to serving their country, tens of thousands of Americans have responded by seeking new opportunities to serve their communities and their nation. Through AmeriCorps, among many other initiatives, these citizens have worked to meet critical needs in education, public safety, health, and homeland security.

Unfortunately, on June 16th the Corporation for National and Community Service announced dramatic and unprecedented cuts of approximately 50 to 90 percent to our states' AmeriCorps programs and corps member slots. We are very pleased that, following this announcement and under the leadership of Senators Bond and Mikulski, Congress acted quickly to pass the Strengthen AmeriCorps Act, which will alleviate some of this devastation and correct the Corporation's management of the National Service Trust. This legislation is an important first step towards assuring fiscal accountability, increasing the enrollment of AmeriCorps members, an ensuring the program's long-term health.

We recognize that prior ''fixes'' to the Trust have helped put full AmeriCorps staffing for this year in jeopardy. It is truly a shame that mismanagement might prevent willing individuals from serving their communities through AmeriCorps. To avoid such a situation, we hope that you will consider approving an appropriation of up to $200M for AmeriCorps as part of the FY03 supplemental spending bill currently being debated by Congress. Without an emergency appropriation, the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs, which do not have the resources to sustain a significant budget cut, even if only for one year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.

Finally, we look forward to working with you to see the goal of 75,000 AmeriCorps volunteers realized in the near future and salute your overall commitment to bringing Americans together around the ethic of service. Over the past ten years, AmeriCorps has become an essential resource for states and their communities to meet pressing needs, train future leaders through service, and provide access to life-changing educational awards for thousands of citizens. AmeriCorps also greatly leverages private sector dollars for civic initiatives. With your leadership we can work to assure that it remains a vital force for good across the country for years to come.

Sincerely,

Gov. Mitt Romney, Massachusetts; Gov. Frank Murkowski, Alaska; Gov. Mike Huckabee, Arkansas; Gov. John Rowland, Connecticut; Gov. Jeb Bush, Florida; Gov. Edward Rendell, Pennsylvania; Gov. Janet Napolitano, Arizona; Gov. Gray Davis, California; Gov. Ruth Ann Minner, Delaware; Gov. Sonny Pedue, Georgia. Gov. Dirk Kempthorne, Idaho; Gov. Frank O'Bannon, Indiana; Gov. Kathleen Sebelius, Kansas; Gov. Mike Foster, Louisiana; Gov. Robert Ehrlich, Maryland; Gov. Tim Pawlenty, Minnesota; Gov. Bob Holden, Missouri; Gov. Mike Johanns, Nebraska; Gov. James McGreevey, New Jersey; Gov. Rod Blagojevich, Illinois; Gov. Thomas Vilsack, Iowa; Gov. Paul Patton, Kentucky; Gov. John Baldacci, Maine; Gov. Jennifer Granholm, Michigan; Gov. Ronnie Musgrove, Mississippi; Gov. Judy Martz, Montana; Gov. Kenny Guinn, Nevada; Gov. Bill Richardson, New Mexico; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Brad Henry, Oklahoma; Gov. Don Carcieri, Rhode Island; Gov. Michael Leavitt, Utah; Gov. Mark Warner, Virginia; Gov. Bob Wise, West Virginia; Gov. Dave Freudenthal, Wyoming; Gov. Mike Easley, North Carolina; Gov. Bob Taft, Ohio; Gov. Ted Kulongoski, Oregon; Gov. Phil Bedesen, Tennessee; Gov. James Douglas, Vermont; Gov. Gary Locke, Washington; Gov. Jim Doyle, Wisconsin.

JULY 21, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER FRIST, MINORITY LEADER DASCHLE, SPEAKER HASTERT, AND MINORITY LEADER PELOSI: As strong supporters of America's national service programs, we are writing to urge you to help solve the crisis confronting AmeriCorps. This crisis is felt most directly by states and localities facing the imminent closure of hundreds of AmeriCorps programs. We hope you will do everything possible to ensure that these programs are not closed or drastically cut, that needed services continue to be provided by AmeriCorps members, and that we can continue to tap the idealism and patriotism of so many of our citizens who want to serve.

President Bush's leadership on national service has helped to boost our nation's civic spirit and we appreciate that, in his 2004 budget request, he proposed that the number of AmeriCorps volunteers increase from 50,000 to 75,000. Since the President's 2002 State of the Union Address, when he called upon Americans to dedicate two years—or 4,000 hours—of their lives to serving their country, tens of thousands of Americans have responded by seeking new opportunities to serve their communities and their nation. Through AmeriCorps, among many other initiatives, these citizens have worked to meet critical needs in education, public safety, health, and homeland security.

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which do not have the resources to sustain a significant budget cut, even if only for one year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.

Finally, we look forward to working with you to see the goal of 75,000 AmeriCorps volunteers realized in the near future and salute your overall commitment to bringing Americans together around the ethic of service. Over the past ten years, AmeriCorps has become an essential resource for states and their communities to meet pressing needs, train future leaders through service, and provide access to life-changing educational awards fro thousands of our citizens. AmeriCorps also greatly leverages private sector dollars for civic initiatives. With your leadership, we can work to assure that it remains a vital force for good across the country for years to come.

Sincerely,

Gov. Mitt Romney, Massachusetts; Gov. Frank Murkowski, Alaska; Gov. Mike Huckabee, Arkansas; Gov. Edward Rendell, Pennsylvania; Gov. Janet Napolitano, Arizona; Gov. Gray Davis, California; Gov. John Rowland, Connecticut; Gov. Jeb Bush, Florida; Gov. Dirk Kempthorne, Idaho; Gov. Frank O'Bannon, Indiana; Gov. Kathleen Sebelius, Kansas; Gov. Mike Foster, Louisiana; Gov. Robert Ehrlich, Maryland; Gov. Tim Pawlenty, Minnesota; Gov. Bob Holden, Missouri; Gov. Ruth Ann Minner, Delaware; Gov. Sonny Perdue, Georgia; Gov. Rod Blagojevich, Illinois; Gov. Thomas Vilsack, Iowa; Gov. Paul Patton, Kentucky; Gov. John Baldacci, Maine; Gov. Jennifer Grandholm, Michigan; Gov. Ronnie Musgrove, Mississippi; Gov. Judy Martz, Montana; Gov. Mike Johanns, Nebraska; Gov. James McGreevey, New Jersey; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Brad Henry, Oklahoma; Gov. Don Carcieri, Rhode Island; Gov. Michael Leavitt, Utah; Gov. Mark Warner, Virginia; Gov. Bob Wise, West Virginia; Gov. Dave Freudenthal, Wyoming; Gov. Kenny Guinn, Nevada; Gov. Bill Richardson, New Mexico; Gov. Mike Easley, North Carolina; Gov. Bob Taft, Ohio; Ted Kulongoski, Oregon; Gov. Phil Bedesen, Tennessee; Gov. James Douglas, Vermont; Gov. Gary Locke, Washington; Gov. Jim Doyle, Wisconsin.

Mr. Speaker, if anyone has ever doubted the importance of the parliamentary vote known as the previous question, Mr. Speaker, today should lay those doubt to rest. If a majority of this House votes ''no'' on the previous question, I will amend the rule to allow us to pass the Obey amendment to provide the financially strapped AmeriCorps program with the $100 million it desperately needs. But if Republican leaders win the previous question vote, up to 20,000 volunteers may lose their positions serving their fellow Americans.

Since September 11, President Bush has spoken eloquently about the value of national service. On many occasions he has praised AmeriCorps' excellent work and its hard-working, dedicated volunteers. But all the rhetoric in the world cannot make up for the fact that AmeriCorps faces severe budgetary problems this year. It will have to eliminate as many as 20,000 of those volunteers if Congress does not act immediately.

No, Mr. Speaker, political rhetoric will not solve this problem. It is going to take some money. And since so many House Republicans were so happy to spend so much money on tax breaks for millionaires, they should have no problem spending a fraction, a tiny fraction of that on national service.

Now, to those of my colleagues who are asking why we cannot vote on AmeriCorps funding today, what is the big deal, the answer is quite simply and typically that the Committee on Rules Republicans used a party-line vote last night to block the money that AmeriCorps needs. That is why we have to defeat the previous question today.

Voting ''no'' on that important parliamentary question is the only way to provide AmeriCorps with the immediate funding it needs to ensure volunteers can continue helping others in cities and towns all across this Nation. So I urge Republican Members to put their money where their mouths are. To be very clear, you will not stop this emergency spending billing if you vote ''no.'' But if you vote ''yes,'' you will prevents as many as 20,000 dedicated volunteers from getting the help they need to keep serving their fellow Americans, and you will betray the commitment to national service that President Bush claims to believe in.

Again, I urge my colleagues to support national service by voting ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Washington:

At the end of the resolution add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed in the Congressional Record pursuant to clause 8 of rule XVIII.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

Mr. HASTINGS of Washington. Mr. Speaker, this is an important piece of legislation. I urge my colleagues to support the previous question and the rule.

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

PREVIOUS QUESTION FOR H. RES. 339—RULE ON H.R. 2859 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT FOR FISCAL YEAR 2003

In the resolution strike ''and (3)'' and insert the following:

''(3) a further amendment printed in Sec. 2 of this resolution if offered by Representative Obey or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4)''

SEC. 2.

The amendment referred to in section 2 is as follows:

At the end of the bill, add the following paragraph:

CHAPTER 6

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

For an additional amount for ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses'', for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended: Provided further, That the first proviso under the heading ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses' in Public Law 108–7 shall apply only to positions originally approved subsequent to March 10, 2003: Provided further, That the Inspector General of the Corporation for National and Community Service shall conduct random audits of the Corporation and the grantees that administer activities under the AmeriCorps programs and shall de-fund any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

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

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

question on the amendment and on the resolution.

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

Mr. MCGOVERN. 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 motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

Ordering the motion to instruct by the gentlewoman from California (Ms. SOLIS); ordering the previous question, and, if ordered, on amending and adopting House Resolution 339; adopting the motion to instruct by the gentleman from New York (Mr. BISHOP); and adopting House Resolution 338.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

□ 1215

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from California (Ms. SOLIS), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 216, not voting 13, as follows:

[Roll No. 447]

YEAS—206

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)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
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
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
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.
Dreier
Duncan
Dunn
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
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
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
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Cox
Cummings
Doolittle
Gephardt
Green (TX)
Gutknecht
Hunter
Oberstar
Quinn
Royce
Smith (MI)
Sullivan
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1233

Mr. MILLER of Florida changed his vote from ''yea'' to ''nay.''

Mr. LYNCH and Mr. DOYLE changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on the amendment and on House Resolution 339 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 200, not voting 15, as follows:

[Roll No. 448]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
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
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
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
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
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—200

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
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
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)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
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)
Sherman
Skelton
Slaughter
Smith (WA)
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—15

Blackburn
Brown (OH)
Burton (IN)
Gephardt
Green (TX)
Honda
Kelly
McKeon
Oberstar
Quinn
Rogers (MI)
Serrano
Sullivan
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1241

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 amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on H.R. 1308 offered by the gentleman from New York (Mr. BISHOP) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. BISHOP).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 221, not voting 12, as follows:

[Roll No. 449]

AYES—202

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)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
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)
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
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
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
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
Hastert
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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
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
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Blackburn
Conyers
Emanuel
Fattah
Gephardt
Green (TX)
Maloney
Oberstar
Quinn
Strickland
Sullivan
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1248

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 338, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 196, not voting 10, as follows:

[Roll No. 450]

YEAS—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Cramer
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
Fattah
Feeney
Ferguson
Flake
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
Hastert
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
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
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
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
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 (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
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—10

Conyers
Cooper
Fletcher
Gephardt
Green (TX)
Oberstar
Quinn
Smith (NJ)
Sullivan
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1300

Mr. BRADLEY of New Hampshire changed his vote from ''nay'' to ''yea.''

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.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, due to my father's serious heart condition, I was called back to Arizona, and I missed several rollcall votes on Wednesday and Thursday.

Had I been here, I would have voted in the following manner:

On rollcall No. 429, final passage of H.R. 2800, the Foreign Operations Appropriations Act, I would have voted ''aye.''

On rollcall No. 432, final passage of H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act, I would have voted ''no.''

On rollcall No. 436, final passage of H.R. 2738, the United States-Chile Free Trade Agreement Implementation Act, I would have voted ''no.''

On rollcall No. 444, final passage of H.R. 2210, the School Readiness Act, I would have voted ''no.''

On rollcall No. 445, final passage of H.R. 2427, the Pharmaceutical Market Access Act, I would have voted ''aye.''

Mr. Speaker, I appreciate the understanding of the House and my constituents on this issue.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2735

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2735, the Motor Vehicle Owners' Right to Repair Act of 2003.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JULY 30, 2003, TO FILE A PRIVILEGED REPORT ON DEPARTMENTS OF TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, July 30, 2003, to file a privileged report, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2859 and that I may include tabular and extraneous material.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 339, I call up the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the bill is considered read for amendment.

The text of H.R. 2859 is as follows:

H.R. 2859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, namely:

DEPARTMENT OF HOMELAND SECURITY
EMERGENCY PREPAREDNESS AND RESPONSE

Disaster Relief

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $983,600,000, to remain available until expended: *Provided,* That this amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

This Act may be cited as the ''Emergency Supplemental Appropriations for Disaster Relief Act, 2003''.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment made in order by the resolution, if offered by the gentleman from Pennsylvania (Mr. TOOMEY), or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes of debate on the bill.

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

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the question of adopting the Toomey amendment to H.R. 2859 may be subject to postponement as though under clause 8 of rule XX.

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

There was no objection.

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

I do so to present the emergency supplemental appropriations bill, the second supplemental for fiscal year 2003. We have had considerable debate already on the bill as we debated the rule. This is a very simple, straightforward emergency bill that includes $983.6 million for the Disaster Relief Fund, which is now a part of the Department of Homeland Security. We know that there are Members that have other interests, and the administration has other interests. We had already reported from the Committee on Appropriations a supplemental that was more far reaching than this, but it appears the proper thing to do now is to just present this emergency supplemental strictly for Disaster Relief because the Disaster Relief account has a serious problem with running out of money. I do not think we need a lot of debate on this bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, before I discuss this matter before us, I would like to alert Members of the House to the situation we face on the VA–HUD bill. There have been approximately 40 amendments offered to that bill. Perhaps 10 of them at this point will fall by the wayside, people deciding not to offer them. If the others simply take 5 minutes on each side and if about a third to a half of them have rollcalls, that will take us to probably 7 o'clock tonight. I am sorry. I said that wrong. If we have no rollcalls and if we just have 5 minutes of debate on each side, it will take us until about 7 o'clock tonight. If there are any rollcalls at all, then let us say there are rollcalls on about a third of the amendments, that means we would be here until about 9 o'clock tonight. And if you have one-third of those amendments where you take at least 10 minutes a side, then we are going to be here until about 11 o'clock.

I want Members to understand that now, because I know a lot of them are assuming that they are going to be able to catch 6 o'clock planes. Unless something happens, that is not going to be true. I would urge Members to think through whether they are serious in offering these amendments. If they are, obviously they have a right to offer them. But I think Members need to understand what the realistic time frame is as well and would urge Members to take that into consideration if in fact they are planning to get out of here on a plane this evening.

Mr. Speaker, having given that notice, let me simply say that we have already made quite clear that we think that this supplemental is deficient in a number of areas, especially in the areas of fire fighting and in the area of AmeriCorps, but in my view there is no sense chewing that cud twice. We have already talked about it on the rule.

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

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

Mr. DICKS. I appreciate the gentleman yielding. The one concern I have in the Toomey amendment which is yet to be offered, since it was not printed in the RECORD as it was supposed to be, but, anyway, in the Toomey amendment, we are going to have an across-the-board cut. One of the items that was not exempted was fire fighting. We are already not getting the supplemental funding for fire fighting that was promised in this bill. Last year they borrowed money from all the accounts to fund the fire fighting. That is what we are going to have to wind up doing again. But then on top of that, we are going to have to have an across-the-board cut. I am told this would be 7 or $8 million out of the fire fighting funds. I know you can defer it if the President does this and that. All I am saying is, I do not think this amendment is very well thought out, I do not like across-the-board amendments normally; and so I hope that this will at least be thought about as we get into the debate on this supplemental.

Mr. OBEY. Mr. Speaker, I simply want to say that I agree with the gentleman's observation, but it is obvious we are going to be voting on the amendment so I think I will withhold my comments on it until we are actually at the amending stage.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to remind Members that the Committee on Appropriations reported a supplemental appropriations bill that I believe is still in play that would be conferenced as part of the legislative branch bill. That bill did include the money for fighting the fires. We think that is a very important issue. We actually proposed that to the administration and they agreed. They agreed to that part of the supplemental. I hope that is still in play, and I believe that it will be; but today we are faced with the real emergency of a funding emergency for Disaster Relief account.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security and, of course, FEMA falls into his jurisdiction.

Mr. ROGERS of Kentucky. Mr. Speaker, this is a stripped-down version of the disaster supplemental. It is $983.6 million purely for disaster relief activities. It fully funds all the anticipated Federal disaster relief activities for the balance of this year. The administration, you recollect, had requested $1.55 billion for these activities, but a portion of that request was for fiscal year 2004 activities; and because we anticipate that we will be able to complete the 2004 appropriations bill before October 1, it is not necessary to include 2004 moneys in this 2003 supplemental. All fiscal year 2004 program requirements can be accommodated in the regular 2004 bill.

Severe storms, tornadoes, and flooding in the Midwest and South have taken their toll on the disaster relief fund. Combined with severe snow and ice storms this past winter and the *Columbia* shuttle recovery efforts, this fund will be depleted within the next 2 weeks. As of July 21, the balance in the disaster relief fund was $89 million. FEMA is currently spending at $5.7 million a day; and as expenses for Hurricane Claudette come in, obligations will jump to $6.3 million a day. That means the fund will be gone on or about August 4.

FEMA has done all they can to hold expenses down. They have put all nonessential projects on hold, including all reconstruction and mitigation projects. In total, $400 million in spending is on hold. The only activities being supported by FEMA are emergency and essential services such as debris removal, individual assistance, shelter, and medical care.

□ 1315

To date for fiscal 2003 there have been 32 major disasters declared, 15 emergencies and 18 fire management events. We are at the height of the wildfire and hurricane seasons, and an active hurricane season is predicted.

FEMA estimates that they will need about $10 million a day to support Federal disaster relief effort for the months of August and September. The proposed $983.6 million in this bill assumes that FEMA will fully fund these efforts as well as resume work on mitigation, repair and reconstruction projects. It also assumes there will be a zero balance in the fund on September 30.

I urge support for this supplemental. It is streamlined. It is stripped down to its bare essentials. Without it, FEMA funds will dry up August 4, leaving communities and individuals without Federal assistance and laying off personnel.

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

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

Mr. NUSSLE. Mr. Speaker, the gentleman does an excellent job in his work and his subcommittee in dealing with this. I am wondering if he could report to us why it is that there is a shortfall of resources for FEMA for this year.

Mr. ROGERS of Kentucky. Mr. Speaker, unanticipated disasters. There is no way obviously to accurately predict what Mother Nature is going to do. This is not a huge amount of money, as it goes, for disaster relief. It is simply replenishing or allowing that fund to be able to exist until we can get through the next 2 months.

Mr. NUSSLE. Mr. Speaker, will the gentleman continue to yield?

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

Mr. NUSSLE. Mr. Speaker, is it not true, however, that the President requested back in February an additional $1 billion for FEMA to be made part of the omnibus appropriations bill, and that that $1 billion request was not used for FEMA, but rather for other accounts within the omnibus appropriations bill?

Mr. ROGERS of Kentucky. Mr. Speaker, that is something I will yield to the big chairman on. I am not conversant with the details of it.

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

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

Mr. YOUNG of Florida. Mr. Speaker, let me suggest to the chairman of the Committee on the Budget that our process on appropriations was so fouled up last year by some insistent demands of certain Members that, yes, we had to do 11 of the 13 bills in February of this year.

If the Committee on Appropriations would have been permitted to do our work like we have done this year, by the way, we would not have had those kinds of problems where we had to make adjustments in order to cover the balance of the 2003 issues. And I would suggest that what was done was done in agreement with the leadership, it was done in agreement with the President of the United States; and I make no excuse for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, again, the chairman has, if not the toughest job, one the toughest jobs on Capitol Hill, and I do not take anything away from that.

My concern about what we are doing with regard to an emergency supplemental, as the gentleman correctly said when he started, is that an emergency, by definition, and has been by definition since the early 1990s, is something that is unforeseen, unpredictable, and unanticipated. And when the President makes a request for $1 billion in order to fund FEMA accounts for problems that while they maybe have not yet manifested themselves, we know there will be forest fires, floods, hurricanes, tornadoes, windstorms, et cetera.

And I think the concern I have and others may have, is that when it is requested, it is not funded as it is traditionally and unfortunately the case for FEMA, and that money is used for other accounts, that we find ourselves now having to take time on the floor to go and do what should have been done in February.

That money has now been used for other accounts, and that is the concern that I have as the Committee on the Budget chairman, and I know a number of other people have, with regard to the process that we are taking here today.

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

Mr. NUSSLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I understand the gentleman's concern. I do not necessarily agree with it, but I understand it.

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

Mr. OBEY. Mr. Speaker, I yield 6 minutes to myself.

Mr. Speaker, I would simply say that, as I have indicated, we believe that there are a number of other items which should have been included in this supplemental. They were not. The majority determines that; so we have no objection to that which is included in the proposal, and I would certainly intend to vote for it.

I would say with respect to the comments of the distinguished chairman of the Committee on the Budget, it is my observation that in the world sometimes things change. Events occur, natural disasters occur, matters of a war here and there occur. Things change, except in the world of the Committee on the Budget. So I guess nothing that the Committee on Appropriations does will ever satisfy people who prefer a static world, but I quit worrying about that a long time ago.

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

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

Mr. NUSSLE. Mr. Speaker, let me just report to the ranking member that I have supported all of the appropriations bills on the floor this year.

Mr. OBEY. I have not.

Mr. NUSSLE. I understand that, but my point is that the Committee on the Budget tries not to meddle other than when it writes the budget itself, which is our prerogative as a committee to write.

And I would just say, I think the gentleman might acknowledge that a war does not have its own account. FEMA has its own account to anticipate natural disasters, to anticipate emergencies; and as the gentleman knows, this is an unfortunate, but yet somewhat traditional exercise that goes on to underfund FEMA, knowing full well that we have a difficult time saying no to natural disasters, so that those resources can be spread among other accounts.

We can all decide how we are going to vote on this, but I would only encourage the very distinguished ranking member, who I know is concerned about this practice, that we prevent this from occurring in the future.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments.

Let me simply say I am familiar with the gentleman's history on disaster funding. I personally would prefer that there would be no federally financed disaster programs.

I have introduced legislation which would require every State in the Union to buy into a federally run insurance plan so that on an experience-rated basis States would, much as they do with Worker's Compensation, prepay for any expected disaster short of a gargantuan tragedy. We have not been able to get that considered by either party, so we are stuck with what is left.

I am much more concerned with whether this estimate is real than whether it fits within the niceties of the budget resolution, to be frank about it. I do not think that God gives us 2 weeks' notice before we have a hurricane; so we do not have time to send down a proper budget amendment. So I think we do the best we can.

I think the difference between the gentleman from Iowa and the gentleman from Florida is that the gentleman from Iowa is free to pull numbers out of the air on the Committee on the Budget and describe the world as he and as Committee on the Budget think it ought to exist. But then the Committee on Appropriations and other legislative committees in this place have to implement what happens, and I think it is a whole lot more difficult to implement than it is to pronounce.

So all I would say is, given the limited nature of the recommendations here, I think this is reasonable. I personally believe that this is not going to be enough money in the FEMA account. I think we should have done something on fire fighting. I think we should have done something to prevent 20,000 people from being fired in AmeriCorps, and I recognize we are going to have to continue to agree to disagree.

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

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

Mr. DICKS. Mr. Speaker, I would just like to point out to my colleagues, I had a chance last night to meet Mike Brown, who is the Under Secretary for Emergency Preparedness and Response, which used to be FEMA, and I asked him a couple of questions about this problem.

First of all, he said they will have to start shutting down offices all over the country, I think it was by August 8, if we do not get this money. I also asked him can they borrow the money from other accounts? No. They do not have a way of doing this like the Forest Service and the Department of Interior. The BLM does; they can borrow money from other accounts.

EPR, Emergency Preparedness and Response, does not have that authority. So we have to appropriate this money. That is why all of a sudden this supplemental reemerged because it became very clear we could not, in good conscience, doing our jobs, leave here without appropriating the money for FEMA.

We have got disasters all over this country, as we speak, that require this funding. And as I said, I wish we had taken care of fire fighting; I wish we had taken care of AmeriCorps. But at least we have to take care of this. It would be totally irresponsible, and I hope in the other body they will also understand that they have got to pass this as well, though I know there is concern over there about this coming at the last moment.

In my mind, this has to be done.

And I appreciate the gentleman for yielding.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments.

I would simply say, Mr. Speaker, I invite any Member of this House on either side of the aisle who is disquieted about this to call my office and indicate their willingness to join me in sponsoring the legislation that I have described that would set up an experience-rated fund into which States would contribute, so that the Feds do not always get hit with the cost of these things.

But absent that kind of legislation being on the books, I think we have no choice but to provide enough money to meet what we know will be unscheduled, irregular natural disasters.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I rise with a heavy heart today because of the fire fighting funds being stricken from this bill.

This is an enormous problem for those of us from the West. Outside the city of Bend, Oregon, a fire burned 600 acres yesterday. This morning that fire is up to 4,000 acres; it is burning. The Forest Service tells us they will run out of money to fight these fires next week. OMB says we can borrow from other accounts; they can get us through until the fall.

Here is what happens year after year after year after year. We get through all the paperwork and the environmental process to be able to go out to do the healthy forest things that need to be done to thin the forests, get out the flammable fuels, do all that work.

We get into fire season. We have not budgeted for it properly. We pull the money out to fight the fires. And what does the Forest Service have to do? They borrow from the accounts, and they are ready to do the work to make America's forests healthier by doing the thinning, and they put the work off for another year. We come back in the fall and the winter, we replenish the accounts for the fires, and we do the process all over again. We delay what we need to do to fix problem that will get us to where we do not have as expensive a fire to fight, because it would not be as catastrophic.

Mr. Speaker, if I could enter into an unscripted colloquy with the chairman, my concern is this.

Do we have any assurance from the Forest Service that they will be able to go ahead with these contracts that they are planning to let for this summer and the work that they are planning to do, to do forest thinning and fuels reduction and categorical exclusion work to make our forests healthier and safer, or will any of those funds be pulled back to go into fire fighting instead?

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

Mr. WALDEN of Oregon. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, first let me explain that I agree with everything the gentleman is saying. And I would tell him that just last week when the Committee on Appropriations reported the first supplemental for this particular season, it included a substantial amount of money for fighting fires.

Mr. WALDEN of Oregon. And we are appreciative of that.

Mr. YOUNG of Florida. Mr. Speaker, this supplemental is still in play. It has not gone to conference, but it is still in play as part of the legislative branch appropriations bill.

This is a different bill. This one is intended to move smoothly. That is a joke, by the way.

However, that particular bill is stalled, so we are moving this one because this is a real emergency for FEMA. The ability to borrow money to fight the fires is there. They can do that.

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However, everybody should be aware that whatever we borrow, we are going to have to pay it back anyway, so we are going to have to make up this money.

My thinking is it would have been smarter to include in this bill the fire

fighting money that is necessary. But it did not happen. I wish it had, but it did not.

We will move this bill and hopefully get to conference quickly on the other bill and take care of the problem at least of paying back the money that they have to borrow.

Mr. WALDEN of Oregon. Mr. Speaker, reclaiming my time, I understand what the gentleman says, and he has been most gracious and wonderful to work with on this issue. But the problem is, as we wait, the forests burn, the work does not get done, the issue is compounded. This is penny wise and pound foolish.

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

Mr. WALDEN of Oregon. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to associate myself with the gentleman's remarks. The gentleman is absolutely accurate on this point. We would almost be better off if we took away the borrowing authority, because then they would have to put up the money. We would be like FEMA in that situation. Then they would have to put up the money, because we could not leave here without taking care of this problem.

Now what we do is let them borrow the money from the Forest Service, from BLM, ruin their other programs, put the agency in total chaos, and then, on top of that, we do not pay the money back. This is not good.

Mr. WALDEN of Oregon. Mr. Speaker, reclaiming my time, I would say to the gentleman from Wisconsin (Mr. OBEY), I admire his legislation and will take a close look at it. The State of Oregon for many years has done precisely that, buy an insurance policy to help pay for the cost of fire fighting. Of course, that cost continues to go up; but we do participate in that. So I think it is a good idea to consider.

So, Mr. Speaker, in conclusion, I rise in great, great frustration about where we find ourselves today, especially with the lack of notice that these funds were going to be cut out, when we thought they were going to be there.

Mr. SMITH of Michigan. Mr. Speaker, supplemental appropriation bills are too often used to fund expenses that can, on average, be predicted. They allow politicians to keep the annual appropriation budgets at a level that is less objectionable to fiscal conservatives. In effect it is a hoodwinking of taxpayers who think that Congress sticks to its budget.

In my eleven years in this House we never have supplemental appropriation bills increase deficit spending and total debt of the government.

A reasonable average of past supplementals should be included in annual budgets as a reserve fund that can be used for emergency or unexpected necessary spending. To do otherwise is not good spending policy.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of the Democratic motion to provide adequate funding for AmeriCorps, one of our Nation's most important volunteer programs.

I applaud President Bush for his support of community service. It is essential to provide volunteers with the means to do so. AmeriCorps has been a shining example of the difference volunteers can make in communities across the country.

Because of AmeriCorps, more than 38,000 people of all ages and backgrounds are helping to solve problems and strengthen communities through 108 national service projects across Missouri. Serving with national and community nonprofit organizations, faith-based groups, schools, and local agencies, these individuals tutor and mentor children, coordinate after-school programs, build homes and community gardens, conduct neighborhood patrols, organize local homeland security efforts, respond to disasters, and recruit and manage volunteers, to name a few of their contributions. These programs reach thousands of children, many of whom will be left without mentorship opportunities and after school guidance if AmeriCorps is not fully funded.

Mr. Speaker, I support the $100 million in additional funding for AmeriCorps, and it should be provided for in this bill. The National and Community Service announced in June that there would be cuts of 50 to 90 percent to State AmeriCorps budgets and corps member slots. This must be remedied so that AmeriCorps and its volunteers can continue their selfless contributions to our country.

Mr. HOLT. Mr. Speaker, I rise to speak about a glaring omission from this emergency supplemental—funding for AmeriCorps. We must include $100 million in funding for AmeriCorps. Without this funding AmeriCorps will suffer a nearly 60 percent cut and 20,000 service members will be eliminated.

Cutting AmeriCorps at a time when Americans are facing a stagnant economy, the worst unemployment in more than a decade, and deep cuts in State and Federal social programs is not just inconsiderate and wrong, it is unwise. That's why I have signed a letter along with many of my colleagues in Congress calling on the President and the Congressional Leadership to push for emergency funding for AmeriCorps. Young people who are qualified and willing to serve our communities should not be turned away. We should not be trampling on the spirit of service that AmeriCorps has inspired in so many of our young people to give back to our communities. Since 1994, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans.

President Bush has called for expanding AmeriCorps from 50,000 to 75,000 volunteers. Volunteerism was a major theme of his State of the Union address and as recently as April 9, while speaking at a Connecticut community center where AmeriCorps volunteers mentor students, President Bush said, ''We need to encourage programs to expand, to give people an outlet, a chance to participate.'' Words are cheap—the efforts of these volunteers are dear.

Without additional funding the service programs, as well as the volunteers and communities that rely on their help, will be devastated. The infrastructure of many small programs, which do not have the resources to sustain a significant budget cut for even one year, will be destroyed.

The people of central New Jersey will lose if this funding is not restored. In Trenton, New Jersey, the Crisis Ministry, the Trenton Soup Kitchen, and the ARC (which helps kids and adults with mental disabilities) could all face cutbacks in AmeriCorps volunteers. These programs provide services that are vital to my district all the time, but especially in tough economic times. AmeriCorps is an outstanding program with a proven track record of meeting the critical needs of New Jersey's communities. We cannot allow it to be downsized. I ask my colleagues to include funding for AmeriCorps in the conference committee.

Mr. OSBORNE. Mr. Speaker, I wanted to come to the floor today to raise an issue that I know many of my colleagues have been very concerned about, and that is additional funding for AmeriCorps. Currently, AmeriCorps is facing a very severe funding crisis. Local programs around the country are facing severe cuts.

Thousands of social service organizations across the country depend on AmeriCorps for manpower and service for constituents. If we do nothing, many of these programs won't be able to survive or make up the difference in funding in another way. This means that fewer meals will be delivered to the elderly and fewer children will be mentored. When national AmeriCorps officials announced a major cut last month in grants for volunteer positions, leaders of hundreds of volunteer programs across the country warned they will have to reduce operations or shut down. These programs and the people they serve should not be made to suffer because of problems in Washington that could be addressed by short-term solutions, such as agreeing to $100 million in supplemental funding for AmeriCorps.

While I realize that today's bill is focused only on addressing issues facing FEMA, I did want to make sure to note that a majority of members of this House signed letters in support of additional funding for AmeriCorps. We have heard from the wonderful programs all around this country that are doing such important work. I will continue to work to see if additional funding can be provided to improve this situation which is so critical to so many nonprofit programs in all of our districts.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). All time for general debate has expired.

AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports

for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed each will control 10 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) will control the time in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, let me start by saying we do need to fund FEMA properly; but we also need to offset it, as we often have done in the past, and that is what this amendment proposes to do.

I want to follow up on the comments of my chairman, the chairman of the Committee on the Budget, who was exactly right about how we got to this point. I would like to explain that a little bit and make sure that my colleagues understand that for fiscal year 2003 the President requested $1.8 billion for FEMA disaster relief. This is routine annual spending in anticipation of the fact that we know we will have disasters in America.

In October of 2002, the House Committee on Appropriations approved $1.8 billion in committee. In January of this year, the Senate passed an omnibus with only $800 million, $1 billion below the President's level.

In January of 2003, the White House issued a statement of administration policy pointing out that this underfunding of FEMA by $1 billion would cause a problem and we would need to go back and address this. But despite that, despite the fact that everybody knew that we were intentionally and consciously underfunding FEMA by about $1 billion, we passed an omnibus at the lower level, $1 billion below the House Committee on Appropriations level, $1 billion below the President's request.

And what happened to the $1 billion? As the chairman of the Committee on the Budget correctly observed, it was used so we could spend more money in other areas and still pretend we were living within the overall discretionary level that we had all sort of agreed upon.

Well, the fact is, this emergency is an emergency that we have created by virtue of the fact that we chose not to fund this one category, and we all knew that low-balling FEMA would not stand. So now, predictably, we are all back to back-fill the hole that we dug for ourselves in February.

As I said before, FEMA needs the money. That is not the issue about this amendment. What we are simply saying is we ought to offset this so that we do not have just a net increase in the total amount of spending. We are just trying to stick to the budget that we agreed to.

So what this amendment does is it says let us take this $984 million and let us offset it with an across-the-board reduction in all discretionary spending programs except defense, homeland security, and veterans programs. That adds up to about five one-hundredths of 1 percent of the total spending for 2003, about three-tenths of 1 percent of the spending in the categories in which we are going to make this tiny cut. It is about 29 cents out of every $100 dollars.

Now, some people will say, well, even that is too much to cut, especially since there are only 2 months left in the fiscal year. So we have gone on to say, okay, we'll leave it to the discretion of the President to decide whether we cannot find that amount of waste, 29 cents out of $100 is too hard to find; and if that is the case, he has all of 2004 to offset any individual accounts he so chooses.

It strikes me, Mr. Speaker, as a very reasonable and very doable amendment. Over the next 2 months, agencies would be asked to come up with 29 cents out of every $100. And if they cannot, they get another 12 months to do it. We have a history of offsetting non-defense supplementals; and I believe with a deficit of $455 billion, here is a way to reduce that deficit. It is what we ought to do.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very important member of the Committee on Appropriations.

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

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

To my colleagues, several of us on the Committee on Appropriations have fought now for many years to try to hold the line on spending and have a record there and are in agreement with these efforts to do this. But this is not only not workable; it is actually the wrong thing to do at the wrong time, and let me explain why.

OMB, if you have not worked with them since this administration took over, ''OMB'' are the three most dreaded letters in Washington, D.C. They are about the business of carving and cutting, and rightly so, in many directions. But they are not offering offsets, they do not have offsets for this spending, and the administration has requested the money without offsets because even those carvers at OMB cannot find the offsets. You gentlemen know it, and you know that it will not work because of that.

I hope we do not just cede the constitutional responsibility to spend money to the executive branch. That is not in our best interests, it is not in the constitutional best interest, and I do not want to just say, administration, you can start spending money discretionarily or saving money discretionarily. That is the power that belongs here in the Congress, and that is our responsibility.

Now, the money you are talking about offsetting in the final 2 months of the fiscal year is not from mandatory programs; it is not Social Security, Medicare, any of the mandatories. It cannot come from that. It cannot come from defense, it cannot come from homeland security. So the offsets must come from about 14 percent of the Federal budget, and then it is only for one-sixth of the fiscal year. So now you are down to a very narrow pool of discretionary funds to take the offsets from. And then it does not work out to 29 cents on every $100. It gets into specific small accounts, most of which are already obligated, most of which are obligated to be spent in the final 2 months of the fiscal year.

So, frankly, it is not a workable solution. Even though I am all for offsetting early, you cannot wait until the end of the fiscal year and say we are going to have offsets. The money is obligated by the end of the fiscal year.

Once again, the most important thing here is that we have to carry out our responsibilities and not just say, White House, you find these offsets.

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

Mr. Speaker, I would remind my colleagues that we have 14 months to find these offsets, not just 2.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

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

Mr. NUSSLE. Mr. Speaker, there is not enough time in this debate to adequately acknowledge what this practice of underfunding FEMA means to the victims. So I hope we all keep that in mind here today, because while this bill is important, it is important that we change the practice of underfunding FEMA intentionally, as we did in February to take $1 billion out of what was requested by OMB and to spread it into all these other little goodies, knowing full well that if FEMA needed the money, we would come back here breathlessly to say, oh, yes, we need a little bit of extra money; and that is exactly what happened. That is exactly what was predicted in February, and that is exactly what happened today.

The traditional definition that we have used for emergencies has always been ''unforeseen, unanticipated, and unpredictable.'' Well, how is it that OMB and the President were able to predict that this was going to happen in February; but for some reason now, the last minute on the last day before the recess, before, as my friend from Washington says, offices are ready to close, the lights are ready to be turned off, people are thrown in the street, and that is typically what happens, as people come breathlessly to the floor with an emergency supplemental, knowing full well in February we needed money and waiting until the last minute to try and jam it through.

We are probably going to jam it through again, and it is only, gosh, I hope my mother is not listening, it is only $1 billion. But we have got a deficit, and I want to see all those deficit hawks, all those Democrats in particular that have been down here on the floor railing about the deficit, to come down here today and remind themselves and their friends about how important it is to not add an additional $1 billion to the deficit.

What the gentleman from Pennsylvania says is let us find the money. If you do not like this offset, fix it in conference. That is the power you have. The chairman knows he can increase the bill in conference. You can also fix this amendment and find a true offset in conference. Let us pay for this disaster.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the issue of February's bill, first of all, that was not our fault. We were not permitted to bring the bills in the regular period of time for fiscal year 2003. That was not our fault.

The fact that the numbers were different in February, understand that in February almost half of the fiscal year was gone, and there was not any use funding the early part of the fiscal year because it was already over with.

It is easy for the budget resolution to make assumptions. They can assume that you can find $7 billion, for example, in the plug that was in this 2004 budget resolution. The Committee on Appropriations has to be real. What we write in our bills becomes law. It has to be real. It has to be realistic. That is what we do. We cannot satisfy everybody.

I want to compliment my friend from Pennsylvania for keeping our feet to the fire on spending. He does a really good job. And we try to balance out those who want to spend more and those who want to spend less, just to make sure that we do a responsible job in funding the government and funding essential operations. So I compliment the gentleman. Sometimes I agree with him, and sometimes I do not.

In this case, I must disagree with him. I do so because his amendment would cut money from the FBI, Drug Enforcement Agency, technology for State and local enforcement. It would cut for embassy security, it would cut NIH, Centers for Disease Control, Head Start, special education grants, grants for disadvantaged students. Cuts would also deal with HIV–AIDS and child survival, world hunger programs, aid to Israel, and the list is very long.

Remember, there are only 2 months left in this fiscal year. If this was across-the-board for the whole 12 months, it might not be so bad, but this is only for 2 months left in the fiscal yield.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I would ask the chairman, what portion of all Federal spending is actually appropriated by the appropriations?

Mr. YOUNG of Florida. The answer is the discretionary spending is about one-third of the total government spending. It is amazing to me how some of those who are constantly arguing about discretionary spending vote for the big mandatory programs, the back-door spending. So it is two to one.

Mr. ROGERS of Kentucky. Mr. Speaker, if the gentleman will yield further, is that two-thirds of the Federal spending that the mandatory accounts account for? Are those accounts adding to the Federal deficit even as we speak?

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Mr. YOUNG of Florida. Absolutely.

Mr. ROGERS of Kentucky. Has the Committee on the Budget done anything about mandatory spending?

Mr. YOUNG of Florida. Mr. Speaker, I have not found much success in the proper committee's dealing with that.

Mr. NUSSLE. Mr. Speaker, would the gentleman yield? Would the gentleman yield?

Mr. YOUNG of Florida. Mr. Speaker, I will yield after I yield to the gentleman from Wisconsin (Mr. OBEY.)

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, one observation, and then one question.

I do not appreciate having to take lectures from the Committee on the Budget. Let me tell my colleague the sleight of hand that that committee played. They pretended that they provided additional money for veterans. They pretended that they provided additional money for education and for special education in order to get the votes of the moderate Republicans in here for the resolution.

And then, after they pretended, on an account-by-account basis, that they had provided the money, then that same Committee on the Budget provided $7.2 billion in undistributed reductions and assigned those reductions to our committee, without having the guts to spell out what those reductions should be.

And then they squawked when the gentleman from Florida tried to distribute those reductions. That is what is going on here.

The difference is that the gentleman from Florida has to run a real railroad train, it is not an Alice in Wonderland train.

Now, with respect to the amendment at hand, I simply want Members to know how they are going to vote. I mean, the Republicans are running this show, so it is immaterial to me which of your factions wins the argument on that side.

But if this amendment passes, you will be cutting $15 million from the FBI. You will forcing Israel to write a $12 million check back to us because they have already gotten their money. The Drug Enforcement Agency will have to cut $5 million. The Colombian drug initiative, which was just defended in this House this week, you will have to cut $1 million out of that. You will have to cut $15 million out of the Cancer Institute. And you will have to cut $600,000 out of Meals-on-Wheels.

Now, I am not going to debate whether you ought to do any of that stuff; I simply want Members to know what they will be voting on if they vote for the amendment.

I would also simply say that I hope, and I am confident, that this amendment has more to do with concerns about budget than it does a Pennsylvania Senate primary.

Mr. TOOMEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE) and remind my colleagues that we have enacted across-the-board spending cuts in 3 of the last 4 fiscal years.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I come to this floor in the reality of representing a district, 10 counties of which are, at this hour, recognized as Federal disaster areas. The flood of 2003 saw the waters of the Wabash River and the St. Mary's River rise and devastate families and homes in much of the eastern Indiana district that I represent.

But there is another rising tide that I am here to support the gentleman from Pennsylvania (Mr. TOOMEY) on as he seeks this amendment's passage, and that is the rising tide of red ink that is engulfing the American taxpayer, and a modest effort today that we attempt to stem.

The Federal deficit today stands at $455 billion, and I would offer humbly, with deep respect for the gentleman from Florida and his outstanding leadership of this Committee on Appropriations, that now is not the time to add another $1 billion, another new massive player to that deficit.

Two important points, I think, in this discussion. We have heard from the Committee on the Budget chairman, and I would not enter that debate

between chairmen, as unwise as that might be, but it is accurate to say that the dollars that are being asked for today are not in the budget resolution that we passed narrowly on this floor.

Number two, in defense of the chairman of the Committee on Appropriations and the House Members gathered here on both sides of the aisle, the money that we are considering today was in the House bill. We did our work, it seems to me important to say today; the House Committee on Appropriations met the President's request for FEMA, and somewhere in the midst of the conference committee, it was lost.

As people across the 10 counties of my eastern Indiana district struggle against the weight of the flood of 2003, I think we ought to try and do two things at once today: pass the Toomey amendment; speed much-needed relief by the end of this day to make sure FEMA has the resources it needs, but speed relief to the American taxpayer who earnestly desires that we confront the rising tide of red ink in Washington.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman yielding me this time. I want to associate myself with his remarks and the remarks of the gentleman from Wisconsin (Mr. OBEY).

I must say, I worry about the Interior Appropriations, an across-the-board cut like this, especially since it would affect forest fire fighting. It would also affect forest health. Those would both be cut. And all of the other accounts would be cut at a time when we are going to have to borrow money from those accounts to fight the fires of this year, because we do not have enough money in the budget to do that.

So I would say to everyone here, I think that the prudent thing to do, since we do not know all of the consequences of the amendment, and we know that a number of them are bad, and it is the last two months of the year, is to defeat the Toomey amendment and pass the supplemental.

The President of the United States happens to be the person, by the way, who is asking for this money, and he did not ask that it be offset. And this OMB has been as tough on spending as any in modern history.

So they want it as an emergency. They do not want to see their programs cut any further.

So I think, with the risk to fire fighting across this country, we should defeat the Toomey amendment.

Mr. TOOMEY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I take this time just to respond to my very distinguished appropriations chairman and subcommittee chairman to report to them that I heard their personal conversations to me about the need to take on mandatory spending and not just fight about discretionary spending. That is why in the budget this year we not only asked for the 1 percent from all of the mandatory spending; the first time that has been done, it was because of the interest of the Committee on Appropriations, in particular, that we took on that task.

No, it did not complete the final version of the budget, because there were not enough people who were gutsy enough to do it. I know the gentleman from Kentucky is. I am, as well.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, assuming, and the gentleman is correct about its being in the budget as a request, but where is the reconciliation bill that makes that happen?

Mr. NUSSLE. Mr. Speaker, reclaiming my time, that is a fair comment. But to suggest that the Committee on the Budget has not been doing its work with regard to mandatory spending is what troubled me in the gentleman's comments.

The gentleman is right that the proof will be in the final product, but I would just say that the committee has attempted to at least fix this problem.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman's time has expired.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Iowa and ask him to yield to me.

Mr. NUSSLE. Mr. Speaker, I am happy to yield.

Mr. YOUNG of Florida. Mr. Speaker, I hope the gentleman did not misunderstand my comments. I agree, the gentleman has, as chairman, done more than previous budget chairmen to recognize the problem with mandatory versus discretionary; and I compliment the gentleman for that.

My comment relative to and in response to the question of the gentleman from Kentucky (Mr. ROGERS) about the two-thirds, one-third is a fact. But again, that was not to be a criticism of the chairman of the Committee on the Budget, because I know that you and I have talked, and I know that you understand totally and you agree that if we cannot control mandatory, we are never going to control discretionary.

Mr. NUSSLE. Mr. Speaker, if I can reclaim the time and just report that we have had one successful bill that already has moved to the floor that reduced, for waste, fraud, and abuse, $33 billion in a mandatory program called Medicare. It was part of the bill that was voted on and passed by this House.

So, again, to suggest that nothing has been done is not correct.

Mr. TOOMEY. Mr. Speaker, I yield myself the balance of our time.

I would just remind my colleagues on the Committee on Appropriations that in addition to the Committee on the Budget, I offered an alternative budget that actually would significantly restrain the growth of mandatory spending. Very specifically, I frequently vote against many mandatory spending programs as well.

But what we are here today to try to do is not cut a dime out of FEMA. What we want to do is just say, let us offset this. It is 29 cents out of $100. It is not for two months, it is over 14 months, and any single individual line item, if the President thinks it is unreasonable to try to find 29 cents out of the $100 because there are only two months left, and no doubt there are many categories in which that would be difficult, there are another whole 12 months, all of fiscal year 2004, to find those offsets.

This is not that hard. Any family can find 29 cents out of $100 in their family budget. Any business can do likewise. We have an obligation to do the same thing for our taxpayers, especially at a time when we are running the kind of deficits that we are.

So, Mr. Speaker, I urge my colleagues to adopt this amendment, and when this amendment succeeds, which I hope it will, and I am sure every Blue Dog is going to vote for it, because I hear them all the time talking about how upset they are about the deficit; well, here is an absolute, straightforward way to reduce the deficits. I am looking forward to a lot of votes from that side of the aisle. I am looking forward to the passage of my amendment, and then passage of the underlying supplemental.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

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

Mr. WICKER. Mr. Speaker, I rise in strong opposition to the amendment.

Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

As a fiscal conservative I certainly can appreciate the spirit of what this amendment seeks to accomplish. But as a member of the House I cannot support the abrogation of our constitutional "power of the purse" responsibilities to the executive branch.

The funding for the Federal Emergency Management Agency in this supplemental is precisely the level to meet the unexpected—and emergency—disaster expenses the Bush Administration has said it requires.

The amendment before the House stipulates that the executive branch make unspecified cuts to unspecified programs. Funds could be cut from the FBI, DEA, FEMA, Special Education, NASA, transportation and other projects that this House has already acted upon. It is the responsibility of the legislative branch to make these types of funding decisions not the executive branch.

Early on in my tenure I had the chance to support a recission bill that pared back billions in previously appropriated funding. So my dispute with this amendment is much more about process than substance.

This underlying bill is fiscally responsible. It is important to note that it is almost $1 billion below the original amount requested by the President. If we are serious about fiscal responsibility, we should identify specific programs for specific reductions. This amendment shirks the difficult choices in favor of an easy vote.

I urge my colleagues to defeat the amendment and pass the bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in strong opposition to the Toomey amendment.

Just before I came here for this series of votes, we were meeting with the FBI. The FBI needs additional resources because they have taken personnel out of crime fighting and drug fighting and are now putting them in with regard to homeland security. They need more people. Then they have taken people off the streets that are working on drugs. So this would not be good for the FBI, aside from the homeland security.

Lastly, across-the-board cuts never work. The best way to do something, if there is a particular program that you want to cut, you go after it. But across the board, to make the FBI take that cut now, and DEA, would not be good for the country, not good for crime, and not good for the fight against drugs.

So on that, I strongly urge a ''no'' vote on the Toomey amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the previous question is ordered on the bill and on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. TOOMEY. Mr. Chairman, on that I demand the yeas and nays.

The yeas and nays are ordered.

The SPEAKER pro tempore. Pursuant to the previous order of the House earlier today, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) are postponed.

LIMITATION ON AMENDMENTS DURING CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2861 in the Committee of the Whole pursuant to House Resolution 338, no amendment to the bill may be offered except:

pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

an amendment by Mr. WALSH striking provisions in title III and title IV, which may be offered en bloc;

Two amendments by Mr. SMITH of New Jersey, each regarding medical care for veterans;

an amendment by Mr. SMITH of New Jersey striking section 114, which shall be debatable for 20 minutes;

an amendment by Mr. EDWARDS regarding medical care for veterans;

an amendment by Mr. STEARNS regarding medical and prosthetic research;

an amendment by Mr. KIRK regarding sharing agreements with the Department of Defense;

an amendment by Mr. NADLER regarding the housing certificate fund, which shall be debatable for 20 minutes;

an amendment by Mr. FATTAH or Mr. DAVIS of Illinois regarding public housing, which shall be debatable for 20 minutes;

an amendment by Mr. NADLER regarding housing opportunities, which shall be debatable for 20 minutes;

an amendment by Mrs. CAPPS regarding science and technology programs on the Environmental Protection Agency;

an amendment by Mr. HASTINGS of Florida regarding environmental programs and management;

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an amendment by the gentleman from Michigan (Mr. DINGELL) regarding environmental programs and management;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding hazardous substance Superfund, which shall be debatable for 20 minutes;

an amendment by the gentleman from Texas (Mr. HALL) regarding NASA;

an amendment by the gentleman from Kansas (Mr. MORAN) regarding beneficiary travel;

an amendment by the gentleman from Maine (Mr. ALLEN) regarding the Clean Air Act, which shall be debatable for 20 minutes;

an amendment by the gentleman from Illinois (Mr. MANZULLO) regarding the Buy America Act;

an amendment by the gentleman from Vermont (Mr. SANDERS) or the gentleman from Pennsylvania (Mr. KANJORSKI) regarding veterans integrated service networks;

an amendment by the gentleman from Massachusetts (Mr. LYNCH) regarding veterans;

an amendment by the gentleman from Kansas (Mr. MOORE) regarding Capital Asset Realignment for Enhanced Services;

an amendment by the gentleman from Hawaii (Mr. CASE) regarding redesignation of Hawaiian counties;

an amendment by the gentlewoman from California (Ms. LEE) or the gentlewoman from Illinois (Ms. SCHAKOWSKY) regarding homeless assistance grants, debatable for 20 minutes;

an amendment by the gentleman from Washington (Mr. INSLEE) or the gentleman from New York (Mr. HINCHEY) regarding environmental programs and management;

two amendments by the gentlewoman from Texas (Ms. JACKSON-LEE) regarding NASA, each of which shall be debatable for 5 minutes;

an amendment by the gentleman from New York (Mr. BISHOP) regarding human testing of pesticides;

an amendment by the gentleman from New York (Mr. MEEKS) regarding VA clinics, which shall be debatable for 20 minutes.

Each amendment may be offered only by the Member designated or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, and I certainly will not object because we have been working on this for a long time, but I would still like to point out to the Members of the House that while I certainly welcome this time agreement for planning purposes, Members need to understand that if everyone included in this agreement exercises the full amount of time listed in this agreement, we will still be here about 9 o'clock this evening. So if people are trying to catch their airplanes and they have amendments, many of these amendments are subject to a point of order and many of these amendments are probably not going to get very many votes. So I think Members need to ask themselves how much time they want to take in situations like that.

The committee is doing everything it can to get Members out of here so they can catch their planes, but we will need the cooperation of the individual Members, or it is not going to happen.

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

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

Mr. YOUNG of Florida. I thank the gentleman for yielding, and I want to confirm what the gentleman has said.

I recall yesterday the dialogue between the minority whip and the majority leader that if we work things out that Members could probably consider leaving here about 5 o'clock. And I know that, if we continue to do everything that is on this unanimous consent list, that is just not going to happen. So Members need to be aware that

the 5 o'clock suggestion that was made yesterday may not work if we do all of this.

Mr. OBEY. Reclaiming my time, I would simply say it most certainly will not work if we do all of this. So people need to think about it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 338 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. 2861.

The Chair designates the gentleman from Illinois (Mr. SHIMKUS) as Chairman of the Committee of the Whole, and requests the gentleman from Iowa (Mr. NUSSLE) to assume the chair temporarily.

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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. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, with Mr. NUSSLE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

GENERAL LEAVE

Mr. WALSH. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2861, and that I may include tabular and extraneous material.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Chairman, it is my pleasure to bring before the House today H.R. 2861, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for 2004.

Prior to proceeding, Mr. Chairman, in discussing the bill before us, I would like to offer my sincere recognition and thanks to my ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for his help in bringing this bill to the floor. He and I have forged a strong relationship over the last 5 years working on this bill. I feel the result reflects most of our shared priorities. We consulted during hearings during the formation of the bill, during markups, and his advice has been remarkable and we would not be here if we had not had it.

I would also like to thank and recognize the staff on both sides of the aisle for their hard work and assistance. My personal thanks to Tim Peterson, the clerk of the subcommittee; Dena Baron; Jennifer Whitson; Jennifer Miller; and Doug Disrud on the majority side, and to Michelle Burkette, Mike Stephens, and Jerry Johnson for the minority.

I would also like to express my appreciation to Gavin Clingham and Angela Ohm on the gentleman from West Virginia's (Mr. MOLLOHAN) personal staff, as well as Ron Anderson and Art Jutton on my personal staff for their assistance in getting this bill to this point in the process.

Mr. Chairman, I would like to just sum up briefly the bill. Most of the attention has been focused on the veterans portion, and I will address that at the end. In housing, we have provided an increase of about close to $1 billion to provide for full funding for section 8 housing vouchers. There are no new incremental vouchers, but we have fully funded the existing vouchers that include vouchers that are targeted for housing for people with AIDS. It is also for disabled individuals in our society. So those are dedicated funds, and they will continue to flow.

In the Environmental Protection Agency, we provided approximately $8 billion, and I think we have done a good job in continuing the progress that we have made in protecting the environment; and we do expect several amendments in that area of the bill, some of which we will accept.

In NASA, NASA really is a status quo budget, pending the outcome and the release of the Gehman Commission report. We expect that that report will have profound implications for NASA, and we expect that the administration, once that report is available, will come forward and express their views to us, which may result in additional supplemental expenditures depending on what the report says, but we do await that report.

The National Science Foundation, the Congress is on record as requesting that we double the National Science Foundation in 5 years. We cannot keep that pace, although in the past we have done close to double-digit increases in the past 3 or 4 years in NSF; and I think the subcommittee has shown great leadership in supporting the investment in the new technologies, information technologies and others that this country leads the world in. We will have a 5 percent increase, which I think given our allocation is a remarkable commitment to our scientific community. These are all peer reviewed, non-earmarked funds. So they encourage some of our finest educational institutions across the country and our finest young people.

Lastly, the veterans budget, which has been the focus of most of the discussion so far. Mr. Chairman, we have increased veterans medical care by approximately $1.3 billion over last year. It is about a 6 percent increase in medical care. We have provided about $1 billion increase in the mandatory portion of the bill which is veterans benefits. It is a $2.5 billion increase.

We were asked to provide additional funds to veterans. We were unable to do that, given the allocation that we had. It is an increase, it is a substantial increase, but it is not a record increase similar to what we provided 2 years ago and then again last year. But, in fact, this subcommittee has increased the veterans budget and the medical care side by close to 50 percent in the last 5 years. So since 1998, close to a 50 percent increase in veterans medical care. The difficulty is that the number of customers, the number of patients that we have had at the veterans hospitals has outstripped those increases.

The Congress has tried diligently and this has been the number one priority of the subcommittee to fully fund veterans health care, and we are trying. It is pretty clear by the discussion that Members expect us to provide more, veterans expect us to provide more, veterans service agencies expect us to provide more.

This is not the end of the process. The process continues after this bill is hopefully passed today. We have to go to conference with the Senate. And I pledge to work with the minority, with the gentleman from West Virginia (Mr. MOLLOHAN), with our Republican leadership, the leadership of the House, and with the Senate to find any way we can to improve the funding for veterans medical care and at the same time looking down the road at things that the Congress can do to improve the situation by making administrative decisions to bring veterans in through the process more quickly, to take some of the pressure off the prescription drug problem by passing a prescription drug benefit for all Americans, by looking at the Medicare subvention issue which would allow veterans to use their Medicare payments to pay for going to the veterans hospital.

There are a number of things we can do. We cannot do them all in this bill, but I do pledge to continue to work to try to improve the situation as we go towards the conference.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	28,949,000	29,845,127	29,845,127	+896,127	---
Readjustment benefits	2,264,808	2,529,734	2,529,734	+264,926	---
Veterans insurance and indemnities	27,530	29,017	29,017	+1,487	---
Veterans housing benefit program fund program account (indefinite)	437,522	305,834	305,834	-131,688	---
(Limitation on direct loans)	(300)	(300)	(300)	---	---
Credit subsidy	-98,000	---	---	+98,000	---
Administrative expenses	167,114	154,850	154,850	-12,264	---
Education loan fund program account	1	1	1	---	---
(Limitation on direct loans)	(3)	(3)	(3)	---	---
Administrative expenses	70	---	70	---	+70
Vocational rehabilitation loans program account	55	52	52	-3	---
(Limitation on direct loans)	(3,626)	(3,938)	(3,938)	(+312)	---
Administrative expenses	287	300	300	+13	---
Native American Veteran Housing Loan Program Account	554	571	571	+17	---
Total, Veterans Benefits Administration	31,748,941	32,865,486	32,865,556	+1,116,615	+70
Veterans Health Administration					
Medical services for Priority 1-6 Veterans	---	---	15,579,220	+15,579,220	+15,579,220
Delayed obligation	---	---	200,000	+200,000	+200,000
Total	---	---	15,779,220	+15,779,220	+15,779,220
Medical services for Priority 7-8 Veterans	---	---	2,166,000	+2,166,000	+2,166,000
Offsetting receipts	---	---	-1,502,000	-1,502,000	-1,502,000
Medical and prosthetic research	397,400	408,000	408,000	+10,600	---
Medical administration	---	---	4,854,000	+4,854,000	+4,854,000
Medical facilities	---	---	3,920,000	+3,920,000	+3,920,000
Delayed obligation	---	---	80,000	+80,000	+80,000
Total	---	---	4,000,000	+4,000,000	+4,000,000
Medical care	23,889,304	25,218,080	---	-23,889,304	-25,218,080
Medical care cost recovery collections:					
Offsetting receipts	-1,386,000	-1,800,000	---	+1,386,000	+1,800,000
Appropriations (indefinite)	1,386,000	1,800,000	---	-1,386,000	-1,800,000
Total available (excludes offsetting receipts)	25,275,304	27,018,080	---	-25,275,304	-27,018,080
Medical administration and miscellaneous operating expenses	74,230	79,140	---	-74,230	-79,140
Total, Veterans Health Administration	24,360,934	25,705,220	25,705,220	+1,344,286	---
Departmental Administration					
General operating expenses	1,245,849	1,283,272	1,283,272	+37,423	---
Supplemental Appropriations (P.L. 108-11)	100,000	---	---	-100,000	---
National Cemetery Administration	132,284	144,203	144,223	+11,939	+20
Office of Inspector General	57,623	61,750	61,750	+4,127	---
Construction, major projects	99,128	272,690	274,690	+175,562	+2,000
Construction, minor projects	224,531	252,144	252,144	+27,613	---
Grants for construction of State extended care facilities	99,350	102,100	102,100	+2,750	---
Grants for the construction of State veterans cemeteries	31,792	32,000	32,000	+208	---
Total, Departmental Administration	1,990,557	2,148,159	2,150,179	+159,622	+2,020

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title I, Department of Veterans Affairs..	58,100,432	60,718,865	60,720,955	+2,620,523	+2,090
(Limitation on direct loans).....	(3,929)	(4,241)	(4,241)	(+312)	---
Consisting of:					
Mandatory.....	(31,580,860)	(32,709,712)	(32,709,712)	(+1,128,852)	---
Discretionary.....	(26,519,572)	(28,009,153)	(28,011,243)	(+1,491,671)	(+2,090)
Medical care collection fund.....	(1,386,000)	(1,800,000)	---	(-1,386,000)	(-1,800,000)
Total Discretionary (excluding MCCF)	(25,133,572)	(26,209,153)	(28,011,243)	(+2,877,671)	(+1,802,090)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund:					
Direct appropriation.....	12,938,913	---	14,230,606	+1,291,693	+14,230,606
Advance appropriations provided in previous acts..	4,172,700	---	4,200,000	+27,300	+4,200,000
Advance appropriations provided in current year...	4,200,000	---	4,200,000	---	+4,200,000
Subtotal.....	21,311,613	---	22,630,606	+1,318,993	+22,630,606
Appropriations.....	(17,111,613)	---	(18,430,606)	(+1,318,993)	(+18,430,606)
Advance appropriations prov. in current year	(4,200,000)	---	(4,200,000)	---	(+4,200,000)
Housing assistance for needy families:					
Direct appropriation.....	---	8,335,201	---	---	-8,335,201
Advance appropriations provided in previous acts..	---	4,200,000	---	---	-4,200,000
Advance appropriations provided in FY 2004.....	---	4,200,000	---	---	-4,200,000
Subtotal 1/.....	---	16,735,201	---	---	-16,735,201
Appropriations, FY 2004 1/.....	---	(12,535,201)	---	---	(-12,535,201)
Advance appropriations, FY 2004 1/.....	---	(4,200,000)	---	---	(-4,200,000)
Project based rental assistance 1/.....	---	4,823,405	---	---	-4,823,405
Rescission of unobligated balances.....	-1,600,000	-300,000	-1,372,000	+228,000	-1,072,000
Public housing capital fund.....	2,712,255	2,641,000	2,712,255	---	+71,255
Public housing operating fund.....	3,576,600	3,574,000	3,600,000	+23,400	+26,000
Revitalization of severely distressed public housing..	570,269	---	50,000	-520,269	+50,000
Native American housing block grants.....	644,782	646,600	661,600	+16,818	+15,000
Indian housing loan guarantee fund program account....	5,266	1,000	5,300	+34	+4,300
(Limitation on guaranteed loans).....	(197,243)	(27,473)	(197,243)	---	(+169,770)
Native Hawaiian housing block grant.....	---	10,000	---	---	-10,000
Native Hawaiian housing loan guarantee fund.....	1,028	1,000	1,000	-28	---
(Limitation on guaranteed loans).....	(39,712)	(35,348)	(35,348)	(-4,364)	---
Total, Public and Indian Housing (net).....	23,021,813	23,932,206	24,088,761	+1,066,948	+156,555
In addition:					
Advance appropriations, FY 2003 and FY 2004.	4,200,000	4,200,000	4,200,000	---	---
1/ The FY 2003 Act provided funds for these purposes under the Housing Certificate Fund account					
Community Planning and Development					
Housing opportunities for persons with AIDS.....	290,102	297,000	297,000	+6,898	---
Rural housing and economic development.....	24,837	---	25,000	+163	+25,000
Empowerment zones / enterprise communities.....	29,805	---	15,000	-14,805	+15,000
Community development fund.....	4,904,909	4,716,000	4,959,000	+54,091	+243,000
Colonias initiative (legislative proposal).....	---	16,000	---	---	-16,000
Urban development action grant (rescission).....	---	-30,000	-30,000	-30,000	---
Section 108 loan guarantees:					
(Limitation on guaranteed loans).....	(275,000)	---	---	(-275,000)	---
Credit subsidy.....	6,284	---	---	-6,284	---
Administrative expenses.....	993	---	---	-993	---
Brownfields redevelopment.....	24,837	---	25,000	+163	+25,000
HOME investment partnerships program.....	1,987,000	2,197,000	2,064,100	+77,100	-132,900
Homeless assistance grants.....	1,217,037	1,325,000	1,242,000	+24,963	-83,000
Samaritan housing initiative (legislative proposal)...	---	50,000	---	---	-50,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, Community planning and development	8,485,804	8,571,000	8,597,100	+111,296	+26,100
Housing Programs					
Housing for special populations	1,027,081	---	---	-1,027,081	---
Housing for the elderly 2/	---	773,636	773,320	+773,320	-316
Housing for persons with disabilities 2/	---	250,515	250,570	+250,570	+55
Housing counseling assistance	---	45,000	---	---	-45,000
Rental housing assistance (rescission)	-100,000	-303,000	-303,000	-203,000	---
Manufactured housing fees trust fund	12,915	17,000	13,000	+85	-4,000
Offsetting collections	-13,000	-17,000	-13,000	---	+4,000
Total, housing programs	926,996	766,151	720,890	-206,106	-45,261

2/ The FY 2003 Act provided funds for these activities in the Housing for special populations account

Government National Mortgage Association (GNMA)

Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(165,000,000)	(185,000,000)	(185,000,000)	(+20,000,000)	---
(Limitation on direct loans)	(100,000)	(50,000)	(50,000)	(-50,000)	---
Administrative expenses	345,568	359,000	359,000	+13,432	---
Negative subsidy	-2,753,000	-2,921,000	-2,921,000	-168,000	---
Administrative contract expenses	85,163	85,000	85,000	-163	---
Additional contract expenses	993	1,000	1,000	+7	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(23,000,000)	(25,000,000)	(25,000,000)	(+2,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses	222,262	229,000	229,000	+6,738	---
Negative subsidy	-225,000	-225,000	-225,000	---	---
Subsidy	14,902	15,000	15,000	+98	---
Non-overhead administrative expenses	93,170	93,700	93,780	+610	+80
Additional contract expenses	3,974	4,000	4,000	+26	---
Total, Federal Housing Administration	-2,211,968	-2,359,300	-2,359,220	-147,252	+80
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	---	---
Administrative expenses	10,276	10,695	10,695	+419	---
Offsetting receipts	-358,000	-318,000	-318,000	+40,000	---
Policy Development and Research					
Research and technology	46,695	51,000	47,000	+305	-4,000
Fair Housing and Equal Opportunity					
Fair housing activities	45,601	50,000	46,000	+399	-4,000
Office of Lead Hazard Control					
Lead hazard reduction	174,856	136,000	130,000	-44,856	-6,000
Management and Administration					
Salaries and expenses	526,852	537,000	547,000	+20,148	+10,000
Transfer from:					
Limitation on FHA corporate funds	(544,639)	(564,000)	(564,000)	(+19,361)	---
GNMA	(10,276)	(10,695)	(10,695)	(+419)	---
Community Development Loan Guarantees Program	(993)	---	---	(-993)	---
Native American Housing Block Grants	(149)	(150)	(150)	(+1)	---
Indian Housing Loan Guarantee Fund Program	(199)	(250)	(250)	(+51)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	---	---
Total, Salaries and expenses	(1,083,143)	(1,112,130)	(1,122,130)	(+38,987)	(+10,000)
Working capital fund	274,504	276,300	240,000	-34,504	-36,300
Office of Inspector General	73,674	76,080	76,080	+2,406	---
(By transfer, limitation on FHA corporate funds)	(23,343)	(24,000)	(24,000)	(+657)	---
Total, Office of Inspector General	(97,017)	(100,080)	(100,080)	(+3,063)	---
Consolidated fee fund (rescission)	-8,000	---	---	+8,000	---
Office of Federal Housing Enterprise Oversight	29,805	32,415	32,415	+2,610	---
Offsetting receipts	-30,000	-32,415	-32,415	-2,415	---
Total, title II, Department of Housing and Urban Development	31,008,908	31,729,132	31,826,306	+817,398	+97,174
Appropriations	(36,095,908)	(35,875,547)	(37,040,721)	(+944,813)	(+1,165,174)
Rescissions	(-1,708,000)	(-633,000)	(-1,705,000)	(+3,000)	(-1,072,000)
Negative subsidy	(-2,978,000)	(-3,146,000)	(-3,146,000)	(-168,000)	---
Offsetting collections	(-401,000)	(-367,415)	(-363,415)	(+37,585)	(+4,000)
Advance appropriations	(4,200,000)	(4,200,000)	(4,200,000)	---	---
(Limitation on direct loans)	(150,000)	(100,000)	(100,000)	(-50,000)	---
(Limitation on guaranteed loans)	(388,511,955)	(410,062,821)	(410,232,591)	(+21,720,636)	(+169,770)
(Limitation on corporate funds)	(579,634)	(599,130)	(599,130)	(+19,496)	---
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	35,017	32,400	47,276	+12,259	+14,876
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	6,408	8,000	8,550	+2,142	+550
Emergency fund	---	---	450	+450	+450
Total	6,408	8,000	9,000	+2,592	+1,000
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	74,512	51,000	51,000	-23,512	---
Consumer Product Safety Commission					
Salaries and expenses	56,629	60,000	60,000	+3,371	---
Corporation for National and Community Service					
National and community service programs operating expenses	326,211	472,742	363,452	+37,241	-109,290
National Service Trust	100,000	120,000	110,771	+10,771	-9,229
Rescission	-48,000	---	---	+48,000	---
Office of Inspector General	5,961	5,108	6,000	+39	+892
Total	384,172	597,850	480,223	+96,051	-117,627
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	14,233	16,220	15,938	+1,705	-282

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	32,234	25,961	25,961	-6,273	---
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences	83,528	78,774	80,000	-3,528	+1,226
Centers for Disease Control and Prevention					
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	82,262	73,467	73,467	-8,795	---
Total, Department of Health and Human Services	165,790	152,241	153,467	-12,323	+1,226
Environmental Protection Agency					
Science and Technology	715,579	731,483	767,115	+51,536	+35,632
Transfer from Hazardous Substance Superfund	85,608	44,697	44,697	-40,911	---
Subtotal, Science and Technology	801,187	776,180	811,812	+10,625	+35,632
Environmental Programs and Management	2,097,879	2,219,659	2,192,552	+94,673	-27,107
Office of Inspector General	35,766	36,808	36,808	+1,042	---
Transfer from Hazardous Substance Superfund	12,659	13,214	13,214	+555	---
Subtotal, OIG	48,425	50,022	50,022	+1,597	---
Buildings and facilities	42,639	42,918	42,918	+279	---
Hazardous Substance Superfund	1,264,614	1,389,716	1,275,000	+10,386	-114,716
Transfer to Office of Inspector General	-12,742	-13,214	-13,214	-472	---
Transfer to Science and Technology	-86,168	-44,697	-44,697	+41,471	---
Subtotal, Hazardous Substance Superfund	1,165,704	1,331,805	1,217,089	+51,385	-114,716
Leaking Underground Storage Tank Program	71,843	72,545	72,545	+702	---
Oil spill response	15,480	16,209	16,209	+729	---
State and Tribal Assistance Grants	2,692,000	1,918,500	2,419,750	-272,250	+501,250
Categorical grants	1,142,905	1,202,700	1,182,200	+39,295	-20,500
Subtotal, STAG	3,834,905	3,121,200	3,601,950	-232,955	+480,750
Total, EPA	8,078,062	7,630,538	8,005,097	-72,965	+374,559
Executive Office of the President					
Office of Science and Technology Policy	5,333	7,027	7,027	+1,694	---
Council on Environmental Quality and Office of Environmental Quality	3,011	3,238	3,238	+227	---
Total	8,344	10,265	10,265	+1,921	---
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(30,848)	(30,125)	(30,125)	(-723)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Services Administration					
Federal Consumer Information Center Fund	11,466	17,643	12,500	+1,034	-5,143
Interagency Council on the Homeless					
Operating expenses	1,490	---	1,500	+10	+1,500
National Aeronautics and Space Administration					
Human space flight	6,165,658	---	---	-6,165,658	---
Space flight capabilities	---	7,782,100	7,806,100	+7,806,100	+24,000
Science, aeronautics and technology	9,147,815	---	---	-9,147,815	---
Science, aeronautics and exploration	---	7,660,900	7,707,900	+7,707,900	+47,000
Office of Inspector General	25,434	26,300	26,300	+866	---
Total, NASA	15,338,907	15,469,300	15,540,300	+201,393	+71,000
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on administrative expenses, corporate funds)	(309)	(310)	(310)	(+1)	---
Community Development Revolving Loan Fund	993	1,000	1,000	+7	---
National Science Foundation					
Research and related activities	3,988,902	4,038,360	4,238,360	+249,458	+200,000
Defense function	67,558	68,000	68,000	+442	---
Subtotal	4,056,460	4,106,360	4,306,360	+249,900	+200,000
Major research equipment and facilities construction	148,538	202,330	192,330	+43,792	-10,000
Education and human resources	903,171	938,040	910,680	+7,509	-27,360
Salaries and expenses	189,115	225,700	215,900	+26,785	-9,800
National Science Board	3,477	---	3,800	+323	+3,800
Office of Inspector General	9,190	8,770	10,000	+810	+1,230
Total, NSF	5,309,951	5,481,200	5,639,070	+329,119	+157,870
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	104,317	115,000	115,000	+10,683	---
Selective Service System					
Salaries and expenses	26,308	28,290	28,290	+1,982	---
Total, title III, Independent agencies	29,648,833	29,696,908	30,195,887	+547,054	+498,979
Appropriations	(29,696,833)	(29,696,908)	(30,195,887)	(+499,054)	(+498,979)
Rescissions	(-48,000)	---	---	(+48,000)	---
(By transfer)	(30,848)	(30,125)	(30,125)	(-723)	---
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on corporate funds)	(309)	(310)	(310)	(+1)	---
Grand total (net)	122,958,173	126,344,905	126,943,148	+3,984,975	+598,243
Appropriations	(123,893,173)	(126,291,320)	(127,957,563)	(+4,064,390)	(+1,666,243)
Rescissions	(-1,756,000)	(-633,000)	(-1,705,000)	(+51,000)	(-1,072,000)
Negative subsidy	(-2,978,000)	(-3,146,000)	(-3,146,000)	(-168,000)	---
Offsetting collections	(-401,000)	(-367,415)	(-363,415)	(+37,585)	(+4,000)
Advance appropriations	(4,200,000)	(4,200,000)	(4,200,000)	---	---
(By transfer)	(30,848)	(30,125)	(30,125)	(-723)	---
(Limitation on direct loans)	(1,653,929)	(1,604,241)	(1,604,241)	(-49,688)	---
(Limitation on guaranteed loans)	(388,511,955)	(410,062,821)	(410,232,591)	(+21,720,636)	(+169,770)
(Limitation on corporate funds)	(579,943)	(599,440)	(599,440)	(+19,497)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
FSLIC resolution fund (mandatory)	-4,000	-3,000	-3,000	+1,000	---
Housing assistance for needy families, advance appropriation provided in FY 2003 and FY 2004 1/	-4,200,000	-4,200,000	-4,200,000	---	---
Total, adjustments	-4,204,000	-4,203,000	-4,203,000	+1,000	---
Total (including adjustments)	118,754,173	122,141,905	122,740,148	+3,985,975	+598,243
Amounts in this bill	(122,958,173)	(126,344,905)	(126,943,148)	(+3,984,975)	(+598,243)
Scorekeeping adjustments	(-4,204,000)	(-4,203,000)	(-4,203,000)	(+1,000)	---
Total mandatory and discretionary	118,754,173	122,141,905	122,740,148	+3,985,975	+598,243
Mandatory	31,576,860	32,706,712	32,706,712	+1,129,852	---
Discretionary	87,177,313	89,435,193	90,033,436	+2,856,123	+598,243

1/ The FY 2003 Act provided funds for these purposes under the Housing Certificate Fund account

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

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

Mr. Chairman, first let me express my appreciation to the gentleman from New York (Chairman WALSH) for his hard work and very capable efforts in putting together a very tough bill. I would like to express my appreciation to him. He has always been courteous. He is extremely capable and very responsive to both the substantive and procedural issues associated with moving this bill forward. That is greatly appreciated.

I want to join the gentleman in expressing our appreciation to our very capable staff. He has mentioned them all. Let me associate myself with his remarks. Both the majority and the minority have done a tremendous job under very tough circumstances.

Mr. Chairman, the appropriations bill being considered today provides appropriations for a broad array of Federal agencies. While our allocation of $112.7 billion, of which $90 billion represents discretionary spending, sounds large it is, in fact, not adequate to meet the varied needs of these important Federal agencies. It is a stretch to fund the growing number of veterans newly eligible for health care coverage, the renewal of long-standing housing commitments, and the necessity to increase investments in our Nation's research activities. Many accounts in this bill have been flat-funded for too long a period of time. Yes, this bill could use more money.

The veterans medical care increase of $1.3 billion is far short of the $2.4 billion increase provided last year. The Hope VI program is funded at a mere $50 million, down from the current year's $570 million. The EPA Clean Water Revolving Fund is $150 million below the current year. And the CDFI fund is only provided the President's request of $51 million, down from $75 million.

□ 1415

I do intend to work with the Chairman to improve these accounts as the bill moves forward.

Of particular concern, Mr. Chairman, are the veterans accounts. They need attention. There were representations made by those who passed the budget resolution which created expectations that the budget resolution itself did not provide the allocation to meet. Those expectations are fairly out there, they were produced by the budget resolution.

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

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in support of this bill, as a member of the committee but also as a veteran.

Since 1999, our Congress has provided an almost 40 percent increase for VA medical services. We provided in this bill over $200 million in construction to repair and rehabilitate and realign VA facilities, and this bill also fully funds the demand for a National Cemetery Administration.

It is important to point out one key fact, though, that this bill fully funds the projected medical needs for all veterans 50 percent, service-connected disability and above. This bill funds all of the medical needs for all veterans 30 to 40 percent, service-connected. This bill fully funds all of the medical needs for prisoners of war, Purple Heart veterans and service-connected, 10 to 20 percent, service disability veterans.

We fully fund all of the medical needs for veterans with catastrophic problems. We fully fund all of the medical needs for no- and very-low-income veterans and, of course, fully fund the needs for the service-connected World War I, Mexican incident and Gulf War veterans.

Our veteran brothers want to make sure that this government honors, first, its commitment to service-connected veterans, and we want to make sure that our comrades in arms who are wounded and are still suffering have their needs fully met.

As a veteran, I can say that I want service-connected veterans to stand first; but there is another opportunity in this bill, and it will be addressed in an amendment coming up, and that is the chance to share resources with other Federal agencies, particularly the military. We have the chance in this legislation to save several hundred million dollars by sharing facilities between the Department of Defense and the Department of Veterans Affairs.

For example, in my own congressional District in north Chicago, Illinois, we provide excellent military health care at a naval hospital and excellent veterans health care at a VA center, but those two Federal institutions with separate galleys, separate security forces, separate steam and heating plants, separate medical staffs are 1 mile apart. This kind of geographic collocation happens in many parts of the country and the ability to combine these institutions gives us the opportunity to upgrade medical care, not just for the active duty, but for veterans.

It will happen in northern Illinois. It is happening in Denver. It is happening in New Mexico. It is happening in South Carolina.

So I urge support for this bill. I think this bill moves us forward, especially on the sharing issue, and it is important to note this bill meets all of the medical needs for veterans in categories 1, 2, 3, 4, 5, and 6.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in support of this bill, H.R. 2861, VA, HUD and Independent Agencies. As a member of the Subcommittee that oversees the VA, HUD appropriations, we are all in agreement that this bill leaves a lot to be desired. However, I applaud the Chair, Mr. JAMES T. WALSH and the Ranking Member, Mr. ALAN B. MOLLOHAN for their leadership in moving this measure to the floor for a vote.

I also want to thank Mr. OBEY for his leadership in the Appropriation process and for raising so many concerns that we all have regarding funding cuts in programs in this bill and in other areas. He has so poignantly made it clear to all parties involved that ''the tax cuts fostered by the Bush administration are swallowing up a huge share of the available money.''

Mr. Chairman, I support this bill because of my deep concerns for the veterans in the 2nd District of Georgia and across the country, the needy and poor that live in substandard housing, and for all those who are affected by the downturn of the economy. I concur with some of my colleagues that some of the programs are woefully under-funded. However, I believe we must pass this bill to avoid any further delays in stimulating the economy. This bill provides $137,500,000 for economic development initiatives.

We began the 108th Congress at FY02 funding levels. Many of the FY03 Appropriations bills were not passed until February of this year. We must not bog down this process any further. My constituents and others around the country are hurting. We must move this bill through the House in hopes of working out some of the major differences in Conference.

H.R. 2861 provides for $90 billion in discretionary funds for the Veterans Affairs and, the Housing and Urban Development departments and other independent agencies for fiscal 2004. This bill also includes $27.2 billion in fiscal 2004, an increase of $1.4 billion. The largest component of the VA total is $15.8 billion ''for medical services for veterans with service-connected health needs.''

Further, H.R. 2861 provides funding in fiscal 2004 for NASA in the amount of $15.5 billion; $5.6 billion for the National Science Foundation, a $329 million increase over fiscal 2003; $8 billion for the Environmental Protection Agency, which is $375 million above the President's request but $74 million below 2003; $37 billion for HUD, which is $942 million above last year and $98 million over the President's request; $480 million for the Corporation for National and Community Service, which is $96 million above last year and $118 million below the President's request. This funding level will be able to sustain 55,000 volunteers, and increase of 5,000 and $60 million for the Consumer Product Safety Commission.

I also applaud both Mr. WALSH and Mr. MOLLOHAN for recognizing the need to maintain the HOPE VI program. The allocation of $50,000,000 is not nearly enough to meet the needs of many of the severely distressed public housing facilities in my district and others alike. However, the committee has recognized the need to continue the program and went on record as willing to work with HUD in order to improve the overall performance and operation of the program.

The Committee's recommendation to zero out the Samaritan Housing Initiative, that provides assistance to the homeless community, was very alarming to many of the advocates in the housing community. Again, I am hopeful this issue will be addressed at the Conference level.

The Committee has made a valiant attempt to increase the funding for the National

Science Foundation (NSF). The Committee allocated $5,639,070,000 to NSF to enhance its national policy on science, and to support basic research for research and education.

Further, H.R. 2861 provides for other allocations such as:

One VA Enterprise Architecture in the Veterans Administration budget, public Housing Operating Fund, HOPWA, Rural Housing and Economic Development; Empowerment Zones/Enterprise Communities; Community Development Fund, CDBG; Community Development Block Grant-Formula grants; Habitat for Humanity capacity building; Historically Black Colleges and Universities; Brownfield Redevelopment; HOME Program; HOME/CHDO Technical Assistance; Homeless Program; Housing for the Disabled; Rental Housing Assistance; Fair Housing and Equal Opportunity; Community Development Financial Institutions; Corporation for National and Community Service; STAG—State and Tribal Assistance Grants; Louis Stokes Alliance for Minority Participation (LSAMP); HBCU–UP and the Neighborhood Reinvestment Corporation.

Finally, H.R. 2861 provides for the establishment of a new provision in the Veterans' Budget to establish a $250 enrollment fee for priority 7 and 8 veterans (those veterans who are not service connected or not impoverished). This level is nearly identical to the annual enrollment fee charged to TRICARE retirees. This new provision increases the co-pay on prescription drugs from $7 to $15 for a 30-day supply of pharmaceuticals prescribed for non-service connected conditions.

Mr. Chairman, I have some real concerns about the ability of some veterans to pay the $250 enrollment fee and the increased fees for co-pay on prescription drugs, I am also hopeful that further consideration will be given to this issue at the Conference Committee level.

Mr. FARR. Mr. Chairman. I rise today in opposition of the rule for the VA/HUD Appropriations bill that shortchanges health care for our nation's veterans. The bill is $2.1 billion below the GOP House Budget Resolution and $3.3 billion below the veterans' consensus budget.

The Rules Committee created a rule for the VA/HUD bill that does not allow two amendments. The first seeks to add $1.8 billion for veterans' health care, in order to fulfill the promise of the Republican budget. The second blocks an amendment by Representative EDWARDS of Texas to increase veterans' spending for VA medical by $2.2 billion—to meet the funding promises in the GOP budget resolution, taking into account the costs of offsetting the enrollment fees and drug co-payments from the President's budget.

As it stands now, the VA/HUD bill provides $25.2 billion for veterans' health care—$1.8 billion less than was promised in the budget resolution House Republicans passed earlier this year (H. Con. Res. 95). Its increase from last year is $1.4 billion, which does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. It is plain to me that the VA–HUD Appropriations bill will not meet veterans' needs.

My question is: when does the hypocrisy stop? When will Republicans realize that they can't pay lip-service to men and women who have shed blood on the battlefield for the very freedoms they enjoy? Since his inauguration, President Bush has championed the cause of the veteran, and along with the House Majority, he has continually failed to put his money where his mouth is. We are fighting two wars under his Administration, creating thousands of new veterans—soldiers looking to come home and start their life with the help of the government they just defended. That same government has said, ''Thanks for your sacrifice; sorry we can't do the same.'' No matter how many aircraft carriers you land on, Mr. President, that does not shrink waiting lines at VA clinics!

The Republican Party has provided a terrific show for veterans this year. Initially, the President's budget requests underfund the VA, and the House Budget Resolution approves funding levels below that of the President's. Then, the Appropriations Committee allocates $1.8 billion less than the House Budget Resolution, and the Rules Committee approves a rule that bars amendments seeking to fill those funding gaps. All the while, they spin patriotism and ''support the troops'' rhetoric to further their political agenda.

This show has gone on long enough, and I think it is time this circus and its elephants left town.

Mr. RAMSTAD. Mr. Chairman, I rise today in strong opposition to the VA–HUD appropriations bill.

The funding level in the bill for veterans' health care is totally inadequate and breaks Congress' promise to America's veterans.

As a proud member of the American Legion, I agree with Minnesota Department Commander Michael Neubarth that it is ''blatantly wrong to slash veterans' medical care by $41.8 billion.''

We should not break our promise to veterans to keep pace with hospital inflation and the increase in the number of enrolled veterans.

America's 25 million veterans deserve better. It's outrageous that 200,000 veterans have been waiting over 6 months for a basic health care appointment.

Congress should honor our Nation's veterans and take care of their medical needs as promised.

I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, this Member offers his strong support for H.R. 2861, the Veterans Affairs (VA)/Housing and Urban Development (HUD) Appropriations Act for FY2004. This Member would like to thank the chairman of the VA/HUD appropriations subcommittee, the distinguished gentleman from New York (Mr. WALSH) and the ranking member of the subcommittee, the distinguished gentleman from West Virginia (Mr. MOLLOHAN) for their dedication to crafting this measure.

1. DEPARTMENT OF VETERANS ADMINISTRATION (VA)

This measure provides $60.7 billion for veterans programs including $27.2 billion for veterans health care. Although H.R. 2861 does not provide veterans funding equal to the levels authorized in the FY2004 congressional budget resolution (H. Con. Res. 95), the funding levels in H.R. 2861 exceed not only FY2003 appropriation levels by 5 percent but also the Administration's budget request. (This Member would remind his colleagues what he reminds his constituents about the congressional budget process—the levels in the budget resolution are a framework as Congress determines actual funding levels. Of course, the actual funding levels are determined through the annual appropriations process.)

Mr. Chairman, it is simply not true that, as often recently alleged by numerous sources, the Federal Government is cutting back on financial support for veterans' health care or that Congress or recent presidents are not supportive of veterans. Each year, Congress sets new records on the amount of appropriations for veterans' health care, not only because of higher health care costs but also due to a huge bulge of WWII and Korean War veterans who are understandably making larger demands for health care because of their age, plus a very large number of Vietnam War and other veterans who require medical care. During 2002, approximately 4.7 million individual veterans received VA medical care. Outpatient visits are increasing rapidly, with 43.8 million visits last year. Both the general VA inpatient caseload and acute care cases are also increasing, with the daily inpatient caseload projected to be over 57,000 and the acute care up 2,700 over last year. Yet thousands of veterans are on waiting lists for medical care, after waiting months for appointments to see medical staff.

Between FY1998 and FY2003, the appropriation has increased 4 percent, an increase nearly six times greater than the average increase of federal domestic programs. The appropriation for VA medical care in fiscal year 2003 jumped to $23.8 billion—$1.1 billion more than the President's request. Each year, the President asks for a far larger increase than in almost any other domestic program, and each year the Congress exceeds that request. In his budget request for FY2004, for example, the President has requested $25.2 billion for VA medical care.

Mr. Chairman, the health care needs of military veterans must be met to the fullest extent possible, and this Member is committed to continuing to see that veterans receive the benefits they deserve with the resources available. Veterans fought to protect our freedom and way of life. As they served this nation in a time of need, the Federal Government must remember them in their time of need. The people of the U.S. owe veterans a great deal and should keep the promises made to them. Voting for H.R. 2861 is an important step in keeping those promises.

2. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ECONOMIC DEVELOPMENT INITIATIVE

This Member is pleased and appreciative that $450,000 is appropriated in this bill as a HUD Economic Development Initiative (EDI) for Falls City, Nebraska. This appropriation, which could be used for economic development and job creation, represents a continuation of my efforts for Falls City. In the FY2003 appropriations bill, $526,500 was earmarked as a CDBG EDI for the renovation of a Falls City business industry incubator building which is necessary for job creation.

Falls City is a community in extreme Southeast Nebraska, an area of the state with serious economic needs. For example, 51 percent of Falls City's population is categorized as either low or low-moderate income. Moreover, continuing a forty-year trend, the population of the City again has declined by 3.2 percent from 1990 to 2000. In addition, in July of 2001, the U.S. Department of Agriculture designated Richardson County, of which Falls City is the county seat, as a county in severe economic distress. As a result, this funding request for infrastructure is needed to help maintain the economic viability of Falls City.

This is the largest community and employment center in a four-county region that needs economic stimulation: very recent job losses have accentuated the problems; and this community and area really needs the help.

3. MISSOURI RIVER SANITARY SEWER CONNECTION BETWEEN NEBRASKA AND IOWA—$400,000

This Member greatly appreciates the inclusion in the bill of $400,000 toward the construction of a sanitary sewer connection across the Missouri River which is the boundary between Nebraska and Iowa. This new connector is a very immediate need for the community of South Sioux City, Nebraska, and a much more cost-effective approach than adding to a separate sewage treatment program in this Nebraska suburb of Sioux City, Iowa.

The existing connection is 40 years old and early last year, the trunk sewer carrying sewage between South Sioux City to the treatment plant in Sioux City, Iowa, broke, For several weeks, about 1.6 million gallons of raw sewage each day was dumped into the Missouri River. The sewer connector was eventually replaced, but the incident highlighted the need for a second connector. The new trunk line connector proposed is to be located south of the city. It would provide a more direct link to the regional sewage treatment plant in Sioux City.

Since the original sewer pipe was installed in the early 1960s, South Sioux City's population has increased more than 60 percent. Also, the community's industrial base (with difficult treatment requirements) continues to grow, which places an additional burden on the sewer system. In an effort to meet the growing needs for an improved sewer system, the city's residents have seen significant rate increases over the past several years, including a 27 percent jump in 2001 and a 37 percent jump in 2002. It is now clear that Federal assistance is necessary to assist this municipality meet this unusual and expensive infrastructure project.

4. INDIAN HOUSING LOAN GUARANTEE PROGRAM

This Member commends the support for the Section 184, American Indian Housing Loan Guarantee Program. An amount of $5.3 million is appropriated for FY2004 for the Section 184 program which, it is estimated, would guarantee up to $197.2 million in commercial loans for Indian families who would otherwise be unable to secure conventional financing due to the trust status of Indian reservation land. As the author of the Section 184 program, this Member strongly supports this innovative program.

This Member is particularly supportive of this funding level in light of the Administration's inadequate request of $1 million for the Section 184 loan guarantee program for FY2004 . Unfortunately, the Administration's request for FY2004 is projected to only guarantee up to $27.5 million of commercial home lands for American Indians.

The Administration's inadequate request for the Section 184 program is also inconsistent with the Indian Lands Title Report Commission which was authorized into law in year 2000. In some parts of the country and on some Indian reservations, the Section 184 program is bringing results, while on others it is stymied. This can be attributed to the Bureau of Indian Affairs (BIA) apparent inability to oversee and track the leases and the rights in trust-held land which continues to inhibit mortgage loans on American Indian reservations.

To help solve this problem, the Indian Lands Title Report Commission was authorized to study the system of the BIA for maintaining land ownership records, title documents, and title status reports. Subsequently, Congress or the Executive Branch will be able to use the findings from this one-year commission to eliminate any BIA/HUD national or regional problems or barriers remaining to the use of Section 184 Indian Housing Loan Guarantee Program on American Indian reservations.

5. RURAL HOUSING EFFORTS BY HUD

This Member also would note his disappointment with the fact that the $25 million which is appropriated for the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development in this appropriations bill. This Member testified earlier this year and also last year before the Veterans, HUD, and Independent Agencies Appropriations Subcommittee, that HUD should not be the source of funding rural housing and rural economic development projects. Although this Member has been and remains a strong and long-term advocate of rural housing and rural development during my tenure in the House, he believes that we need to avoid inappropriate duplication in the efforts of the Federal Government in rural housing and economic development. This Member supports the full funding (and even larger funding) of rural housing and economic development programs through the Rural Development offices of the United States Department of Agriculture. This is the agency that has the real interest and expertise to make such programs work in the more rural parts of nonmetropolitan America; HUD doesn't.

6. AMERICORPS FUNDING

This Member is concerned about AmeriCorps funding. The bill provides a 25-percent increase in funds over FY2003. Indeed, including the $64 million in the first supplemental appropriation passed in April, there is still a slight increase over last year. However, this amount is still inadequate to deal with the results of the bad management decisions that have occurred possibly since the very beginning of the program.

As a long-time AmeriCorps supporter and one of 19 original Republican cosponsors which created this program in 1993, this Member is disappointed to say that the administrative incompetence at the national level of AmeriCorps is largely responsible for creating the current situation. For example, it is amazing and totally unacceptable that AmeriCorps could not even provide an accurate count of the number of participants when asked. Instead, a very faulty and under-estimated count was provided to the Congress which then was used to establish what seemed a reasonable employee cap of 50,000 participants. A basic requirement of proper program administration, at least, is to know the number of people employed by the organization. Another problem is that the AmeriCorps drop-out rate was grossly over-estimated in allocating sufficient educational trust funds.

Real reforms must happen in this program that provides such excellent opportunities for thousands of people around the United States. This Member is hopeful that significant improvements can be made in a reauthorization bill before the end of the year.

Mr. Chairman, in closing, this Member urges his colleagues to vote in support of this important bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I rise in support of this bill, H.R. 2861, the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act for FY 2004; however, I do not agree with the rule regarding amendments that was published and allowed to govern the amendment process. H.R. 2861 provides $25.2 billion for the health care of our war heroes, which is $1.8 billion less than the amount promised under H. Con. Res. 95 introduced by the House Republicans and passed earlier this year. Because the rule precluded a bipartisan amendment that was offered by Reps. EVAN and SMITH, the $1.8 billion for veterans' health care was effectively reneged on the Republicans' promise—at the expense of the lives of those who fought for us.

In providing $25.2 billion overall for veterans' care, the Republicans congratulate themselves for increasing this budget allocation by $1.4 billion from FY 2003. However, a $1.4 billion increase fails to factor in hospital inflation, growth in the number of veterans' enrolled in the programs, and the new costs associated with must needed infrastructure improvements associated with homeland security.

Last week, I supported H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. That legislation proposed to address shortfalls in the FY 2003 budget appropriations for Veterans' health care. Of our 25 million living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and they are all more than 100 years old. The average age of our World War II veterans is more than 77 and we are losing 1,500 of them a day. We need to preserve their great legacy now.

Republican tax cuts and the shortfalls to the veterans' health plan will have a negative impact on the veteran community and the veteran-service healthcare facilities of Texas. In the State of Texas, there are approximately 1.721 million veterans. Currently, 3,400 veterans are on the waiting list and due to the war in Iraq we will have new veterans in need of services. The Veterans' Administration Medical Center in the 18th Congressional District of Texas has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need. I am adamantly opposed to any efforts that would reduce the accessibility or the extent of health care to our veterans. The House Republican budget cuts veterans' benefits, including health care and education, by $14.6 billion. The Republican budget cuts veterans programs in order to finance additional tax cuts that we cannot afford. To pay for those tax cuts, we will be leaving thousands of veterans who were disabled during their brave service to this country without the medical services they require—which is an atrocity and a national embarrassment. At a time when our economy is suffering, the Republican Party wants to take from the poor and disabled to give to the rich.

If H.R. 2861 passes without measures to make up for the $1.8 billion lost in the Committee on Rules, a large economic burden would befall thousands of veterans who will then be forced to bear their medical expenses on their limited incomes. We must renew our

commitment to our nation's veterans who have already given to us.

In Congressional District 18, Harris County alone in 1998, total Veterans Administration patient care costs rose to $240,868,665 and $1,071,793,244 for all of Texas. An extrapolation of this figure with inflationary factors gives but a glimpse of the national shortfall for our veterans. This paints a dismal picture in light of the fact that five of the VA's 22 networks have already projected shortfalls in funding for veterans medical care by the year's end.

In a January 2003 letter, the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America and AMVETS, called on President Bush to propose a veteran's medical care appropriation of $24.5 billion. However, the Administration has not heeded this budget advice from our veterans' organizations in any of the appropriations legislation passed thus far.

The Administration's budget emphasizes the need to reduce the huge backlog in claims for benefits submitted by veterans. During the first four months of fiscal year 2002, the number of rating cases awaiting a decision for over 180 days increased from 172,294 to 204,006. Our veterans are waiting for the VA to reduce claims processing time without sacrificing decision-making quality or the shirking of the VA's statutory duty to assist veterans develop their claims.

The budget as drafted in H.R. 2861 needs re-examination of its misguided priorities that will cause us to provide inadequate funding for health care for the men and women who have served our nation in uniform in order to allow tax cuts that will primarily benefit wealthier Americans.

Unfortunately, too often the President is simply unwilling to work with Congress to develop a fair budget. This means veteran's programs consistently fall prey to political considerations that have little to do with veterans. This year, funding lost to the tax cut will have a direct effect upon the amount of funds that remain available for discretionary priorities, like veterans' health care.

Absent protective amendments or other measures would mean there would be no additional funds available to implement the Homeless Veterans Comprehensive Assistance Act to work toward the goal of eliminating chronic homelessness in a decade. Furthermore, the Capital Assets Realignment for Enhanced Services (CARES) program, a comprehensive planning and evaluation process undertaken by the VA to assess the best use of its physical infrastructure would become a ''de facto'' closure commission with no ability to respond to veterans' needs for primary care, long-term care, and mental health projected by its own models. There would be little money leftover for any of the system's desperately needed construction and improvement projects.

Even more horrifying than the simple health care system problems, the scheduled shortfall for veterans' benefits would carry far-reaching negative implications. The Administration's Budget for 2004 in this bill makes no provision for additional service-connected disability benefits resulting from the present war with Iraq. As we know from the last war in the Persian Gulf, war results in adverse health effects and justifiable claims for service-connected disability compensation. It does acknowledge the expected increase in veteran's claims and an expected worsening of the disabilities of some service-connected veterans. Under these circumstances, cuts in mandatory spending can only be made by cutting benefits to veterans with service-connected disabilities. With a death toll of 153 U.S. Troops since the start of the Iraqi War that is rising on a daily basis, it is incumbent upon our government to plan ahead for expenses that will stem from these deaths—as a courtesy to our fallen heroes at the very least.

Mr. Chairman and Ranking Member, I thank you for this opportunity I also thank those of my colleagues who supported my amendment to prohibit any funds from being used for ''buyouts''—financial incentives to encourage retirement-until the National Aeronautics and Space Administrator assures Congress that the loss of that employee will not compromise the safety of future shuttle missions or the International Space Station.

Mr. BARTON of Texas. Mr. Chairman, the committee report for H.R. 2861, the Department of Veterans' Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2004 (H. Rept. 108–235) contains non-legislative language concerning the phase out of metered dose inhalers (MDIs) containing chlorofluorocarbons (CFCs). This report language addresses a citizen petition which has been filed with the Food and Drug Administration as well as theoretical, future decisions by the Parties to the Montreal Protocol and contains various statements urging certain actions. I strongly object to directive language being placed within H. Rept. 108–235 since this language has not been subject to regular order and process in the committee of jurisdiction.

The Energy and Commerce Committee has jurisdiction over the phase-out of CFCs by virtue of its jurisdiction over Title VI of the Clean Air Act. The Committee, in fact, has substantially reviewed this matter in the past, holding numerous hearings concerning the implementation of Title VI, matters concerning methyl bromide, the structure and disbursements of the Multilateral Fund established by the Montreal Protocol, the schedules applicable to hydrochlorofluorocarbons (HCFCs) and other matters within the ambit of this title. In specific, the Subcommittee on Health and Environment of the Energy and Commerce Committee held a hearing on May 6, 1998 concerning Regulatory Efforts to Phaseout Chlorofluorocarbon-Based Metered Dose Inhalers which received testimony from numerous witnesses, including the Department of State, the Environmental Protection Agency and the Food and Drug Administration. This hearing extensively explored the legal background and ongoing regulatory efforts concerning essential use allocations for CFC-based MDIs and the work of the Parties to the Montreal Protocol in this matter. The Committee has not acted, however, to review the citizen petition referred to in H. Rept. 108–235, nor has it considered what action may or may not be appropriate for the United States to take at upcoming Meetings of the Parties to the Montreal Protocol.

Mr. WELLER. Mr. Chairman, I rise today in strong support of the fiscal year 2004 VA–HUD Appropriations bill. First, let me thank and congratulate Chairman YOUNG, Chairman WALSH, and Members of the Appropriations Committee for all of the hard work they have done in crafting this excellent bill. I am especially thankful for the increase of $2.75 million to the Grants for Construction of State Extended Care Facilities, funding this vital program at a total of over $102 million.

These grants are of great importance to America's veterans, providing many veterans with services they would otherwise be unable to receive. There is one such facility in my district I want to talk about, the Illinois Home for Veterans in LaSalle.

Located in my district, this Home provides intermediate and skilled nursing services for veterans, with a total capacity of 120 beds including 18 special needs beds for veterans suffering Alzheimer's Disease or related dementias. As successful as the Home has been, it is in need of new funding to expand its bed capacity.

With the ranks of those requiring VA care growing on a yearly basis, States already face huge financial burdens in helping to care for our veterans. The waiting list for admittance to the LaSalle home is as long as 2 to 3 years, with over 250 veterans waiting, many of which will go untreated or under treated due to lack of beds.

Recently, the State of Illinois enacted legislation authorizing an increase in the number of beds in this facility by 80. I have asked the State of Illinois to apply for the 65 percent Federal funding under this grant and to secure its 35 percent share of the matching funds for the LaSalle home to proceed with the construction.

In the past, the State has had problems with Federal funding from the State Home Construction Grant program. Specifically, the State made repairs and improvements to the Home in LaSalle and had not been awarded funding by the Federal Government for these projects through the grant program, or reimbursements from the program had been slow and piecemeal.

In consideration of this, I ask for inclusion into the VA–HUD Appropriations Conference Report, priority language which would read, ''The Committee further encourages the Department to work with the State of Illinois as that State applies for a grant to expand the LaSalle facility.''

With so many veterans in need of care, the Illinois Valley can no longer wait to obtain more beds in the veterans home.

Again, let me thank the Appropriations Committee for their hard work, and attention to this important matter.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
July 18, 2003.

Hon. ROD BLAGOJEVICH,
Governor, State of Illinois, Statehouse, Springfield, IL.

DEAR GOVERNOR BLAGOJEVICH, I am pleased to be writing you in regards to the legislation that you recently signed into law that will expand the Illinois Home for Veterans in LaSalle. Congratulations on this accomplishment!

As a result of this landmark legislation, I urge you to apply for federal funds from the State Home Construction Grant program, which could reimburse the State for up to 65% of the cost of the expansions.

As you may know, in the past, the State of Illinois had expressed concerns about the State Home Construction Grant program. Specifically, the State had made repairs and/or improvements to the home in LaSalle and

had not been awarded funding by the federal government for these projects through the grant program. Last July, after working with the Ryan Administration and the VA, the State was paid $7.3 million as a reimbursement for renovations/improvements made to State veterans' homes. The State is no longer due any reimbursement funds from this program.

Included in legislation enacted in the 106th Congress were changes for the requirements needed for submitting an application. After submitting the application, the VA will assign it a priority (if it approves the application), and the State will then have 180 days to meet all necessary requirements, including proof of the 35 percent matching funds. With the new law that you have just signed that guarantees the State has the matching funds for the project, the expansion will likely be placed high on the priority list for FY2004 funding. The application deadline for submitting projects for FY2004 is August 15, 2003. Due to the budget problems that the State is now having, I strongly urge you to apply for federal funds through the State Home Construction Grant program.

As you may know, I offered amendments to the VA, Housing and Urban Development, and Independent Agencies appropriations bills in fiscal years 1999, 2000, and 2001 to increase the funding for veterans' state grants, which are used by the Manteno and LaSalle facilities for construction or addition of new beds or facilities. In FT2002 and FY2003, Congress fully funded the State Home Construction Grant Program, and President Bush has indicated that he will fully fund it in upcoming fiscal years. Our success with fully funding this program increases the chance that the state could be reimbursed for the LaSalle expansion project.

I am optimistic that funding for the LaSalle expansion would be awarded soon since this would most likely be designated by the VA as a Priority One project.

If you have any questions, please do not hesitate to contact Jack Dusik on my staff.

Thank you for your support of the expansion.

Sincerely,

JERRY WELLER,
Member of Congress.

Ms. WATERS. Mr. Chairman, I rise to express my serious concerns about the fiscal year 2004 VA–HUD Appropriations bill. This bill fundamentally shortchanges our veterans and it is no way to thank them for their sacrifice and their service.

Just about every day, we hear about one of our soldiers dying in Iraq for a war that was based on questionable evidence and inaccurate information from both our intelligence community and from the Administration.

Just as often, although we don't hear about it as much, our soldiers are being injured in Iraq, Afghanistan, Kuwait, the Philippines and the dozens of other countries to which they have been deployed. I thank each and every soldier for his or her courage, dedication and sacrifice made in order to protect our country and defend our freedom.

However, when it comes to thanking our soldiers and our veterans, it is not enough just to stand up and give a speech or wave a flag. My colleagues and I want to ensure that our soldiers have all the resources they need whenever they are deployed. Yet, we also must make certain that our soldiers have the resources they need when they return home. We must provide our soldiers and our veterans with the health care, the disability compensation, education and the many other benefits that they have earned and deserve.

This bill fails to provide the necessary resources our veterans need. the President and his party would rather provide trillions of dollars in tax cuts than pay for the health care of those who protect our freedom. It's tragic the way that this Administration pays lip-service to our soldiers but fails to fund programs that can improve the quality of lives of those who serve.

Because of the Bush tax cuts, this bill provides the VA with $1.8 billion less than was promised even in the Republican Budget Resolution. In fact, the $25.2 billion in VA funding in this bill does not even keep up with inflation which will put an even greater strain on the VA's already scarce resources.

There is already a shortage of qualified doctors and nurses. This bill will only exacerbate the problem. Too many of our veterans are forced to wait six or eight months to see a doctor. Because of the seriousness of their injuries, some even die before they have the opportunity to see a doctor. The inadequate funding in this bill will do nothing to alleviate the waiting periods. This is no way to treat our veterans.

We can and must do better than this sorry bill. I urge my colleagues to reject this bill, reject these unfair tax cuts, and provide the resources our veterans need.

Mr. ISRAEL. Mr. Chairman, I rise today to recall that George Washington once said that the ''willingness of future generations to serve in our military will be directly dependent upon how we have treated those who have served in the past.'' Unfortunately, that is a lesson that still hasn't been learned in the city that bears his name. Today, the House considered legislation funding the Veterans Administration. This bill funds veterans' programs at a level $1.8 billion less than was promised in the budget passed through the House just a few months ago.

Veterans' health care is no place to start slashing funding. We cannot send troops into war today and cut their vets benefits tomorrow. We cannot ask them to fight in Iraq and, then, when they come home tell them that we've slashed spending, causing veterans to lose access to VA health care. There is no excuse for trying to balance domestic budgets on the back of those willing to fight to protect our freedoms.

The funding level set out in the bill today does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. There is a staggering crisis in veterans' medical care: an average of 200,000 veterans are waiting six months or more for an appointment at Veterans Administration hospitals. Some are even dying before they get to see a doctor.

I have been working with colleagues in the House to prevent increases in prescription drug co-payments and enrollment fees and to increase investments in veterans' health in order to reduce these waits for medical appointments. It is generally acknowledged that veterans deserve a $3.3 billion increase for medical care. The $1.4 billion increase is inadequate to allow us to fulfill our obligations to those who have served our country so well.

This stinginess with our veterans health needs is unacceptable. As Americans are fighting for our freedom abroad, we must stand with them at home. But where will we stand tomorrow? Will we remember what we owe them? At the end of WWI, the British Prime Minister David Lloyd George asked: ''What is our task? To make Britain a fit country for heroes to live in.'' Our task is to make America a country fit for heroes to live in.

Our veterans deserve better. I urge my colleagues in voting to return this bill to the Appropriations Committee for reconsideration.

Mrs. MALONEY. Mr. Chairman, while I voted in favor of H.R. 2861, the FY04 VA–HUD-Independent Agencies bill, I am hopeful that more funding for veterans programs will be included in the conference report. America's brave servicemen and servicewomen deserve to have adequate health care and other benefits. I support increasing the funding for critical programs including Montgomery GI bill education benefits and compensation for service-connected disabilities.

Throughout history, America's military men and women have traveled around the world to fight for the causes of freedom and democracy. In this selfless pursuit, they knew that the battle would not always be easy. We owe them all an enormous debt of gratitude. It's up to us to fight for our veterans.

As this legislation moves forward it is my hope that significant improvement can be made in the housing sections. I am pleased that the bill contains none of the Administration's ill-conceived plans to privatize public housing, impose mandatory minimum rents or block grant Section 8. At the same time, I am hopeful that the funding levels for Hope VI, Section 8 and public housing can be increased. The insufficient funding for the public housing capital funds and operating funds will do severe damage to the nation's public housing residents. These citizens deserve better. The funding levels are so low that they thoroughly and finally refute HUD's claim that the public housing authorities can make up for the elimination of the drug elimination program with other funds. I also want to signal my strong support for increasing HOPWA funding as dictated by the Nadler-Shays-Crowley and am pleased it has been included in the bill.

Mr. UDALL of Colorado. Mr. Chairman, today, I regretfully rise in opposition to this bill.

I am satisfied with some parts of the bill. The Appropriations Committee has sensibly held off on making all funding decisions for programs at the National Aeronautics and Space Administration (NASA) until the Columbia Accident Investigation Board completes its report. The Committee will use the report of the board, along with NASA's response to the board's findings, as the basis for final action on NASA funding. I will be watching closely to see what the Committee provides. NASA funding has been relatively flat over the years, so I hope that final funding levels for NASA will exceed the 1 percent increase over fiscal year 2003 levels that is so far provided in this bill. I am pleased that the National Space Grant College and Fellowship program is funded at $25.3 million, a level over the President's request and an increase from last year's levels.

Nonetheless, I am not at all satisfied with the funding this bill provides our Nation's veterans.

The freedom we enjoy in the United States has not just been given to us. Men and women have made great sacrifices, some with their lives, to protect our way of life. For making these sacrifices they have been promised some benefits in return.

One of those benefits is adequate healthcare. Unfortunately, this bill falls far

short of what America's veterans were promised.

The Joint Explanatory Statement from the House and Senate managers on the fiscal year 2004 Budget Resolution states the ''Conference Agreement provides for discretionary budget authority of $29.96 billion for fiscal year 2004, an increase of $3.4 billion, or 12.9 percent—nearly all of which is expected to be for Department of Veterans Affairs (VA) medical programs.'' But this bill only provides an increase of $1.4 billion, which will not provide adequate funding for services these veterans deserve.

According to the VA, as of June 13, there were 134,287 veterans on waiting lists to receive treatment and over 51,000 of these veterans had been waiting for at least 6 months to just get an appointment. This is the result of the lack of resources the VA has today because of past underfunding.

American men and women are serving on the front lines in Afghanistan, Iraq, and around the world. When they are no longer serving under active duty for their country they should not be pushed aside and forgotten. Unfortunately, that is what the bill does.

Ms. HOOLEY of Oregon. Mr. Chairman, our veterans have made great personal sacrifices, and members of Congress have a responsibility to serve our retired military personnel, just as they served our country. But the needs of our veterans are not being met. Funding for medical care per veteran has steadily declined in constant dollars over the past decade while the number of veterans seeking health care has increased.

This bill includes a $1.4 billion increase for veterans' health care from last year. Yet even this increase is woefully inadequate. This bill is still $1.8 billion less than the amount promised in the House budget resolution and will do little to improve timely access to much-needed medical care.

In Oregon, the cost of medical care rose 7 percent last year, and the number of veterans seeking VA services rose 17 percent. And the number of veterans using the VA will only continue to increase. We must provide VA with the funds they need to provide veterans with the health care they deserve. This bill does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. It is plain that the VA–HUD Appropriations bill will not meet veterans needs.

Without adequate funds for the VA, our veterans will continue to wait in long lines at overburdened facilities.

The Portland VA Medical Center in Oregon currently has a waiting list of over 6000 veterans who want to see a primary care physician and it takes about 6 monthsh for even high priority veterans to see a physician. Last year, to make up a $19 million budget shortfall, the Portland VA began reducing services and laid off about 10 percent of their personnel. The VA cannot provide quality health care to our veterans when they are forced to cut physicians while their caseload is increasing by 17%. Our veterans deserve better.

We must ensure that our promise to provide health care for all veterans is kept. We made that promise, we need to keep that promise.

Mr. EMANUEL. Mr. Chairman, I rise today to voice my concerns about how H.R. 2861 would adversely affect affordable housing in my home State of Illinois and across the United States. As a former vice chairman of the Chicago Housing Authority, I am keenly aware of the benefits of ''Section 8'' grants.

The Section 8 voucher program enables low-income families with children, the elderly, and the disabled to rent apartments in the private market. This program provides a critical source of support for more than 2 million families by making up the difference between what low-income people can afford to pay for housing and the cost of private rental payments. Without vouchers, many of these families would have no other choice but to live in overcrowded or unsafe housing, or worse yet, to become homeless.

Although today's bill improves upon the Bush Administration's Section 8 funding request, it still falls short of the amount needed to continue all vouchers in use, according to estimates by the Congressional Budget Office. The result of this shortfall will be that 85,000 families will not have the funding for their vouchers renewed.

Mr. Chairman, it is my hope that we can address these concerns when the Conference Committee meets later this year. If we fail to do so, 85,000 families will pay the price. We cannot in good conscience allow that to happen.

I am also concerned that this bill did not fund my priority request for the largest locally funded rent subsidy program in the country, the Chicago Low Income Housing Trust Fund. This highly successful program helps house almost 3,000 families with incomes as low as $10,000 per year. It has had an enormously beneficial impact on my hometown, but there is considerable need for affordable housing, and we must do all that we can to continue supporting affordable rental units.

Mr. HOBSON. Mr. Chairman, I rise in support of the fiscal year 2004 Veterans Affairs/Housing and Urban Development (VA–HUD) and Independent Agencies Appropriations Bill which was approved Monday by the House Appropriations Committee.

Veterans' medical care has received generous funding increases over the last several years, an average of $1.6 billion a year over the past 5 years. This represents an almost 50 percent increase under Republican leadership since 1999.

Building on that record, the fiscal year 2004 VA–HUD bill provides a $1.4 billion increase over the previous year, making a total of $27.2 billion available for Veterans' Health Administration. This brings veterans' health funding to the highest level in history.

It also triples funding over last year to repair and replace aging VA medical facilities and fully funds the VA's request to expedite claims processing at the Veterans Benefits Administration, bringing total funding to $1 billion for this important initiative to reduce the backlog of claims for veterans' benefits.

This record level of funding will maintain nursing home care and ensure that all needy veterans receive the health care they deserve.

I am very pleased that the legislation also includes $500,000, for the preliminary planning of a new ambulatory clinic at the Defense Supply Center campus in Columbus, OH.

The new clinic has been strongly supported by Rep. DEBORAH PRYCE, PAT TIBERI (R–Columbus) and other Members of the Ohio delegation; I am pleased it has been included in this bill to improve health care for the thousands of veterans in Central Ohio.

As a veteran, I am proud to support this legislation, which addresses the special needs of veterans across the country.

Mr. Chairman, I join today with my colleagues on the Appropriations Committee, and urge the approval of this appropriation bill by the House.

Mr. HONDA. Mr. Chairman, I rise today to voice my opposition to the fiscal year 2004 VA–HUD Appropriations bill. After passing sweeping tax cuts for the wealthy, the Republican majority in this House is once again telling the American people that not enough money is available to adequately fund programs for our Nation's veterans and poor.

Consider, for example, that this appropriations bill provides $25.2 billion for veterans' health care—$1.8 billion less than was promised in the Republican budget resolution passed earlier this year. While Republicans may assert that $25.2 billion is a $1.4 billion increase over fiscal year 2003 levels, the truth is that this modest ''increase'' does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

The bill will only exacerbate the crisis in veterans' medical care. In fact, in a recently released report, the American Legion concluded that an average of 200,000 veterans must routinely wait 6 months or more for an appointment at the Veterans Administration's hospitals. Sadly, some veterans die before they even see their doctor. It is shameful that this Congress is turning its back on the same veterans that fought for the safety of this nation. I will continue to fight to fulfill our obligation to those who have served our country so well.

Just as this bill shortchanges America's veterans, it also fails thousands of poor Americans that rely on Federal housing assistance. The VA–HUD Appropriations bill provides funding for the ''Section 8'' housing choice voucher program. The voucher program enables low-income families with children, the elderly, and the disabled to rent apartments in the private market. It makes up the difference between what low-income people can afford to pay for housing and what private rents are, and is a critical source of support for more than 2 million families. Without vouchers, many of these families would be stuck in overcrowded or unsafe housing, or even worse, wind up homeless.

While the bill before us today improves upon the President's inadequate request for this program, it still falls short of the amount needed to continue all vouchers in use, according to estimates by the Congressional Budget Office and outside experts. Specifically, the House bill uses data on voucher costs that date as far back as April 2001. Mr. Chairman, as we all know, housing costs in most parts of the country have been steadily rising since then, and it is unrealistic to ignore those market trends in setting HUD's budget for the year.

If the shortfall in this bill is not addressed, 85,000 families will not have the funding for their vouchers renewed. This kind of cut would be unprecedented in the history of the voucher program. In fact, what we should be talking about today is how to make more vouchers available to families, not fewer. Only a fraction of eligible households receive vouchers, and most people face a several-year wait for a voucher.

And last but not least, I will be opposing the fiscal year 2004 VA–HUD Appropriations bill because it makes rash and unwise cuts in the AmeriCorps program, a program that embodies the spirit of altruism and service that has made our nation great.

In his 2002 State of the Union address, President Bush introduced the Freedom Corps program to further encourage volunteerism across our nation, asserting that ''we need mentors to love children, especially children whose parents are in prison, and we need more talented teachers in troubled schools.'' At that time, the President announced his goal for the Freedom Corps to ''expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 new volunteers.'' In providing 20 percent less than the President's request, the House fails to heed the President's call for national service. Indeed, this bill will limit new enrollment in AmeriCorps to 55,000. The House, once again, is falling short of its responsibility to support all those Americans who so desperately need our help.

We can do much better than the bill before us today. I urge my colleagues to oppose H.R. 2861.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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.

Pursuant to the order of the House of today, no amendment to the bill may be offered except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designee for the purpose of debate:

An amendment by Mr. WALSH striking provisions in title III and title IV, which may be offered en bloc;

Two amendments by Mr. SMITH of New Jersey, each regarding medical care for veterans;

An amendment by Mr. SMITH of New Jersey striking section 114, which shall be debatable for 20 minutes;

An amendment by Mr. EDWARDS regarding medical care for veterans;

An amendment by Mr. STEARNS regarding medical and prosthetic research;

An amendment by Mr. KIRK regarding sharing agreements with the Department of Defense;

An amendment by Mr. NADLER regarding the housing certificate fund, which shall be debatable for 20 minutes;

An amendment by Mr. FATTAH or Mr. DAVIS of Illinois regarding public housing, which shall be debatable for 20 minutes;

An amendment by Mr. NADLER regarding housing opportunities, which shall be debatable for 20 minutes;

An amendment by Mrs. CAPPS regarding science and technology programs of the Environmental Protection Agency;

An amendment by Mr. HASTINGS of Florida regarding environmental programs and management;

An amendment by Mr. DINGELL regarding environmental programs and management;

An amendment by Mr. MARKEY regarding hazardous substance Superfund, which shall be debatable for 20 minutes;

An amendment by Mr. HALL regarding NASA;

An amendment by Mr. MORAN of Kansas regarding beneficiary travel;

An amendment by Mr. ALLEN regarding the Clean Air Act, which shall be debatable for 20 minutes;

An amendment by Mr. MANZULLO regarding the Buy America Act;

An amendment by Mr. SANDERS or Mr. KANJORSKI regarding veterans integrated service networks;

An amendment by Mr. LYNCH regarding veterans;

An amendment by Mr. MOORE regarding Capital Asset Realignment and Enhanced Services;

An amendment by Mr. CASE regarding redesignation of Hawaiian counties;

An amendment by Ms. LEE or Ms. SCHAKOWSKY regarding homeless assistance grants, which shall be debatable for 20 minutes;

An amendment by Mr. INSLEE or Mr. HINCHEY regarding environment programs and management;

Two amendments by Ms. JACKSON-LEE of Texas regarding NASA, each of which shall be debatable for 5 minutes;

An amendment by Mr. BISHOP of New York regarding human testing of pesticides;

An amendment by Mr. MEEKS of New York regarding VA clinics, which shall be debatable for 20 minutes.

Each amendment may be offered only by the Member designated, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION, PENSION AND BURIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $29,845,127,000, to remain available until expended: *Provided,* That not to exceed $17,617,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical services for priority 1–6 veterans'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation, pension and burial benefits'' appropriation: *Provided further,* That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,529,734,000, to remain available until expended: *Provided,* That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $29,017,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, subchapters I–III, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during fiscal year 2004, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans, 38 U.S.C. 3711(i).

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,850,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,938,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $300,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $571,000, which may be transferred to and merged with the appropriation for ''General operating expenses'': *Provided,* That no new loans in excess of $40,000,000 may be made in fiscal year 2004.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $350,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical services for priority 1–6 veterans) may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES FOR PRIORITY 1–6 VETERANS

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs other than veterans described in paragraphs (7) and (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $15,779,220,000, plus reimbursements: *Provided,* That of the funds made available under this heading, not less than $200,000,000 is for the equipment object classification, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: *Provided further,* That of the funds made available under this heading, not to exceed $700,000,000 shall be available until September 30, 2005.

MEDICAL SERVICES FOR PRIORITY 7–8 VETERANS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs who are veterans described in paragraphs (7) and (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $2,164,000,000, plus reimbursements: *Provided,* That of the amounts provided under this heading, $1,500,000,000 shall be derived from amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, and transferred to this account, to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2005, $408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; and administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $4,854,000,000, of which $300,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided,* That funds available under this heading may be transferred to ''Medical Services for Priority 1–6 Veterans'' or to ''Medical Services for Priority 7–8 Veterans'' after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed.

MEDICAL FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $4,000,000,000: *Provided,* That of the funds made available under this heading, not less than $80,000,000 is for the land and structures object classification, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: *Provided further,* That funds available under this heading may be transferred to ''Medical Services for Priority 1–6 Veterans'' or to ''Medical Services for Priority 7–8 Veterans'' after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,283,272,000: *Provided,* That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further,* That the Veterans Benefits Administration shall be funded at not less than $1,005,000,000: *Provided further,* That of the funds made available under this heading, not to exceed $66,000,000 shall be available for obligation until September 30, 2005: *Provided further,* That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: *Provided further,* That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $144,223,000, to remain available until September 30, 2005.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $61,750,000, to remain available until September 30, 2005.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $274,690,000, to remain available until expended, of which $173,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: *Provided,* That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading

shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further,* That funds provided in this appropriation for fiscal year 2004, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2004; and (2) by the awarding of a construction contract by September 30, 2004: *Provided further,* That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further,* That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $252,144,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided,* That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: *Provided further,* That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical facilities''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $102,100,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2004 for ''Compensation, pension and burial benefits'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109 hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the Medical care collections fund account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for ''Compensation, pension and burial benefits'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2003.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2004 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation, pension and burial benefits''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2004, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: *Provided,* That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2004 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further,* That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further,* That the Secretary shall determine the cost of administration for fiscal year 2004 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2004: *Provided,* That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2004.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2004 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided,* That payments may be made in advance for services to be furnished based on estimated costs: *Provided further,* That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or treatment of any person by reason of eligibility under section 1710(a)(3) of title 38, United States Code, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require—

(1) current, accurate third-party reimbursement information for purposes of section 1729 of such title; and

(2) annual income information for purposes of section 1722 of such title.

SEC. 113. Of the amounts provided in this Act, $25,000,000 shall be for information technology initiatives to support the enterprise architecture of the Department of Veterans Affairs.

SEC. 114. None of the funds in this Act may be used to implement sections 2 and 5 of Public Law 107–287.

SEC. 115. Notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who have service-connected disability, who are lower-income veterans, or who have special needs.

SEC. 116. (a) The Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care. Notwithstanding section 3302(b) of title 31, United States Code, amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under ''Medical services for priority 7–8 veterans'' and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor.

(b) All amounts so collected under subsection (a) with respect to a designated health care region (as that term is defined in section 1729A(d)(2) of title 38, United States

Code) shall be allocated, net of payments to the contractor, to that region.

SEC. 117. Amounts made available for Medical Services are available—

(1) for furnishing veterans provided Medical Services with recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

SEC. 118. Balances in excess of $1,500,000,000 in the Medical Care Collections Fund as of August 1, 2004 shall be transferred to ''Medical services for priority 7–8 veterans'' for the purposes under that heading to be available until expended.

SEC. 119. Amounts made available for fiscal year 2004 under the ''Medical services for priority 1–6 veterans'' and ''Medical services for priority 7–8 veterans'' accounts may be transferred between either account to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided,* That the limitation on transfers is ten percent in fiscal year 2004.

SEC. 120. The Department of Veterans Affairs medical center in Houston, Texas, shall after the date of the enactment of this Act be known as designated as the ''Michael E. DeBakey Department of Veterans Affairs Medical Center''. Any reference in any law, regulation, map, document, record, or other paper of the United States to such medical center shall be considered to be a reference to the Michael E. DeBakey Department of Veterans Affairs Medical Center.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $18,430,606,000, and amounts that are recaptured in this account, to remain available until expended: *Provided,* That of the amounts made available under this heading, $14,230,606,000 and the aforementioned recaptures shall be available on October 1, 2003 and $4,200,000,000 shall be available on October 1, 2004: *Provided further,* That amounts made available under this heading are provided as follows:

(1) $16,295,578,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts, for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for the renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for renewals of expiring section 8 tenant-based annual contributions contracts (including amendments and renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t))): *Provided,* That notwithstanding any other provision of law, the Secretary shall renew expiring section 8 tenant-based annual contributions contracts for each public housing agency, (including for agencies participating in the Moving to Work demonstration, unit months representing section 8 tenant-based assistance funds committed by the public housing agency for specific purposes, other than reserves, that are authorized pursuant to any agreement and conditions entered into under such demonstration, and utilized in compliance with any applicable program obligation deadlines) based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to the Department, adjusted by such additional information submitted by the public housing agency to the Secretary which the Secretary determines to be timely and reliable regarding the total number of unit months under lease at the time of renewal of the annual contributions contract, and by applying an inflation factor based on local or regional factors to the actual per unit cost as reported on such statement: *Provided further,* That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $568,503,000 for a central fund to be allocated by the Secretary for amendments to section 8 tenant-based annual contributions contracts for such purposes set forth in this paragraph: *Provided,* That subject to the following proviso, the Secretary may use amounts made available in such fund, as necessary, for contract amendments resulting from a significant increase in the per unit cost of vouchers or an increase in the total number of unit months under lease as compared to the per unit cost or the total number of unit months provided for by the annual contributions contract: *Provided further,* That if a public housing agency, at any point in time during their fiscal year, has obligated the amounts made available to such agency pursuant to paragraph (1) under this heading for the renewal of expiring section 8 tenant-based annual contributions contracts, and if such agency has expended fifty percent of the amounts available to such agency in its annual contributions contract reserve account, the Secretary shall make available such amounts as are necessary from amounts available from such central fund to fund amendments under the preceding proviso within thirty days of a request from such agency: *Provided further,* That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further,* That the Secretary shall provide quarterly reports to the Committees on Appropriations of the House and the Senate on the obligation of funds provided in this paragraph in accordance with the directions specified in the report accompanying this Act;

(3) $206,495,100 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C.1437f(t)), and tenant protection assistance, including replacement and relocation assistance;

(4) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed $1,209,020,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program: *Provided,* That, notwithstanding any other provision of law or regulation, the Secretary shall allocate funds provided in this paragraph among public housing agencies in a manner prescribed by the Secretary: *Provided further,* That none of the funds provided in this Act or any other Act may be used to supplement the amounts provided in this paragraph: *Provided further,* That, hereafter, the Secretary shall recapture any funds provided under this heading in this Act or any other Act for administrative fees and other expenses from a public housing agency which are in excess of the amounts expended by such agency for the section 8 tenant-based rental assistance program and not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent: *Provided further,* That all such administrative fee amounts provided under this paragraph shall be only for activities directly related to the provision of rental assistance under section 8;

(6) $100,000,000 for contract administrators for section 8 project-based assistance; and

(7) not less than $3,010,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Public and Indian Housing'': *Provided,* That the Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2) or (5), herein to paragraphs (1) or (2), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds appropriated for this purpose by this Act would not be feasible: *Provided further,* That prior to undertaking the transfer of funds in excess of 10 percent from any paragraph pursuant to the previous proviso, the Secretary shall notify the Chairman and Ranking Member of the Subcommittees on Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate and shall not transfer any such funds until 30 days after such notification: *Provided further,* That incremental vouchers previously made available under this heading for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover: *Provided further,* That $1,372,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2003 and prior years, to be effected by the Secretary no later than September 30, 2004: *Provided further,* That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further,* That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the ''Act'') $2,712,255,000, to remain available until September 30, 2007: *Provided,* That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $429,000,000

shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 2001 and 2002 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: *Provided further,* That notwithstanding any other provision of law or regulation, during fiscal year 2004, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, 2003, or 2004: *Provided further,* That with respect to any amounts made available under the Public Housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, 2003, or 2004 that remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies determined under section 6(j) of the Act to be high-performing: *Provided further,* That for purposes of this heading, the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further,* That if the Secretary issues a regulation for effect implementing section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), the first and third provisos under this heading shall cease to be effective: *Provided further,* That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which $13,000,000 shall be for the provision of remediation services to public housing agencies identified as ''troubled'' under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: *Provided further,* That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $10,610,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Public and Indian housing'': *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further,* That of the total amount provided under this heading, up to $40,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2004: *Provided further,* That of the total amount provided under this heading, $55,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996.

The first proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, is amended by striking ''1998, 1999''.

PUBLIC HOUSING OPERATING FUND

For 2004 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: *Provided,* That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further,* That in 2004 and hereafter, no amounts provided under this heading may be used for payments to public housing agencies for the costs of operation and management of public housing in any year prior to the current year.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $50,000,000, to remain available until September 30, 2005, of which the Secretary may use up to $500,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided,* That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $661,600,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $2,720,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under ''Public and Indian housing'': *Provided,* That of the amount provided under this heading, $1,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further,* That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $8,049,000: *Provided further,* That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,300,000, to remain available until expended: *Provided,* That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: *Provided,* That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,347,985.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $297,000,000, to remain available until September 30, 2005: *Provided,* That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further,* That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be competitively awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $15,000,000, to remain available until September 30, 2005, for ''Urban Empowerment Zones'', as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $1,000,000 for each empowerment zone for use in conjunction with economic development activities

consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,959,000,000, to remain available until September 30, 2006: *Provided,* That of the amount provided, $4,538,650,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further,* That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: *Provided further,* That $72,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,400,000 shall be for a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; $43,000,000 shall be for grants pursuant to section 107 of the Act, of which $9,500,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996; no less than $4,900,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under ''Community planning and development''; $28,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $33,250,000 shall be for capacity building, of which $28,250,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International; $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided* That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further,* That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: *Provided further,* That of the amount made available for YouthBuild not less than $10,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $21,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided,* That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the report accompanying this Act.

Of the amount made available under this heading, $137,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the report accompanying this Act: *Provided,* That none of the funds provided under this paragraph may be used for program operations.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the North Carolina Community Land Trust Initiative by striking ''North Carolina Community Land Trust Initiative'' and inserting ''Orange Community Housing and Land Trust.''

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the Willacy County Boys and Girls Club in Willacy County, Texas by striking ''Willacy County Boys and Girls Club in Willacy County, Texas'' and inserting ''Willacy County, Texas''.

The referenced statement of the managers under this heading in Public Law 108–10 is deemed to be amended with respect to item number 17 by striking ''for sidewalks, curbs, street lighting, outdoor furniture and façade improvements in the Mill Village neighborhood'' and inserting ''for the restoration and renovation of houses within the Lincoln or Dallas mill villages''.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the Metropolitan Development Association in Syracuse, New York by inserting ''and other economic development planning and revitalization activities'' after the word ''study''.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the Staten Island Freedom Memorial Fund by striking all ''Staten Island Freedom Memorial Fund for the construction of a memorial in the Staten Island community of St. George, New York'' and inserting ''Staten Island Botanical Garden for construction and related activities for a healing garden''.

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; H. Rept. 108–10) is deemed to be amended with respect to item number 526 by striking ''for an economic development study for the revitalization of Westchester'' and inserting ''for the reconstruction of renaissance plaza at Main and Mamaroneck in downtown White Plains''.

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; H. Rept. 108–10) is deemed to be amended with respect to item number 877 by striking ''West Virginia High Technology Consortium Foundation, Inc. in Marion County, West Virginia for facilities construction for a high-tech park'' and inserting ''Glenville State College in Glenville, West Virginia for construction of a new campus community education center''.

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; H. Rept. 108–10) is deemed to be amended with respect to item number 126 by striking ''for construction of'' and inserting ''for facilities improvements and build out for''.

URBAN DEVELOPMENT ACTION GRANTS

(RESCISSION)

From balances of the Urban Development Action Grant Program, as authorized by title I of the Housing and Community Development Act of 1974, as amended, $30,000,000 are canceled.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2005.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,939,100,000, to remain available until September 30, 2006: *Provided,* That of the total amount provided in this paragraph, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968 and no less than $2,100,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Community planning and development''.

In addition to amounts otherwise made available under this heading, $125,000,000, to remain available until September 30, 2006, for assistance to homebuyers as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: *Provided,* That the Secretary shall provide such assistance in accordance with a formula to be established by the Secretary that considers a participating jurisdiction's need for, and prior commitment to, assistance to homebuyers.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,242,000,000, of which $1,222,000,000 to remain available until September 30, 2006, and of which $20,000,000 to remain available until expended: *Provided,* That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further,* That all funds awarded for services shall be matched by 25 percent in funding by each grantee:

Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further,* That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further,* That $12,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further,* That no less than $2,580,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Community planning and development''.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $773,320,000, plus recaptures and cancelled commitments, to remain available until September 30, 2006, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: *Provided,* That of the amount made available under this heading, $16,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further,* That no less than $470,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing programs'' or ''Federal Housing Administration'': *Provided further,* That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further,* That all balances outstanding, as of September 30, 2003, for capital advances, including amendments to capital advances, for housing for elderly, as authorized by section 202, for project rental assistance for housing for the elderly, as authorized under section 202(c)(2) of such Act, including amendments to contracts shall be transferred to and merged with the amounts for those purposes under this heading.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $250,570,000, plus recaptures and cancelled commitments to remain available until September 30, 2006: *Provided,* That no less than $470,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing programs'' or ''Federal Housing Administration'': *Provided further,* That of the amount provided under this heading, other than amounts for renewal of expiring project-based or tenant-based rental assistance contracts, the Secretary may designate up to 25 percent for tenant-based rental assistance, as authorized by section 811 of such Act, (which assistance is five years in duration): *Provided further,* That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed five years in duration: *Provided further,* That all balances outstanding, as of September 30, 2003, for capital advances, including amendments to capital advances, for supportive housing for persons with disabilities, as authorized by section 811, for project rental assistance for supportive housing for persons with disabilities, as authorized under section 811(d)(2), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1), shall be transferred to and merged with the amounts for these purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2003, and any collections made during fiscal year 2004, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Up to $303,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 2004: *Provided,* That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2004 by not more than $303,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in prior appropriations Acts.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided,* That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further,* That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2004 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2004, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2004, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided,* That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $359,000,000, of which not to exceed $355,000,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,000,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $85,000,000, of which no less than $20,744,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing programs'' or ''Federal Housing Administration'': *Provided,* That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2004, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: *Provided,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $25,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale

of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $229,000,000, of which $209,000,000 shall be transferred to the appropriation for ''Salaries and expenses''; and of which $20,000,000 shall be transferred to the appropriation for ''Office of Inspector General''.

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $16,946,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing programs'' or ''Federal Housing Administration'': *Provided,* That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2004, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2005.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,695,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,695,000, shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2005: *Provided,* That of the total amount provided under this heading, $7,500,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2005, of which $20,250,000 shall be to carry out activities pursuant to such section 561: *Provided,* That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $130,000,000, to remain available until September 30, 2005, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,122,130,000, of which $564,000,000 shall be provided from the various funds of the Federal Housing Administration, $10,695,000 shall be provided from funds of the Government National Mortgage Association, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $250,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: *Provided,* That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further,* That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further,* That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further,* That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further,* That the Chief Financial Officer shall: (a) appoint qualified personnel to conduct investigations of potential or actual violations; (b) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (c) establish guidelines and timeframes for the conduct and completion of investigations; (d) prescribe the content, format and other requirements for the submission of final reports on violations; and (e) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further,* That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent: *Provided further,* That the Secretary shall submit a staffing plan for the Department by November 15, 2003.

The tenth proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, is amended by striking ''the purpose of'' and inserting ''purposes of funds control and'' and before the colon insert the following '', except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract''.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $240,000,000, to remain available until September 30, 2005: *Provided,* That any amounts transferred to this Fund under this Act shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $100,080,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That the Inspector General shall have independent authority over all personnel issues within this office: *Provided further,* That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

All unobligated balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2003 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $32,415,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided,* That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further,* That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and

such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2004 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2004 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2004 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2004, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking ''year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002'', and inserting ''years 2000, 2001, 2002, 2003, and 2004''.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2004 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2004, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 208. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 209. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 210. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2004, HUD shall transmit this information to the Committees by November 15, 2003 for 30 days of review.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $47,276,000 (of which $10,000,000 shall not become available until Septmeber 1, 2004), to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $8,550,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

EMERGENCY FUND

For necessary expenses of the Chemical Safety and Hazard Investigation Board for accident investigations not otherwise provided for, $450,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $51,000,000, to remain available until September 30, 2005, of which $3,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native

Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided,* That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $60,000,000: *Provided,* That up to $1,000,000 is for purposes of carrying out the Inspector General Act of 1978.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $363,452,000, to remain available until September 30, 2005: *Provided,* That not more than $30,500,000 shall be available for administrative expenses authorized under section 501(a)(4): *Provided further,* That not more than $2,500 shall be for official reception and representation expenses: *Provided further,* That $244,352,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), and for grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the Act): of which not more than $50,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That not more than $10,000,000 of the funds made available under this heading shall be for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further,* That not less than $24,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That not more than $40,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further,* That not more than $6,100,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further,* That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: *Provided further,* That not more than $3,500,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639).

NATIONAL SERVICE TRUST

For payment of educational awards authorized under subtitle D of title I of the National Community Service Act of 1990 (42 U.S.C. 12601), $110,771,000, to remain available until expended; of which $5,000,000 shall be available for national service scholarships for high school students performing community service, and $10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided,* That the Corporation for National and Community Servcice shall enroll no more than 55,000 volunteers in the National Service Trust with the funds provided in this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2005.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $15,938,000 of which $1,175,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $25,961,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $73,467,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): *Provided,* That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further,* That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further,* That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2004, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair,

rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $767,115,000 which shall remain available until September 30, 2005.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,192,552,000, which shall remain available until September 30, 2005, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $36,808,000, to remain available until September 30, 2005.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,275,000,000, to remain available until expended, consisting of $200,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended, and $1,075,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That of the funds appropriated under this heading, $13,214,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2005, and $44,697,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2005.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,545,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $16,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,601,950,000, to remain available until expended, of which $1,200,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''), of which up to $68,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $25,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $195,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the report accompanying this legislation; $8,250,000 for grants for construction of alternative decentralized wastewater facilities under the National Decentralized Wastewater Demonstration program, in accordance with the terms and conditions specified in the report accompanying this legislation; $93,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,180,200,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities, of which and subject to terms and conditions specified by the Administrator, $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, and $20,000,000 shall be for National Environmental Information Exchange Network grants, including associated program support costs: *Provided,* That for fiscal year 2004, State authority under section 302(a) of Public Law 104–182 shall remain in effect: *Provided further,* That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2004 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further,* That for fiscal year 2004, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further,* That for fiscal year 2004, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: *Provided further,* That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further,* That the referenced statement of the managers under this heading in Public Law 108–7, item number 383, is deemed to be amended by adding after the word ''overflow'', ''and water infrastructure'': *Provided further,* That the referenced statement of the managers under this heading in Public Law 108–07, item number 255, is deemed to be amended by inserting ''water and'' after the words ''Mississippi for'': *Provided further,* That the referenced statement of the managers under this heading in Public Law 108–07, item number 256, is deemed to be amended by adding after the word ''for'', ''water and''.

ADMINISTRATIVE PROVISIONS

For fiscal year 2004, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2003.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking ''2003'' and inserting ''2004'';

(2) in subsection (i)(5)(H) by striking ''2003'' and inserting ''2004'';

(3) in subsection (i)(6) by striking ''2003'' and inserting ''2004''; and

(4) in subsection (k)(3)(A) by striking ''2003'' and inserting ''2004''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $7,027,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,238,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,125,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $12,500,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2004 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of space flight capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,806,100,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, aeronautics and exploration'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,707,900,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Space flight capabilities'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $26,300,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Science, aeronautics and exploration'', or ''Space flight capabilities'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Science, aeronautics and exploration'', or ''Space flight capabilities'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2006.

From amounts made available in this Act for these activities, the Administration may transfer amounts between aeronautics of the ''Science, Aeronautics and Exploration'' account and crosscutting technologies of the ''Space flight capabilities'' account.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2004, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2004 shall not exceed $310,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,306,360,000, of which not more than $355,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2005: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the

amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally and used for authorized purposes of this account.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $192,330,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $910,680,000, to remain available until September 30, 2005: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $215,900,000: *Provided*, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2004 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,800,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $10,000,000, to remain available until September 30, 2005.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $115,000,000.

ADMINISTRATIVE PROVISION

Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by—

(1) striking out ''compensation'' and inserting ''salary''; and striking out ''highest rate provided for GS–18 of the General Schedule under section 5332 of title 5 United States Code''; and inserting ''rate for level IV of the Executive Schedule''; and

(2) inserting after the end the following sentence: ''The Corporation shall also apply the provisions of section 5307 (a)(1), (b)(1), and (b)(2) of title 5, United States Code, governing limitations on certain pay as if its employees were Federal employees receiving payments under title 5.''.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $28,290,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Officer or is specifically exempt by law from such audit.

SEC. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 407. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 408. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 409. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 410. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 411. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 412. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 413. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds

under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 414. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 415. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 416. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 417. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 418. Section 312 of the National Aeronautics and Space Administration of 1958, as amended, is further amended—

(1) by striking the second Sec. ''312'' and inserting ''313'';

(2) by inserting the title, ''Full Cost Appropriations Account Structure'', before Sec. 313;

(3) in subsection (a)—

(A) by striking ''Human space flight'' and inserting ''Space flight capabilities'';

(B) by striking ''technology'' and inserting ''exploration''; and

(C) by striking ''2002'' and inserting ''2004''; and

(4) by striking subsection (c), and inserting the following new subsection:

''(c) The unexpired balances of prior appropriations to the Administration for activities authorized under this Act may be transferred to the new account established for such activity in subsection (a). Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions''.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments?

AMENDMENT NO. 13 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KIRK:

Under Title I, Department of Veterans Affairs, Administrative Provisions, add the following new section:

SEC. . The Secretary of Veterans Affairs shall maximize, to the greatest extent possible, sharing agreements for services, programs and facilities with the Department of Defense, particularly in areas where facilities and/or targeted populations are in close proximity: Provided, That the Secretary of Veterans Affairs shall submit a report to the Committees on Appropriations no later than December 1, 2003,detailing restrictive regulations, policies, and regulatory redundancies that inhibit resource sharing, and provide milestone dates to address each identified issue.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

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

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

Mr. KIRK. Mr. Chairman, this is a technical amendment that calls on the Department of Defense to submit a report to Congress on resource sharing agreements for services, programs and facilities the Department undertakes with the Department of Defense.

I understand this amendment has been cleared with the majority and minority.

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

Mr. KIRK. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding. We are prepared to accept the amendment. I thank the gentleman for his diligence, and we think this will help the bill.

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

Mr. KIRK. I yield to the gentleman from West Virginia, our distinguished ranking minority member.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the Kirk amendment.

Mr. KIRK. Mr. Chairman, I rise today to offer a technical amendment that calls on the Department of Veterans Affairs (VA) to submit a report to Congress reporting on resource sharing agreements for services, programs and facilities the department undertakes with the Department of Defense (DoD).

Every American knows that the face of health care has changed dramatically over the past decades. This is no less true for military and veterans' health care. It is clear from all the studies undertaken by the departments of Defense and Veterans' Affairs that the integration of health care services—where possible—will enhance the quality of care for the men and women who are serving our country today and those who served blur nation in the past.

My district is home to the North Chicago VA Medical Center and the Great Lakes Naval Hospital. During the last Administration, officials cafe two attempts to close ate North Chicago VA Medical Center. On June 19, 2001 the VA released its Capital Asset Realignment for Enhanced Services (CARES) study. The CARES study developed four options to impose veterans health care in the Chicago area, each of which recommended the preservation of services offered at North Chicago. The CARES study also recommended increasing the level of cooperative between North Chicago VA and the Great Lakes Naval Hospital, located less than a mile apart.

Integration of the two medical facilities is both practical and also urgent in North Chicago, Illinois, where the Great Lakes Naval training Center Hospital and the North Chicago Veterans Medical center both sit underutilized and in such close proximity. Combining these two facilities in a state of the art, federal health care center will maximize the use of tax payer dollars, enhance the training opportunities for young naval medical corps personnel, and, most importantly, bring the health care we promised them men and women into the twenty first century. By directing the VA to report Congress on the issues facing resource sharing Congress will be able to better understand and utilize resource sharing agreements when moving forward with this cost shaving approach.

I have met with Secretary Principi and Secretary Rumsfeld to discuss enhanced cooperation and health care resources sharing between the DoD and the VA. Both secretaries are committed to providing our men and women in uniform, veterans and retirees with world-class health care in an efficient manner. Both agree that cooperation between the two agencies when possible, will enable the departments to meet the growing needs of active and retired soldiers.

As an officer in the Naval Reserve and fellow veteran, I understand the sacrifices made by the men and women who wore their country's uniform. Therefore, I urge my colleagues to support this amendment.

I would like to close by thanking Chairman WALSH, ranking member MOLLOHAN, and the staff of the VA–HUD subcommittee for their help with this amendment. I hope to continue working with them on this issue as this bill moves into a conference committee with the other body.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Hastings of Florida:

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(increased by $550,000)''.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—BUILDINGS AND FACILITIES'', after the aggregate dollar amount, insert the following: ''(reduced by $550,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

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

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

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

Mr. HASTINGS of Florida. Mr. Chairman, I will not take that amount of time. My understanding is that the chairman and the ranking member have cleared this matter, and if that is the case and either the Chair or both would speak to it, then I will include my statement in the RECORD at this point.

Mr. Chairman, I rise today to offer an amendment that increases funding in the Environmental Protection Agency's Environmental Programs and Management account by $550,000.

While the rules of the House preclude me from specifying in the text of the amendment what the increase is to be used for, it is my intention that this $550,000 be utilized as additional funding for the EPA's environmental justice programs. My amendment is straight-forward, germane, and more than fair.

Since the creation of an Office of Environmental Justice in the EPA, the agency has worked to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income. Further, it seeks to include all communities—white, black, brown, or green—in the development, implementation, and enforcement of environmental laws, regulations, and policies.

However, despite increases in the number of environmental justice complaints to the EPA, as well as a growing awareness about this issue, Congress has not increased funding to meet the agency's growing demands. This bill's allocation for EPA environmental justice programs of $5.5 million is the same as last year's even though the strains on the programs, as well as the immediate need for the programs, have increased.

My amendment provides a 10 percent increase in funding to the EPA's environmental justice programs, a modest increase I should add. It is long overdue, and I urge my colleagues to support it.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALSH:

In title III in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; STATE AND TRIBAL ASSISTANCE GRANTS'', strike '', except that, notwithstanding section 1452(n)'' through ''water contaminants''.

In title IV, strike sections 408 and 409.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. WALSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

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

My amendment would strike three provisions in the bill which are legislative in nature, and I have been asked to do this by the relevant authorization committee Chairs, and I would ask for the adoption of the amendment.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DINGELL:

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

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

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

Mr. DINGELL. Mr. Chairman, I offer this amendment on behalf of my colleagues from Michigan, especially my three good friends and colleagues Mr. UPTON, Mr. STUPAK and Mr. ROGERS, all of whom are interested very much in this matter.

We in Michigan are awash in Canadian waste, 180 truckloads a day. EPA can help Michigan citizens control the flow of municipal solid waste from Canada. We have an agreement with the Canadians signed in 1992 that requires the EPA to implement a notice and consent procedure on the flow of trash.

The EPA has spent 11 years shirking its duty. They have determined that they will not implement this safe, simple and internationally recognized agreement.

The amendment is simple. It proposes to take $1 million out of EPA's Office of Media Relations and put the money into the Office of Enforcement, specifically for the enforcement of this bilateral agreement.

I know of no controversy with regard to this amendment. I note that it is a message to EPA bureaucrats to stop stalling and start protecting our citizens in Michigan.

I would note that I would, out of gratitude to my dear friends on the Committee on Appropriations, the gentleman from New York (Mr. WALSH) and also the gentleman from West Virginia (Mr. MOLLOHAN), I now terminate my remarks at this time.

Mr. STUPAK. Mr. Chairman, we have a crisis in Michigan. We have become the dumping ground for 100 percent of Toronto Canada's trash.

At a hearing earlier this week we heard excuse after excuse from the EPA as to why they are not enforcing a bilateral agreement that was reached back in 1992 which requires United States officials be notified of all shipments of trash coming in from Canada. When I asked the EPA if they have ever received such notification from Canada in the past 11 years, they said no. When I asked exactly when EPA would begin implementing the agreement they answered ''hopefully soon.'' This is very similar to a response they gave the Congress 10 years ago.

In the mean time, Michigan landfills are being filled with Canadian trash and Canada is now considering sending their human waste to Michigan! When will it end, Mr. Speaker.

This amendment will provide $1 million to the EPA for implementing the requirements in the bilateral agreement, end the excuses, and begin the enforcement! I urge its adoption.

Mr. DINGELL. Mr. Chairman, I rise today to ask all my colleagues to support an amendment I have offered with my good friends and colleagues from Michigan, Mr. UPTON, Mr. STUPAK and Mr. ROGERS.

We in Michigan have a bit of a problem, Mr. Speaker. You see, we are awash in Canadian trash. Every single day, 180 truckloads of the stuff cross over the Blue Water Bridge in Port Huron and the Ambassador Bridge in Detroit.

Luckily, in 1986 the United States and Canada signed the Agreement Between the Government of the United States of America and the Government of Canada Concerning the Transboundary Movement of Hazardous Waste, which was amended in 1992 to also govern the transport of municipal waste.

While we are fortunate to have that agreement, the EPA unfortunately had declined to enforce it. They have had 11 years to implement the notice and consent procedure required by the agreement. Eleven years, Mr. Speaker, and incredibly EPA has taken no action!

Meanwhile, Customs officials have told us in no uncertain terms that they consider these trucks ''high risk'' and nearly impossible to inspect. A recent shipment included 50 pounds of marijuana. During the SARS outbreak in Toronto, where much of the garbage comes from, a Michigan State Trooper found a trash can dripping blood.

These truckloads of trash are a nuisance and a danger to Michiganders. In fact, on two separate occasions, innocent citizens were hit by these semi-trucks. Citizens who once lived on quiet country roads now must contend with nearly 200 truckloads of garbage that begin rolling in at six in the morning. Nice summer breezes are a thing of the past for these folks, now houses must be shut up year round in an effort to avoid the stench.

Our amendment, Mr. Speaker, is simple. We take $1 million from EPA's Office of Media

Relations, and put that money into the Office of Enforcement, specifically the enforcement of this Bilateral Agreement.

On Wednesday, July 23, the Energy and Commerce Subcommittee heard testimony from EPA. They were able to give us a timeline for when Canada might be done with their regulatory process. Unfortunately, they were unable to give Members of the Subcommittee any idea when EPA might be through their regulatory process. I think, Mr. Speaker, that this bears repeating: U.S. EPA testified as to when Canada might be through their regulatory process, but they were not able to give us any indication of when they might be through their own.

I would note that Article 5.3 of the Bilateral Agreement expressly provides that ''to the extent any implementing regulations are necessary to comply with this Agreement, the Parties will act expeditiously to issue such regulations consistent with domesic law.'' Article 5.3 further and expressly provides that ''pending such issuance, the Parties will make best efforts to provide notification in accordance with this Agreement where current regulatory authority is insufficient.''

Well, by EPA's own admission, this is not being done. They have not used their best efforts and they have not even begun the regulatory process. How long does it take, Mr. Speaker? How long do the citizens of Michigan have to wait?

My fellow colleagues from Michigan, and indeed, all Michiganders, find it outrageous that EPA has shirked its duty and determined that our health and well-being is not worth their time and effort. This amendment tells them to do their job: issue regulations and enforce them. As they move forward with these regulations, we would request that before EPA consents to a shipment, they consider the views of the state and local governments, as well as the impact of the importation of continued public support and adherence to recycling programs, landfill capacity, air emissions from increased vehicular traffic, road deterioration from increased vehicular traffic, and public health and the environment.

I would ask my colleagues to support this common sense amendment to help protect the citizens of Michigan and to force the EPA to do its job.

Again, I would like to thank my distinguished colleagues from Michigan, Mr. UPTON, Mr. STUPAK, and Mr. ROGERS for their cosponsorship of this important amendment and their leadership on this issue.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

□ 1430

AMENDMENTS OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman identify which amendment he is offering.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. SMITH of New Jersey. It is the medical care amendment. I have two, Mr. Chairman, and this would be the first one.

Since they are very similar, Mr. Chairman, I ask unanimous consent they be considered en bloc with the time allotted. We could dispose of both of them at the same time.

Never mind, do them one at a time.

The CHAIRMAN. Will the gentleman further identify the amendment, since there are two.

Mr. SMITH of New Jersey. The amendment would seek to add $1.8 billion to the medical care budget.

I offered two amendments last night, Mr. Chairman, or asked that two be made in order at the Committee on Rules, and I submitted 50 copies of each to the Committee on Rules, so there should be at least one copy.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SMITH of New Jersey:

In title I, strike the heading ''VETERANS HEALTH ADMINISTRATION'' and all of the paragraphs under that heading and insert the following:

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; aid to State homes as authorized by section 1741 of title 38, United States Code; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $27,068,220,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2005.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to ''Medical care'', to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2005, $408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $79,000,000, of which $3,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2004.

In section 116(a), strike ''under 'Medical services for priority 7–8 veterans' and'' and insert ''under 'Medical care' and''.

In section 117, strike ''Medical Services'' both places it appears and insert ''Medical care''.

In section 118, strike ''transferred to'' and all that follows through ''for the'' and insert ''transferred to 'Medical care' for the''.

Strike section 119.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has reserved a point of order against the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, despite significant and sustained efforts by Secretary Principi and the VA to boost effectiveness and efficiencies in the VA health care delivery; despite enhanced DOD–VA sharing of resources, individual facilities, administration, and pharmaceuticals; despite improved collections from individual veterans' insurance companies, and as a matter of fact my committee passed legislation that will boost that even further, and collections are up 70 percent since fiscal year 2001; despite an ongoing crackdown of waste, fraud, and abuse by the VA, and I point out that PL 107–103, one of my bills, goes after fugitive felons and we expect to glean about $209 million per year by recapturing those dollars; despite all of this and increases in the VA health care funding over the past few years, there remains what President Bush's 15-member task force calls a serious mismatch between need and resources.

After 2 years of vigorous investigation and analysis, President Bush's task force, and I would invite every Member to read the Bush task force report, it was co-chaired by Dr. Gail Wilensky and John Paul Hammersmith, the former ranking member of the Committee on Veterans' Affairs, and before then by Congressman Solomon, who has regrettably passed away, but was an outstanding man and lawmaker, and he was co-chair before passing away. This task force found, and I quote, ''that funding provided through the authorization in the appropriations process for VA health care

delivery has not kept pace with demand.''

There are reasons for it, of course. Since 1996, we have seen some 600 new outpatient clinics created. So there are feeder points. Our men and women, either in their wheelchairs or by their feet, are walking into VA health care facilities and getting the kind of care they need; we have seen a 70 percent increase in unique users, new patients since 1996.

The Bush task force pointed out, and I think it needs to be underscored, that there is a significant core underfunding. And you have to read this report because it talks about doing everything humanly possible, realizing every synergy, every efficiency; but when all is said and done, there is still this significant shortfall that needs to be breached by appropriated dollars.

And, of course, one of the outcomes of not having sufficient money is that many of our veterans wait unconscionably long periods in order to get the care they need. The task force found a snapshot in January: 236,000 veterans waiting 6 months or longer to get a first visit or a follow-up visit to their doctor.

An individual can get awfully sick and awfully diseased waiting that long to get health care. And I would respectfully submit that our veterans get sicker and more diseased by that inattention. We can close that gap by providing the proper amount of money.

Let me just say to my colleagues, as well, that last night I went to the Committee on Rules, joined by my good friend, the gentleman from Connecticut (Mr. SIMMONS), the chairman of our Subcommittee on Health; the gentleman from Illinois (Mr. EVANS), the gentleman from Texas (Mr. RODRIGUEZ), the two ranking members of the full committee and the Subcommittee on Health, and asked that this amendment be made in order to add back $1.8 billion.

What are we talking about? That is the number that was in the House- and Senate-passed congressional budget resolution, $27 billion for medical care, so that we meet the needs of our veterans for fiscal year 2004. Sadly, we were turned down.

What is the predictable outcome? I would respectfully submit it will be an awful outcome if we do not provide these resources. The VA has given us an indication, a blueprint, if you will, of 1.2 million veterans being disenrolled. 1.2 million, every State of the Union, men and women currently enrolled will no longer be enrolled. Five thousand nursing home beds for the spinal cord injury patients and others who have very highly skilled needs will be idled, will be done away with if we do not add back this $1.8 billion.

This is a very significant need, I would say to my colleagues, especially at a time when we are at war in Iraq. The war is over, but we have deployments and people are still getting injured and even killed. We need, in a bipartisan way, to step up to the plate and provide this necessary money.

And I would say to my colleagues with regret and with respect for the chairman of the subcommittee and the ranking member, that I will be voting ''no'' on final passage of this bill, and, hopefully, we will go back to committee, get this funding problem solved there and do this right.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to applaud my colleague for his statement. I think there is something fundamentally wrong with the priorities of this country when we have men and women who have put their lives on the line, who in Vermont and all over this country are on waiting lists, people who served this country and who are thrown off of VA health care.

When we talk about giving huge tax breaks to people who do not need it and then say that we do not have $1.8 billion for our veterans, that is absolutely outrageous. And I want to commend my friend for his efforts.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. Does anyone wish to claim time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I claim the time in opposition to the amendment, but I rise in support of the amendment.

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

The amendment would add $1.8 billion in additional funding to VA medical care. It is demonstrably true that veterans' medical care is in need of additional funding. More than 235,000 veterans are currently waiting six months or more that for initial appointments. Veterans in certain areas of the country have reported waiting two years to see a doctor. The VA has now reached capacity at many health-care facilities and has closed enrollment to new patients at many hospitals and clinics. The VA has even taken the step of placing a moratorium on all marketing and outreach efforts.

These problems are all symptoms of a larger illness—the VA consistently is not provided enough funds to provide all the benefits that are authorized for all veterans—not even in the area of medical care.

The Chairman without a doubt did the best he could by veterans in this bill. However, the fiscal year 2004 Budget Resolution did not allow the VA–HUD Subcommittee to have an allocation that would permit the promises the Republican leadership made to be kept. I know that this amendment will be stricken on a point of order, but I was to express my support of it because we need to do more for veterans medical care.

The gentleman's amendment rightly points out the need for more funding for veterans medical care and is providing an invaluable service by allowing the House to debate the consequences of irresponsible budget agreements and tax cuts to millionaires. Consequences such as not being able to adequately fund promised services to the most deserving among us—our Nation's veterans.

I yield back the balance of my time.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2004 on July 22 of this year. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of this act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from New Jersey would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Text of the amendment is as follows:

Amendment offered by Mr. FATTAH:

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)'', after the second dollar amount, insert the following: ''(increased by $4,500,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. FATTAH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. Chairman, the HOPE VI program, which received a very significant allocation last year in this bill, has only a $50 million allocation. Part of the rationale for not aggressively supporting what is the most successful neighborhood revitalization program and the largest in our country is that there is in the pipeline some projects that have not moved as quickly as we might want them to.

I met with the officials at HUD, and my staff has interacted with any number of people since we have become aware of this problem, and I am convinced that part of the problem, which was identified by the GAO in a study done, is that HUD has backed away from and withdrawn services and support, including the use of expediters to move these projects through the pipeline.

So I have offered an amendment to substantially increase technical assistance from $500,000 to $5 million to help move these projects through the pipeline. Hopefully, as we go between now and conference, because a lot of Members are very interested in HOPE VI on a bipartisan basis, we would like to see this subcommittee find a way, and I know that the chairman and my ranking member would work with us on this, to try to see how we could have a greater commitment to seeing this program move forward. It is also up for reauthorization.

But I think at a minimum, at least at this moment, the one thing that the House should do is to substantially increase technical assistance and say to HUD that we want the communities around this country that receive HOPE VI grants to have the type of expertise that they need to be able to make those projects go and to go as quickly as possible so that we never again have any rationale offered that projects previously funded that are desperately needed are not moving as quickly as some might want them to.

I have talked both with the majority and the minority, Mr. Chairman, and I believe this amendment might find acceptance.

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

Mr. FATTAH. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we have reviewed the amendment, we think it helps the bill, and we are prepared to accept it.

Mr. FATTAH. Reclaiming my time, Mr. Chairman, I thank the gentleman.

For every reason I can think of, Mr. Chairman, this is an important thing to do.

Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time. I also have an amendment at the desk which I had understood was going to be handled at the same time as the Fattah amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would announce that under the order of the House, the amendment of the gentleman from Illinois was not made in order separately from this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I will then discuss my amendment at the same time as the Fattah amendment, though it is different from the Fattah amendment.

My amendment dealt with the fact that section 8 is underfunded and HOPE VI housing is underfunded in this appropriation. The bill funds the Department of Housing and Urban Development. The single largest low-income housing program at HUD is the section 8 housing choice voucher program.

The voucher program enables low-income families with children, the elderly and the disabled to rent apartments in the private market. It makes up the difference between what low-income people can afford to pay for housing and what private rents are, and is a critical source of support for more than 2 million families. Without vouchers, many of these families would be stuck in overcrowded and unsafe housing, or even worse, homeless.

If the shortcomings of this bill are not addressed, 85,000 families will not have the funding for their vouchers renewed. These families need affordable housing assistance. The current funding in H.R. 2861 does not address nor take into consideration inflation and the high cost of living, unemployment, and the failure of corporations and small businesses.

Another housing program which is underfunded is HOPE VI. The purpose of the HOPE VI program is to revitalize severely distressed public housing developments and transform them into safe, livable environments. A required element of the program is the provision of the effective, targeted self-sufficiency initiatives so that public housing can regain its role as housing for low-income families who are determined to improve their status.

HOPE VI funds are used to provide three types of grants: planning, implementation, and demolition. Mr. Chairman, the vast majority of public housing in Chicago is in my district and, of course, we need public housing assistance. Without HOPE VI, many of the people will lose hope and lose what they have had.

My amendment would have added $300 million to HOPE VI to replace some of the $500 million that is being cut. But since most of the money has already been given back to the wealthy in the form of huge tax cuts, I am afraid that very little is left for HOPE VI for the poor, for veterans health care, for the needy, for the disadvantaged, and for the 3 million people who have lost their jobs.

Since the money is gone, Mr. Chairman, I will withdraw my amendment.

Mr. FATTAH. Reclaiming my time, Mr. Chairman, let me in conclusion say that I share the sympathies that have been articulated by the gentleman from Illinois. I do, however, want to say that I think this technical assistance addition is important, and I want to thank the majority and the ranking member.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment and in support of the HOPE VI program.

Mr. Chairman, I'm amazed Congress would all but eliminate funding for this highly successful program.

While the $50 million for HOPE VI contained in this bill is $50 million more than the President requested for this program, this is still a cut of $524 million from 2003, a reduction of 90 percent, and will gut a program that brings hope and opportunity to so many.

In Stamford, Connecticut, a HOPE VI grant transformed a dim, crime-ridden, and dilapidated housing project into a beautiful place to live and raise your children. As a result of this federal assistance, Southwood Square is now a safe place for children to play, its residents receive job training on site, and working parents have access to a child care facility. Just as importantly, residents are involved in their community.

I wish Members could see the transformation that has taken place there. If they did, I doubt they would be cutting this program.

The most beautiful part of HOPE VI the way a grant from the federal government produces a ripple effect in the neighborhood. The transformation that occurs in HOPE VI communities is funded with a small investment in the form of a federal grant, but primarily is funded with local and private money.

The lesson there is that when the federal government demonstrates its interest in improving the housing needs of low-income families, the community responds in a big way.

The question that begs to be asked is: Why would such a successful program be cut so drastically?

I recognize the fiscal constraints of this budget cycle, but this is not time to weaken our commitment to HOPE VI. I urge passage of this amendment.

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

□ 1445

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. FATTAH).

The agreement was agreed to.

PARLIAMENTARY INQUIRY

Mr. SMITH of New Jersey. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of New Jersey. Earlier on the amendment I called up regarding the $1.8 billion add-back, there were two amendments. I asked that they be considered en bloc. It was objected to by the gentleman from New York (Mr. WALSH) so they stayed separate, but we were allocated only 5 minutes.

Mr. Chairman, I would ask unanimous consent for those additional 5 minutes to hear from a few Members who were precluded from speaking.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of New Jersey. Mr. Chairman, further on my parliamentary inquiry, it is my understanding, especially after a consultation with the Chair, that the time was improperly accorded us. It was not a matter of seeking unanimous consent of any kind. We asked that they not be en bloc, so if they were not en bloc, I do call up the other amendment.

The CHAIRMAN. The gentleman will suspend. The gentlemans' amendments were considered en bloc by unanimous consent.

Mr. SMITH of New Jersey. And only 5 minutes was allocated?

The CHAIRMAN. That is correct for the proponent and an opponent under the order of the House, but the those amendments have been disposed of. Without unanimous consent on the

pending amendment, there is no additional debate time available.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SMITH of New Jersey:

Strike section 114.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would strike section 114 of the bill to remove a provision that would bar the VA from using funds to implement provisions of Public Law 107–287, the Department of Veterans Affairs Emergency Preparedness Act. This vital veterans legislation would create new research centers to help protect future veterans and current ones from the effects of weapons of mass destruction.

For the benefit of my colleagues who are not familiar with this law, the VA Emergency Preparedness Act was designed to give the VA health care system better tools and information to prepare for the possibility of injuries and illnesses to servicemembers caused by weapons of mass destruction.

Dr. Susan Mather, the Chief Public Health and Environmental Hazards Officer, is ready to move forward to let these kinds of programs go forward so the research will be done, so if the unthinkable happens to our men and women in uniform with regards to biological, radiological or chemical, that we will have a more adequate response than we do right now.

Let me point out that the VA excels in establishing Centers of Excellence. It does it on a myriad of fronts, including for combat and war-related injuries that are suffered on the battlefield. Two recent centers were established for that purpose.

The VA is ready to go, and Dr. Mather made the point to the Under Secretary of Health that the VA health care system is ''more likely than any large, small, private or public health care system to be required to identify and respond to threats of chemical and biological or other threats to public health or safety.'' Thus, the Medical Emergency Preparedness program will facilitate the best medical care and services to veterans.

The VA is ready to go. This provision in the bill that precludes that, I think, is unfortunate.

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

The CHAIRMAN. Does any Member seek the time in opposition to the amendment?

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

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

Mr. Chairman, this amendment adds another bureaucratic arm to the Veterans Administration by creating a new assistant secretary. This function, the function of emergency preparedness, is already under the Assistant Secretary for Policy and Planning. Emergency activities are well planned, managed and executed under the current arrangement.

Another part of this amendment takes money away from regular medical care. We just heard some debate about the cost of medical care and the need for additional funds for medical care. This would take money out of medical care to create these new crisis centers.

I believe the money should be prioritized to treating sick veterans. That is the mission of the Veterans Health Administration, and the focus should remain there.

Emergency response and research centers and activities are already funded under the Departments of Homeland Security, Justice, Defense and Health and Human Services, where they rightly belong. I would urge a strong ''no'' vote on this amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), the chairman of the Subcommittee on Health.

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment. The amendment makes sense. These types of emergency preparedness activities have historically taken place within the VA. They should continue to take place within the VA, especially at a time when the United States of America is threatened by chemical, biological and possibly even dirty nuclear weapons; especially when our veterans overseas, those in Iraq in particular, have the potential of being exposed to these types of weapons.

We cannot afford to let some bureaucratic arguments get in the way of implementing this legislation. It is important legislation. We cannot afford to get bureaucratic rules in the way of restoring $1.8 billion to this bill, so we can properly fund veterans' health care.

I was told earlier this afternoon by a colleague that certain categories of veterans are fully funded. Yes, they are, but that does not meet the obligations and requirements of this body to fund all veterans.

In 1996, when we in this Chamber passed unanimously H.R. 3118, no ''no'' votes, we opened the Veterans Health Administration to all veterans. All veterans, to all veterans. We have not kept that promise.

In April of this year, when we passed a budget resolution which adequately funded health care to all veterans, to all veterans, we have walked away from that promise as well.

I do not blame the chairman of the subcommittee or the ranking member; they have done the best they can with the allocation they have. They have done a brilliant job with the allocation they have. But the allocation they have is inadequate for us to meet the promise to our veterans.

It is interesting to note that we have money in this bill for cemeteries because if we deny our veterans the health care they deserve and earned, and we have promised to them, we are going to need those cemeteries.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, as a member of the Committee on Veterans' Affairs, I see and hear firsthand the scars of battle borne by our veterans during the carnage of war. Veterans do receive affordable, quality health care. However, in expanding the eligibility requirement for health care in 1996, we now have veterans waiting months for an appointment because we are not keeping up with the funding demands.

We are obligated to honor the promise this Chamber made to fund veterans' medical care at the March budget leave. As the son of a retired two-star general, I was raised to believe that a man's word is his bond. Those who vote in favor of this bill, whether Republican or Democrat, vote to underfund the needs of those who shed their blood so we can breathe free.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, certainly coming from Florida I have a very large veterans population. I have the second largest veterans population in this Congress.

When I went back home and told them about the amount of funding that was in the budget that we passed, I can tell Members they were delighted. It was not enough even then, but it sure made a big difference.

Today, the bill that we will be voting on will be cutting $1.8 billion from the veterans' health care appropriation. That is wrong. We are breaking a promise that we made when we went home and told them about the funding that was in the budget. I think veterans deserve better. They have defended our country.

Tomorrow, I am going to be presenting medals to Korean War veterans, celebrating the 50th anniversary of the Korean War. Can we give them a medal and turn our backs on what they may have in health care needs?

We also have men and women coming home from Iraq. What kind of health care are they going to have?

I know how hard the chairman of the committee, the gentleman from New

York (Mr. WALSH), worked on this and how hard the members of the Committee on Veterans' Affairs and the Committee on the Budget worked on this, because I serve on both. We took some tough votes because we were told there would be additional funding in the final appropriations bill that was passed.

I cannot vote for this bill, and I think that there are many in this Chamber who are really, as we used to say back in New York, having agita over this vote. This is not a vote that I can cast affirmatively.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, we know it is a very difficult budget year and lots of decisions have to be made. I have 61,000 retired veterans and military retirees, combined, that live in the Third District of North Carolina, the home of Camp Lejeune, Cherry Point, and Seymour Johnson Air Force Base. And like each and every one of my colleagues, I know we all care about our vets, but let me say that sometimes, for all of us who serve, you get a little bit wondering, what are our priorities? And with all of the responsibilities we have, should those vets be number one for this country?

I believe those of us who had the privilege to serve—and no, I do not have a military background, but Members do not need a military background to appreciate those who put the uniform on for this country.

Mr. Chairman, I think about those young kids at Walter Reed and those young kids at Bethesda who lost a limb, many are paralyzed, and in the short term they will be taken care of, but how about 3 and 4 and 5 years down the road? We are losing beds and losing care. America is too great to let this happen.

Let me say, Mr. Chairman, in closing, that many of my vets ask me, we find this money for foreign aid, we find $15 billion for Africa, and they want to help the AIDS victims in Africa, but they agree and I agree, they should come first. Then if we have extra money, let us help the other people; but for God's sake, let us not forget our vets. We made a promise a few months ago that it would be $1.8 billion.

I know the chairman and the ranking member are two of the finest men here in the House, and this is not their doing or their fault, but let us reestablish our priorities and let us take care of those who are willing to give their lives for us.

Mr. SMITH of New Jersey. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has the right to close.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

This amendment that has been made in order is not the amendment to add back $1.8 billion, and I say that with great sadness on behalf of our veterans.

What this amendment would do is lift a prohibition in the underlying bill that would prevent the VA from establishing already authorized medical preparedness centers, Centers of Excellence, to work the issue on weapons of mass destruction.

□ 1500

As I said earlier, the VA is ready to go. We already have their time line. It is in print. They are ready to go. They want to do this. I would say to my colleagues that if we are saying we do not have the $5 million approximate in start-up costs, let us grow this budget. That is what we have been saying in this entire debate. I hope my colleagues will vote for this. I would again remind my colleagues that the VA already operates dozens of specialized research centers, the center for limb loss, the center for spinal cord injury, the center for brain rehab, the center for wheelchair and related technology; in May of 2001, two new centers to study war-related illnesses. We are not breaking new ground here; we are moving in a direction that heretofore has not been addressed and that is weapons of mass destruction. I would hope my colleagues would vote for this amendment.

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

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER), a member of the Committee on Veterans' Affairs and a combat veteran.

Mr. BUYER. Mr. Chairman, I want to thank the chairman of the Committee on Veterans' Affairs for his leadership. There are a lot of different individuals here on many different committees that after September 11 did an assessment. The gentleman from New Jersey (Mr. SMITH), the chairman, also did his assessment. At the same time so were other committees. The real question right now is over the issue on redundancy. I want to applaud the chairman for having his bill passed and it is authorized.

The real question now is on the funding and the timeliness of that funding. I recognize the present objection of the chairman of the Committee on Appropriations. With regard to some of the comments from my other colleagues with regard to whether the funding has been underfunded or not and we have been citing back to when we did eligibility reform here on the House floor, I want everybody to note this, that during that time period, the Congressional Budget Office and GAO provided testimony to the House and the Senate. They said, if you change eligibility from the core competencies of the VA and let non-service-connected disabled veterans be treated the same in line with combat- or peace-disabled veterans, you will open up the system and you will have a tremendous cost impact.

The Committee on Veterans' Affairs staff and members on the House and the Senate did not agree with what the recommendations were nor testimony of CBO and OMB. As a matter of fact, the veterans service community and organizations, some in particular mocked CBO and OMB for their testimony. Their testimony was correct. We were wrong.

So what we are doing today is we are trying to now catch up. Members may ask, what do you mean catch up? In the last 5 years in which the gentleman from New York has chaired the subcommittee, we have increased the health budget in the VA 50 percent. Members might say, my gosh, 50 percent, why? Because the category 7's and 8's are rushing into the system. Today we have a system called a no-shame system. A no-shame system. There are things in our society, if you are in a food line and you have already eaten and there are people that have not eaten, do you get in line and cut before them? No, that is shameful. What happens today is that you have individuals who are non-service-connected disabled veterans who are in line before combat-disabled veterans. I think that is shameful. Others can disagree with that, but I think that is. Today this present theme has become that every veteran is a veteran is a veteran. That is the present theme, because we do not want to look back and see what the mistakes were that we made. No one in this House wants to accept the responsibility for having gotten it wrong: Oh, please, Steve, don't tell us the mistakes that we made. Just fund it. Just throw more money at it.

Folks, we are creating a problem. If we do not accept some responsibility here, I am fearful of what is happening to the VA. We need to restore the core competencies of the VA in those categories 1 through 6. I want to applaud the chairman for his work along with the ranking member. It is quality work.

Mr. WALSH. Mr. Chairman, I urge a ''no'' vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

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

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HALL:

In title III, in the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SPACE FLIGHT CAPABILITIES'', insert ''of which $15,000,000 of amounts for the Space Shuttle Life Extension Program shall be for the development and independent assessment of concepts to increase Space Shuttle crew survivability for crew sizes of 4 to 7 astronauts by at least a factor of 20 relative to the demonstrated crew survival rate of the Space Shuttle to date, and'' after ''September 30, 2005,''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman I yield myself such time as I may consume.

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

Mr. HALL. Mr. Chairman, I want to thank Chairman Walsh and Ranking Member Mollohan. I am offering an amendment to the NASA portion of the bill. That issue is the safety of the astronauts who fly the Space Shuttle.

Mr. Chairman, the amendment that I am offering today would start NASA down the path to developing a new crew escape system for the entire Space Shuttle crew, not just the pilot and the copilot. My amendment is focusing on increasing the safety of the Space Shuttle astronauts through the development of concepts for crew escape in the event of an accident. It is that simple.

Mr. Chairman, I am offering an amendment to the NASA portion of the bill. It concerns an issue that I feel as strongly about as anything I have fought during my time in Congress. That issue is the safety of the astronauts who fly the space shuttle.

These brave young men and women risk their lives to advance our knowledge and to help this Nation explore space. They know that space travel involves risk. However, I'm not sure that the rest of us fully comprehend how risky it can be until we are confronted with a tragedy like last February's loss the space shuttle *Columbia* and its crew. Yet the fact that space travel involves risk doesn't mean that we shouldn't be taking all prudent measures possible to reduce that risk—which brings me to the objective of my amendment.

The sad reality is that 17 years after the space shuttle *Challenger* accident, the loss of a space shuttle almost inevitably means the loss of its crew. I don't think that is right, and I don't think it has to be that way. And I'm not alone in that belief. For years, the independent Aerospace Safety Advisory Panel (ASAP) and others have argued that NASA needs to pay more attention to improving space shuttle crew survivability in the event of an accident. For example, in its March 2002 report to the NASA Administrator, the ASAP expressed its concern that: ''there is no in-flight crew escape system for the [Space Shuttle] Orbiter other than for abort below 20,000 feet during a controlled glide'', and it strongly recommended that NASA: ''complete the ongoing studies of crew escape design options and implement and improved system as soon as possible.''

Moreover, in their meeting with the NASA Administrator earlier this year, ASAP members were vocal in their belief that NASA needed to give serious attention to the development and installation of a space shuttle crew escape system.

I agree with the ASAP members. I think that if we are going to fly the shuttle for an extended period—which I believe we are—then NASA needs to develop and install a crew escape system on the remaining Orbiters in the space shuttle fleet as soon as practicable. And we need to size it so that we are able to fly enough astronauts to the International Space Station (ISS) annually to allow a permanent ISS crew of seven.

The amendment that I am offering today would start NASA down the path to developing a crew escape system for the entire space shuttle crew—not just the pilot and co-pilot.

My amendment would use $15 million from the as yet unallocated funds in the fiscal year 2004 Space Shuttle Life Extension Program ''Future Projects'' account to solicit the best concepts from the aerospace industry and elsewhere for significantly improving shuttle crew survivability. Those concepts, including estimates of their costs and impacts on shuttle performance, would be independently so that Congress and NASA will know what the best options care. We can then make an informed decision on what to do next. I would hope that the solicitation and independent assessment could be completed expeditiously, certainly in less than a year.

Now I know that some at NASA would agree that it can't be done at a reasonable cost or without a big negative impact on shuttle performance. My reply is that I don't believe that the combined talents of the aerospace industry and NASA aren't capable of rising to the challenge of developing a viable space shuttle crew escape system and dramatically improving shuttle crew survivability. I may be wrong, but I don't think so.

Mr. Chairman, my amendment is a modest first step toward achieving my goal of significantly improving the odds for our brave astronauts when they fly the space shuttle. It is only one step. I intend to keep pressing for the development of a capable space shuttle crew escape system if the nation decides to continue to flying the shuttle.

While my amendment may be only a first step, I believe it is an important role. I hope Members will join me in support of this amendment.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. STEARNS:

In title I, in the item relating to ''VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH'', after the aggregate dollar amount, insert the following: ''(increased by $5,000,000)''.

In title III, in the item relating to ''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES'', after the first (aggregate) and fourth (AmeriCorps grants) dollar amounts, insert the following: ''(reduced by $12,217,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

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

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

This is a simple amendment, and I will not take long. It transfers 5 percent of the fiscal year 2004 funding from the Corporation for National and Community Service's AmeriCorps grants to the Veterans Health Administration, Medical and Prosthetic Research.

I think, Mr. Chairman, I would summarize my amendment basically as one of priorities. It is interesting on July 27 now, we are going to celebrate the 50th anniversary of the Korean War armistice. Perhaps this is a perfect time for all of my colleagues to think about the priorities relative to this anniversary of the Korean War.

The Department of Veterans Affairs has a history of producing beneficial research in medicine and prosthetics, the latter of which will be sadly in demand as amputated veterans return from Iraq. Arguing for the transfer of these funds is based upon, I think, the accomplishments of the VA research department. Perhaps many Members do not realize it has produced three Nobel Prize winners, developed the cardiac pacemaker, conducted the first successful drug treatments for high blood pressure and schizophrenia, is undergoing trials of a smallpox treatment in mice, and developed the technology that recently enabled paralyzed actor Christopher Reeve to regain the ability to breathe on his own temporarily. The money is going to go to this research. They have a history, Mr. Chairman, of success. The long-term consequences of helping these people is immense. But from our reading of this bill, their increase in this area is only 2.7 percent. So I thought, well, that is pretty low, why do we not transfer some money over there?

I might point out that when we are talking about volunteer organizations or people that volunteer, I would like to really tout an organized group of committed volunteer military veterans in my hometown of Ocala, Florida. They do not get paid, Mr. Chairman. It is called Vets Helping Vets. Vets Helping Vets lend assistance to their veteran brothers and sisters and volunteer for numerous activities, including helping the homeless. The program is administered by Hank Whittier from my hometown, Ocala, Florida. He has done a great job. I think it is a pilot program that could be done throughout this country.

Let us observe the 50th anniversary of the Korean War by reexamining our priorities, our policy. A vote for my amendment is in support of promising

beneficial medical and prosthetic research for deserving veterans.

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

Mr. STEARNS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I want to thank the gentleman for bringing his amendment. One thing that we often must recognize with regard to the recruiting pool for the United States military, AmeriCorps competes with our recruiting pool for an all-volunteer force. It makes it very difficult and very expensive for DOD to go out there and recruit those soldiers.

I have a question for the author of the bill. When President Clinton created the AmeriCorps, he was touting volunteerism. It is my understanding that at AmeriCorps, they do not call them volunteers anymore. Do you know whether that is true or not?

Mr. STEARNS. I do not know. I think they are using the term paid volunteers. I think when you look at it, compared to those who have already served their country, maybe even the word ''paid volunteers'' is an area that we might talk further about. I think the point of my amendment is not to discredit any one government agency but just to set priorities here and say that the amount of research increase in dollars in the VA is very small. And so I am just in a very small way asking my colleagues to consider this amendment and moving it forward.

Mr. BUYER. I would just urge my colleagues to support the gentleman from Florida's amendment. If we can move some quality dollars here and prioritization into veterans health care, I think his amendment is in the right intent. I support it.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FILNER. Mr. Chairman, I am also in opposition and am in the opposite party. Who has control?

The CHAIRMAN. The Member managing the bill and a member of the committee has the prior right to recognition to control debate time in opposition to the amendment.

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

I rise in reluctant opposition to my good friend and colleague and classmate, the gentleman from Florida's amendment. This is a small amount of money, but I think it would be significant either for AmeriCorps or for VA research. There are a lot of really tough choices in this bill. The gentleman from Florida has created for us another. But I would urge that we resist the temptation to move this money from AmeriCorps into veterans. We are talking about a program in AmeriCorps that has had its problems; but I think it is pretty clear, in the discussion that we had in committee and on the floor of the House regarding the supplemental, that there is broad support for AmeriCorps. These are young people who are idealistic, altruistic, energetic. They want to serve their country, too. I think we owe that to them. I think it is something the government should be involved with, in supporting that activity.

The discussion has been somewhat about the fact that they are paid volunteers. What they are paid is minimum wage. They often live in communities outside of their home so they have to pay rent. They have to pay for food. The only way that they can meet their obligations is by getting paid. But clearly they are volunteering their time and that year of their life to serve their country. I think that should be continued and rewarded. The program AmeriCorps is a priority program for this Congress. We have said that time and time again. It is a priority for the President of the United States. He has asked us to increase funding. We have increased funding in the 2004 request. I would urge Members to give this some thought. We are talking about a very difficult choice between veterans health and AmeriCorps, but this money is needed in AmeriCorps.

I would urge Members to vote ''no'' on the amendment.

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

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

Mr. Chairman, I respect what my good colleague and classmate, the distinguished gentleman from New York, has said. I might just read from the committee's report itself:

''The committee is completely frustrated at the financial situation created by the lack of financial and grant program accountability at the corporation, even after years of providing funds specifically for the purpose of grant management and assurances made by the corporation during the conference that the corporation, AmeriCorps, was on the path to reform.'' Yet the committee gave it an 11.7 percent increase. When we look at the VA funding for research, it is 2.7 percent. I ask my colleagues to put that in perspective and also put it in the perspective, as the gentleman from New York said, this is a small amount of money but this has a symbolic value to veterans, people who need prosthetic support. To think that you are taking some of the money that is in a program like AmeriCorps and giving it to veterans research, I think, is saying, We're behind you.

I urge support for the Stearns amendment.

Mr. WALSH. Mr. Chairman, I again urge a ''no'' vote on the gentleman's amendment. I respectfully disagree. I urge that the House oppose the amendment.

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

□ 1515

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENT NO. 7 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CAPPS:

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; SCIENCE AND TECHNOLOGY'', after the last dollar amount, insert the following: ''(reduced by $7,300,000)''.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; LEAKING UNDERGROUND STORAGE TANK TRUST FUND'', after the last dollar amount, insert the following: ''(increased by $7,300,000)''.

The CHAIRMAN. Pursuant to the order of House of today, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

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

I understand that the majority has agreed to accept this amendment, and I am very grateful. Briefly, I would state that the amendment would increase Federal efforts to clean up leaking underground storage tanks by $7.3 million. The amendment pays for this increase by transferring the same amount from the EPA's Science and Technology account. The hope is that we can increase our attention to the problem that MTBE contamination is causing to drinking water across this country.

When MTBE gets into groundwater, even at very low levels, it makes water smell and taste like turpentine. This contamination has resulted in closing important drinking water supplies all over the country. To be sure, owners and operators of underground tanks are responsible for cleanup, and that is where this responsibility should lie, but the Federal Leaking Underground Storage Tank Trust Fund provides additional cleanup resources, enforces corrective action and steps in when responsible parties cannot be found.

The LUST fund has a $2.2 billion balance. The bill before us, the underlying bill, only appropriates $73 million of that amount to support cleanup efforts for leaking tanks, and I think we can do better than that.

My amendment today is only a small step toward addressing those cleanup

needs. Perhaps one day we can take a giant leap. So I urge my colleagues to support this common-sense amendment.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we would be happy to accept the amendment.

Mrs. CAPPS. Mr. Chairman, I thank the gentleman.

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

Mr. FILNER. Mr. Chairman, since no one took time in opposition, can I ask unanimous consent to take that time in opposition?

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

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

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

I thank my colleagues for allowing me this time.

Because of the unanimous consent request, there was little time for those of us who wanted to speak on behalf of the veterans of the United States to make that argument. We simply have before us a bill that is inadequate to the needs of our Nation's veterans. There are a lot of reasons that have been advanced, and there are a lot of understandings of the parameters which we have to work with, but that is the reality. We simply have not put the money in.

And we see some of these trade-offs that have to go on, like moving money from AmeriCorps to prosthetic research. We have to make those kinds of decisions because we do not have enough money for research in the budget. We do not have enough money for our veterans.

We are $2 billion under the amount that left this House when we passed the budget resolution. And I love when my colleagues on the other side of the aisle get up and say we should have 2 billion more, but they voted for the rule that puts this bill on the floor and they have not voted for any of the amendments which would put that money back in. The Committee on Rules rejected the amendments that would give us this additional $2 billion.

Do my colleagues know that we have 160,000 veterans who have been waiting for more than 6 months for their first appointment at the VA center? More than 6 months. Some of them will die before they have their first appointment.

We have disabled veterans who have fought for our Nation who have been waiting 2, 3 or more years to get their adjudication settled. Some will die before they get that claim settled.

Nurses are being laid off from the VA health care system. We do not seem to have enough money for those nurses.

We have a system where we had one member of the Committee on Veterans' Affairs, the gentleman from Indiana, say the Priority 7s and 8s are clogging up our system. He has said that our veterans, because they have a certain income or because they did not have a certain level of disability, they are categorized as 7s and 8s. They are veterans, they have protected our Nation; and we have a Member who says they clog the system.

Let us open the system by giving us the resources that we need. Let us open up that system. We cannot leave off veterans because they are clogging it up. The Secretary of our VA, Secretary Principi, and his chief Health Under Secretary, had to send a memo out to his employees, Do not tell any veterans about their rights because we cannot handle them. Do not tell veterans about their rights because we cannot handle their business. That is wrong.

We should give the Secretary the amount of money so we can handle all the veterans that are eligible for that and who need that care.

So I thank my colleagues for allowing me this time, but this bill does not honor our Nation's veterans. When our folks in Iraq and Kuwait and Korea and Liberia and Germany and wherever else they are, when they hear that we do not give the VA health care sufficient funds, what happens to their morale? What happens to their sense of what this country is about? We have to respect the men and women in our Armed Forces by giving the respect to our veterans who have fought for our Nation.

I yield back, but I yield back hoping that we put this money back into this budget at the end of the process.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

I yield to the distinguished gentlemen from New York (Mr. BOEHLERT), my neighbor and colleague, for the purpose of a colloquy.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for the outstanding work he is doing with a very difficult bill under tough fiscal restraints. I think he has demonstrated repeatedly his recognition of the importance of providing the resources necessary to meet so many demands on the Treasury.

I want to enter into a colloquy to draw attention to one particular program in this bill that is of great concern to him and to me.

Last fall, President Bush signed into law the Cybersecurity Research and Development Act of 2002, which had passed the House by a vote of 400 to 12. Under the act, the National Science Foundation should be spending $105 million in fiscal 2004 in activities under that act; yet NSF requested only $35 million for cybersecurity and was not necessarily directing that the money be spent in accordance with the provisions of the act.

Given the importance of cybersecurity research, is it the chairman's view that in its current plan for fiscal year 2004 NSF should fund cybersecurity research activities under the act at a level as close to the authorized level as possible?

Mr. WALSH. Mr. Chairman, reclaiming my time, yes, I agree. NSF needs to make implementation of the Cybersecurity Research and Development Act a priority.

Mr. BOEHLERT. Mr. Chairman, would the gentleman agree then that the level must be significantly above the $35 million level?

Mr. WALSH. Mr. Chairman, I concur.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding to me and look forward to continuing to work with him and all my colleagues in the House for whom this is such an important subject to strengthen our Nation's research enterprise.

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership in the Committee on Science.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

This amendment is cosponsored by the gentleman from Pennsylvania (Mr. KANJORSKI), who is a leader on this issue and has a related freestanding bill which I am happy to have cosponsored.

The purpose of this amendment is simple. It will reverse an ill-conceived policy at the VA to forbid outreach to veterans who may be eligible for VA health care. This policy is unacceptable. The men and women who have put their lives on the line for this country should be fully informed of the benefits that their service has earned them.

Finally, let me thank the subcommittee chairman and the ranking member, who I understand have agreed to accept this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I thank the gentleman from Vermont for yielding me this time.

Mr. Chairman, I rise in support of the amendment. I appreciate the effort of the chairman and the ranking member to support this amendment.

What it basically does is, it allows us to refuse to expend moneys from the Veterans Affairs appropriation for the further advance of the policy to stop the outreach program which was most recently referred to in comment. Imagine, we have veterans out there who do not know the benefits that they are entitled to under health care, and the Veterans Administration determines a policy to say, Do not tell them, do not inform them, do not let them know.

The passage of this amendment will implement into law what H.R. 813, my original bill on this subject, would accomplish and send a message to American soldiers and veterans that we care and that we direct the Secretary of Veterans Affairs to stop interfering with the outreach program but to implement the outreach program once again.

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

I thank my friend from Pennsylvania for his comments. The bottom line is, it is not acceptable that the veterans of this country not know the benefits to which they are entitled.

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

Mr. SANDERS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentlemen from Pennsylvania and Vermont for the amendment, and we are prepared to accept the amendment.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the chairman very much and I thank the ranking member.

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

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT; HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS'', after the first dollar amount insert ''(increased by $5,000,000)''

In title III, in the item relating to ''NATIONAL SCIENCE FOUNDATION; RESEARCH AND RELATED ACTIVITIES'', after the first and second dollar amounts insert ''(reduced by $5,000,000).''

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

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

This amendment would increase the appropriation for the Housing Opportunities for Persons with AIDS program, known as HOPWA, by $5 million. It is a far cry from what is truly needed, but it represents an important first step towards full funding.

I would like to thank the gentleman from New York (Mr. CROWLEY) for cosponsoring the amendment, and I would like to thank the gentleman from Connecticut (Mr. SHAYS) for cosponsoring the amendment and for demonstrating bipartisan support for this amendment and for this program.

I have a lengthy statement, but since the distinguished chairman has indicated he is prepared to accept the amendment, I will say nothing further other than to thank him.

Mr. Chairman, this amendment would increase the appropriation for the Housing Opportunities for Persons With AIDS, or HOPWA, progam by $5 million. This is a far cry from what is truly needed, but it represents an important first step toward full funding.

I would like to thank Mr. SHAYS and Mr. CROWLEY for joining me on this amendment and for demonstrating the bipartisan support for HOPWA.

Mr. Chairman, at any given time, one-third to one-half of all Americans living with AIDS are either homeless or in imminent danger of losing their homes. Without assistance, they face almost certain death on the streets.

This is where HOPWA comes in. Through a variety of services, HOPWA helps thousands of people each year put a roof over their heads and create a stable living environment for themselves.

But HOPWA is not just about being compassionate, it's also good public policy. Having stable, decent housing is the key to maintaining strict treatment regimens which have allowed thousands of people with AIDS to resume normal, productive lives.

HOPWA is a locally controlled program that provides communities with the flexibility to address local housing needs. It also supplies a low-cost alternative to acute-care hospital beds, typically paid for by Medicaid, which are often the only available shelter for people living with AIDS. In fact, while an acute-care facility costs Medicaid, on average more than $1,000 a day assistance under HOPWA costs just $55 to $110 a day.

In Fiscal Year 2002 alone, HOPWA funds served over 60,000 people in 74 cities and 34 states across the nation. This is a well-run, far-reaching and successful program.

When I meet with members of the AIDS community, there is one need that is stressed about all others, and that is housing. Finding affordable housing can be extremely difficult for anyone. Throw in the added complications of living with AIDS—paying for expensive medication, the difficulty in holding a steady job, and perhaps facing discrimination—and it becomes nearly impossible. That's why HOPWA fills such a critical void.

But without sufficient funding, thousands of people will continue to be unable to access these critical services. In San Francisco alone, over 4,700 people are now on waiting lists for HOPWA-funded housing. We must do all we can to reduce this backlog.

The housing crisis facing people living with HIV/AIDS exacts an enormous toll on individuals, their families, and communities across the country. HOPWA dollars help lessen this toll. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely in hospital rooms, shelters, and on the streets of our cities. This amendment is a small step toward what is truly necessary, but even this modest increase will mean the difference between life and death for thousands of people. I urge the adoption of this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to this amendment, which would reduce funding for research through the National Science Foundation, NSF, polar research and to briefly discuss the overall NSF funding. Last year, the President signed into law my bill to re-authorize NSF, allowing for a doubling of funds over the next five years. Among other things, the bill expanded federally funded basic research efforts at America's colleges and universities. Improving science and math education in our country is important because this is how we train new generations of scientists and inventors. Just one example of how crucial NSF is; approximately half of the U.S. Nobel Prize laureates in science and engineering have received NSF research grants. Some of these Nobel laureates gained experience through polar research.

In addition to the purely scientific value that NSF contributes to society, the technological advancements that have resulted from cutting-edge basic research have been the primary force behind the economic and productivity gains of the last fifty years. I am disappointed that the overall increase for NSF is a lessor reduction then last year. Good research leads to the development of new and better products and more efficient ways to produce those goods at a competitive cost. Some examples of what basic federal R&D funding has given us today are the silicon chip, internet, web browsers, supercomputers resulting in more products and more efficient production. The world is getting more competitive, and we must keep finding ways to develop high-quality products that people want at a competitive cost.

Under my re-authorization bill that passed last year, NSF is authorized at nearly $6.4 billion for fiscal year 2004, $4.8 billion of that for research. The bill that we are considering today would only appropriate $5.6 billion for NSF, with $4.3 billion designated for research.

I understand that given the economy and the budget situation, it is necessary for Congress to make tough choices with funding. Still, I am disappointed that the bill before us today would fund NSF at nearly $800 million less than its authorization level. Due to a lack of funding, NSF is currently forced to reject more than 30 percent of its highest rated peer-reviewed proposals. In addition, more resources are needed to invest in emerging fields of research like cyber security, information technology, and nanotechnology.

Mr. Chairman, this Nadler amendment would reduce funding for NSF polar research by $5 million dollars. In light of the significant funding shortfalls that NSF already faces, it would be unwise to drain any more money out of this research program.

Mr. SHAYS. Mr. Chairman, I rise in strong support of this amendment to increase

HOPWA funding. This amendment is tremendously important for thousands of people afflicted with AIDS.

I appreciate the good work the Chairman has done on this bill, as well as the fiscal constraints of this budget cycle. The bottom line, Mr. Chairman, is when it comes to the HOPWA program I think we can do better.

The National Institutes of Health estimates there are between 850,000 and 950,000 Americans living with HIV and AIDS. A majority of these individuals will face a housing crisis at some point during their illness as a result of increased medical expenses and lost wages.

More than 200,000 people living with HIV/AIDS are in need of housing assistance and HOPWA is the only federal program specifically designed to meet this need.

The HOPWA program is one of the most cost-effective ways to provide people living with HIV/AIDS with adequate and affordable housing.

Acute care facilities under Medicaid cost more than $1,000 a day as compared to HOPWA community housing, which averages $55 to $110 per day.

The program keeps those living with HIV/AIDS off the streets and out of expensive acute care facilities.

My predecessor, Stewart B. McKinney, died of AIDS-related pneumonia. His wife, Lucie, carries on his work as chairman of the Stewart B. McKinney Foundation. This foundation is dedicated to providing housing to persons and families living with HIV/AIDS.

The McKinney House and other HOPWA programs approach the HIV crisis in a truly caring, community-based and cost-effective manner. Because 90 percent of HOPWA funds are distributed to states by formula, states and localities control how money is spent—not the federal government.

Communities are empowered to use HOPWA funds to meet their unique housing needs, from providing short-term supportive housing for low-income persons with HIV/AIDS, to building new community residences.

The flexibility has, in large measure, contributed to the widespread success of the HOPWA program.

The bottom line is that money for HOPWA is money well spent. I urge support for the HOPWA Amendment.

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

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the end of the bill, before the short title, insert the following:

SEC. 421. None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mortality that differ based on the age of the adult.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, I rise today with the gentleman from California (Mr. WAXMAN) to offer an amendment which prevents the EPA from placing a lower statistical value on the lives of older Americans than the lives of other adults. The amendment is necessary because last year, under pressure from the Office of Management and Budget, EPA began applying an economic technique that assumes that the value of a life of an elderly person is worth less than other citizens.

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After a public outcry, EPA Administrator Whitman announced that EPA would stop using that technique. But OMB is still pursuing techniques that discriminate between people based on their age.

This amendment prevents EPA from asserting that older Americans are worth less than other adults. The effect of advocating methods that devalue the lives of some Americans makes health regulations that save lives appear less worthwhile.

Make no mistake, there is no dispute here over how many lives are saved; this dispute is over whether we are going to let EPA cook the books to make some people's lives worth less than others.

This amendment is supported by AARP and a host of different environmental organizations. I appreciate the supports of the Chair and ranking member. I understand the Chair of the subcommittee is willing to accept this amendment to ensure that EPA does not shortchange protections for senior citizens when considering proposals to protect the public health.

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

Mr. ALLEN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding. We have looked at the amendment. We compared it to what EPA's position is. We are very confident that the EPA has made it very clear that it will not use statistical analysis that devalues the lives of older people, that that was the right decision.

The gentleman's language is perfectly acceptable, and I have no objection to the amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman ALLEN's amendment to protect seniors.

This amendment bars EPA from applying the discredited "senior death discount" when evaluating the benefits of pollution control. Instead, the amendment requires EPA to place an equal value on each adult life saved.

You may wonder why we need this amendment. After all, the right of equal protection is enshrined in our Constitution.

Well, here's the problem. When EPA adopts a pollution control requirement, EPA often looks at the public health benefits to decide whether to make the requirement more or less protective. In particular, EPA looks at the number of lives we could save by reducing pollution that causes cancer, heart attacks, strokes and other fatal diseases.

Then EPA translates the lives saved into a dollar value. You may or may not agree with putting dollar values on human life, but that's what the agency does.

Traditionally, EPA has said that all lives have an equal value. But recently, the White House Office of Management and Budget has been pushing agencies to base the dollar value of a life on the age of the person. Specifically, the Administration said that the life of each person older than 70 was worth 37 percent less than the life of a younger person.

That's just wrong.

It's so wrong that this past May EPA said it will stop. Then-Administrator Christie Todd Whitman said: "EPA will not, I repeat, not, use an age-adjusted analysis in decision making."

But OMB didn't make any promises. According to Dr. John Graham, who oversees all of the Administration's rulemaking, the only thing wrong with the senior death discount was a technical flaw—the 37 percent discount wasn't the right number. OMB still insists that the value of saving a life may depend on a person's age. And OMB is still pushing EPA to use this technique.

This amendment says no. We're not less worried about air pollution if it "only" kills our parents and grandparents. Cancer isn't less painful when it strikes the elderly. Senior Americans have worked hard all their lives, and they don't deserve to be abandoned now.

I urge my colleagues to support this amendment to ban the Senior Death Discount.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LYNCH:

To insert after final bill section:

SEC. . SENSE OF CONGRESS REGARDING WAIT TIMES FOR VETERANS

An amendment expressing the sense of Congress that no veteran should wait more than thirty days for an initial doctor's appointment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. Chairman, I will not take the full 5 minutes, and I understand that the

gentleman from New York (Chairman WALSH) may be willing to accept the amendment. So I would like to yield to the gentleman from New York (Mr. WALSH) for a clarification.

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

Mr. LYNCH. I yield to the gentleman from New York.

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

We do agree. It is a good amendment, it helps the bill, and this is a worthy goal for the Veterans Administration; and we endorse the amendment.

Mr. LYNCH. Mr. Chairman, reclaiming my time, this amendment targets the long waiting periods faced by our armed service veterans. Many of those are World War II veterans who are trying to access for the first time in their lives the VA system itself. Many of those are trying to access the VA pharmacies in order to get prescription drugs. We have 160,000 veterans who have been on the waiting list for over 6 months. This is an opportunity with this amendment to address that problem.

In addition to our World War II veterans, I do want to say several weeks ago I returned from Iraq visiting our veterans in Baghdad, armed service people in Baghdad and Kerkook. I visited the 804th Military Battalion in Camp Wolf over in Kuwait. We have every reason to be proud of the men and women of our armed services and the job they are doing in the Mideast.

I would like to thank the gentleman from New York (Chairman WALSH) and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their great leadership on this issue.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to accept, consider, or rely on third-party intentional dosing human studies for pesticides.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge the House to pass the Bishop amendment, which will continue the ban on the human testing of pesticides. Human testing of pesticides is wrong on many levels. It is morally wrong, it is ethically wrong, it is environmentally wrong, and it is even scientifically wrong.

In the wake of World War II and the horrendous crimes committed against humanity, many of them by doctors, American judges wrote what is called the Nuremberg Code when those doctors went on trial. This code prohibits non-therapeutic medical testing. Pesticide testing does not meet that criteria. Pesticide testing is not about public safety; it is about private interests.

Because of the stricter requirements of the unanimously passed Food Quality Protection Act of 1996, the pesticide industry has been under mounting pressure to reduce the risks that pesticides pose to infants and children. The industry has adopted a strategy to evade these requirements by testing pesticides on a small number of adult human subjects and to thereby remove safety factors and other protective requirements.

And unlike human testing of drugs, which has the potential to benefit test subjects or to directly improve human health, the pesticide industry's purpose in conducting human tests of pesticides is to weaken otherwise applicable health protections and to increase their profits. Intentional dosing of humans with pesticides is unethical since it is done to advance industry interests and to weaken otherwise applicable health protections, not to benefit test subjects or the public health.

At the end of the day, these tests are scientifically irrelevant for several reasons. Human tests of pesticides are scientifically invalid because they routinely test tiny numbers of healthy people, often just eight adult males, whereas a test of thousands of people is needed to yield statistically valid results for certain effects.

The results of these tests are non-applicable because they are testing self-selected, healthy adult males; yet the protections we seek are for all Americans, including vulnerable children. It is ridiculous to somehow infer if you do not witness symptoms in a small number of adult males, that the level of pesticide is therefore safe for a child.

When media reports first informed the American people that the pesticide industry was conducting human testing, the resulting outrage resulted in an EPA moratorium of the studies, as well as a panel to study the morality of the issue. In 2000, that panel concluded if the use of human subjects in pesticide testing can be justified, that justification cannot be to facilitate the interests of industry or of agriculture, but only to better safeguard the public health. That standard has never been met by the pesticide industry.

More recently, in December of 2001, in the wake of a public outcry after reports that the Bush administration was considering using such human tests, EPA Administrator Whitman announced the EPA would not use these tests to make decisions. However, the pesticide industry sued, arguing that the EPA failed to follow the procedures required by the Administrative Procedures Act in adopting the policy. On June 3, 2003, a court agreed and set aside the Bush administration's temporary moratorium, ruling that the EPA followed the wrong procedures in adopting it.

We simply cannot allow human testing of pesticides to proceed on a loophole. Let us be ethically right, environmentally right and scientifically right, and pass this amendment to prohibit human testing of pesticides.

Mr. WAXMAN. I rise in strong support of the Bishop amendment.

Mr. Chairman, it is simply wrong to intentionally test pesticides on humans. Yet as we speak here today, the pesticide industry is doing just that.

These studies don't stand up to scientific and ethnical requirements. In many cases, the pesticide industry conducts these studies overseas where it can more easily avoid public scrutiny and accountability. Often the studies are conducted without the informed consent of the test subjects. Sometimes, the test subjects are not even told they are being exposed to pesticides.

For example, in Scotland one company paid volunteers to drink orange juice that contained doses of the extremely toxic insecticide ''aldicarb.''

Some of the participants in this study are now suffering ill health. They are embittered because they say they would not have participated had they known they were being exposed to pesticides.

For most of the last 5 years, EPA has refused to consider these kinds of studies. Since the studies often violate the ethical standards that apply to most research, EPA has simply refused to consider pesticide studies conducted on humans.

However in November 2001, we learned that EPA had departed from its previous policy and was beginning to use these unethical tests. Congress and the public were outraged. As a result, EPA reestablished a moratorium on using these studies.

Unfortunately, just last month, the D.C. District Court of Appeals overturned the moratorium when the pesticide industry argued that EPA had made procedural mistakes in issuing the moratorium.

EPA's procedural mistakes are no reason to allow industry to intentionally expose humans to pesticides.

A number of religious groups including the Coalition on the Environment and Jewish Life and the Washington Office of the Presbyterian Church have written to Congress today on this issue. Let me tell you what they say:

We believe that it is deplorable and unethical to intentionally dosed humans with substances designed to be toxic, with no conceivable benefit to the subject, solely for eliminating or lessening regulatory safety margins.

Mr. Chairman, Congress needs to act to stop this unethical and unscientific practice.

The Bishop amendment addresses this important ethical issue by reestablishing the EPA

moratorium in the coming fiscal year. Specifically, the amendment prohibits EPA from using studies which have intentionally dosed humans with pesticides. If EPA cannot use the studies, industry will have no incentive to conduct them.

I commend the gentleman from New York for his leadership on this issue.

I urge all Members to support the Bishop amendment.

Mr. BISHOP of New York. Mr. Chairman, I yield back my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $5,400,000) (increased by $5,400,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

Mr. Chairman, I am offering this amendment to restore personnel levels at the Environmental Protection Agency's budget for compliance monitoring and civil enforcement to the FY 2003 level. I understand the committee's estimate of the number of positions for inspections and civil enforcement, that the current appropriations bill would reduce that level by about 54 positions.

This amendment would take $5.4 million from the EPA's Environmental Programs and Management Account of nearly $2.2 billion and redirect those funds to the EPA's Office of Enforcement and Compliance Assurance for salaries and other expenses to increase the personnel level for civil enforcement by 54 positions on the assumption that this amount is sufficient to cover the salary and expense of these employees.

It is also my understanding that these additional funds would be redirected from within the agency's entire operating budget and not reprogrammed from other enforcement functions such as lab support or travel inspectors.

Mr. Chairman, I recognize we have worked hard in a very difficult funding year to meet the needs of the EPA, and I would be most hopeful if the gentleman could accept this amendment.

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

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MORAN of Kansas:

At the end of the bill (before the short title), insert the following new section:

SEC. ___. None of the funds in this Act may be used by the Secretary of Veterans Affairs to provide reimbursement for beneficiary travel under section 111 of title 38, United States Code, based upon a mileage allowance rate that is less than the rate in effect under title 5, United States Code, for Federal employee travel.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer today would raise the reimbursement rate for veterans traveling to health care facilities. The current standard reimbursement rate for Federal employees is 36 cents per mile, while veterans are currently reimbursed at the much lower rate of 11 cents per mile for beneficiary travel. This amendment would require the VA Secretary to reimburse veterans at the standard Federal rate.

In 1978, Congress enacted authority for the Secretary of the Department of Veterans Affairs to have the discretion to adjust reimbursement for certain veterans' travels to and from VA health care centers. At the time, the standard rate for reimbursement was set at 11 cents per mile. Reimbursement for eligible veterans is also subject to a $3 deductible for each one way visit, not to exceed $18 in one calendar month.

Each year, the VA is required to review the beneficiary travel rate and has not taken any action to increase it, despite that review. As a result, the VA beneficiary travel rate has not been adjusted for 25 years. In comparison, travel reimbursement for Federal employees is currently 36 cents, more than three times the rate we pay veterans.

I currently serve as the vice chairman of the Committee on Veterans' Affairs Subcommittee on Health, and have been long an advocate for improving veterans' access to VA health care. This is particularly true for those of us who represent rural districts, and in my case there is no veterans hospital in that district.

A reasonable reimbursement rate for travel is integral for our veterans actually being able to have access to the VA health care they are entitled to. I support an increase in the beneficiary mileage reimbursement rate; but, unfortunately, the only way that it can be paid for in today's proceedings is through compromising medical care.

Therefore, at the end of my remarks, I intend to withdraw this amendment, but I would use this as an opportunity to urge not only my colleagues, but the Secretary of Veterans Affairs, to request additional funding from Congress for a rate increase for beneficiary mileage.

Therefore, Mr. Chairman, I ask the cooperation of my colleagues in achieving this goal. I would ask that the Secretary work with us to come up with the necessary funding to increase that rate.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NADLER:

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after each of the first, second, and fourth dollar amounts, insert the following: ''(increased by $150,000,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND'', after the first dollar amount, insert the following: ''(reduced by $150,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will upset the normal order of things by first yielding 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for offering this amendment and for yielding.

Mr. Chairman, this budget is clearly inadequate for our housing needs. The Committee on Appropriations was given too little to work with. I would be more sympathetic to the majority on the Committee on Appropriations if they had not all voted for the budget, which is the reason they had too little to work with. But by the time they are through with the tax cuts and other things, there is simply too little left here for basic housing needs, even to keep where we now are, and that has been too low.

Mr. Chairman, I include for the RECORD a document from the National Low Income Housing Coalition, which makes clear exactly how much of a shortfall there is.

Mr. Chairman, I want to commend the gentleman from New York for his amendment, which goes part of the way towards undoing the damage this bill will do to our housing programs.

HOUSING APPROPRIATIONS INADEQUATE; 85,000 FAMILIES AT RISK

Tens of thousands of low income families, seniors, and people with disabilities are at risk of losing their housing under the VA–HUD–IA Appropriations bill passed by the House Appropriations Committee on July 21 and set to be considered by the full House on Friday, July 25.

The most serious problem lies in the funding of the Housing Choice Voucher program. The Appropriations Committee appropriated $583 million less to the program than is needed to renew every voucher currently in use by low income families, making it almost a certainty that at least 85,000 households will lose their housing assistance sometime in the coming year.

The Committee appropriated $13.26 billion for the voucher program. Although the funding represents an improvement over the Bush Administration's request, which was $1.26 billion short and would have jeopardized the housing of more than 180,000 families, the cut represents the first time in the history of the voucher program that Congress or an Administration would break the federal government's longstanding commitment to renew all existing vouchers.

''Housing is a foundation of our communities and our families,'' said NLIHC President Sheila Crowley. ''The reality today is that millions of families just do not earn enough to be able to afford even modest housing. It is outrageous that in a time of economic downturn Congress not only is failing to address the unmet need, but is actually taking the unprecedented step of cutting families from the voucher program.''

In addition, the House bill does not provide funding for existing vouchers that are not in use at the beginning of FY04. As a result, a further 95,000 authorized vouchers that could potentially have been used to serve additional families from waiting lists will be defunded, according to the most recent data analysis by the Center on Budget and Policy Priorities.

The cuts come while only a fraction of eligible households receive vouchers, which typically pay the difference between 30% of the family's income and the rent on a modest rental home. Most families seeking assistance face a several year wait. In larger cities, waiting lists can be as long as eight to 10 years.

''The Administration and Congress enacted reckless tax cuts benefiting the wealthiest elites of this country, and now it is hard-working families and seniors struggling to make ends meet who will pay,'' Ms. Crowley added.

The Committee did rebuff the Administration by failing to take steps to turn the voucher program into a block grant to the states, something the Administration has been urging. Advocates have expressed serious concern about the block granting plan, as block grants typically decrease in value over time and allow states to make changes to programs that can lessen their effectiveness and original intent.

The Committee has allocated a net appropriation of $31.8 billion to HUD, not including offsets. The $31.8 billion is an increase of $817 million from last year's budget and a $96 million increase from the President's requested budget. While the appropriation looks as if it is a slight increase, the amount is inadequate because housing costs have risen rapidly in the past year, meaning that additional funding is required to serve the same number of households.

In addition, the appropriation does not consider the increasing number of low income people who are unable to afford a home. There is currently a 2 million home gap in the number of lowest income families (those in bottom income quintile) and the number of rental homes affordable to them, and the committee does not address this need.

In constant dollars, the amount appropriated to housing for low income people continues to decline. HUD's FY04 budget of $31.8 billion would be only one-third of the FY1976 HUD budget (in the last year of the Ford Administration, in 2002 constant dollars).

Besides the voucher program, key provisions of the bill include:

HOPE VI. The Administration targeted the HOPE VI program for elimination in FY04. The Appropriators instead allocated $50 million to the program, a small fraction of the $574 million it has received in recent years. The program, which helps communities rehabilitate and demolish distressed public housing, has received bipartisan support by many Members of both the subcommittee and the full House. However, it is unlikely the full House will find funding for the program equal to current levels.

Public Housing. The public housing capital fund would receive $2.7 billion, level funding from FY03 and $71 million more than the President requested. The funding for capital needs remains wholly inadequate, given the $20 billion estimated backlog in capital needs. The public housing operating fund, which funds operating expenses such as utility payments and maintenance, was appropriated a total funding level of $3.6 billion. The appropriation represents a $250 million shortfall, although it is $26 million more than the President's request and $23 million above the FY03 funding level.

Two of the President's much-touted initiatives were not fully funded: The American Dream Downpayment Initiative, which would provide downpayment assistance to first-time homebuyers, received only $125 million of the $200 million the President had requested. His Samaritan Initiative, which would provide $50 million for housing and services for people experiencing long-term homelessness, was not funded.

In addition, the Committee tempered other of the Bush Administration's attempts to cut funding. As it has done for the past two years, the Administration did not request any funds at all for the Rural Housing and Economic Development program. Appropriators reinstated funding to $25 million, last year's level. The Brownfield Redevelopment program, intended to redevelop contaminated sites and provide jobs to low income people, was appropriated $25 million despite the Administration's attempts to eliminate the program. The subcommittee suggested in the report that HUD work collaboratively with the Environmental Protection Agency to redevelop sites.

Mr. NADLER. Mr. Chairman, I yield myself 2 minutes.

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

Mr. NADLER. Mr. Chairman, this amendment would increase funding for section 8 housing vouchers by $150 million to help low-income families afford safe, decent housing. To offset this increase, the amendment cuts the working capital fund from the management and administration accounts by an equal amount.

The need for housing assistance is staggering. As of January 1, the New York City Housing Authority had 142,000 applicants on its waiting list for section 8. And it gets worse. The section 8 waiting list has been closed to new applicants since December 1994, and there is still 142,000 people waiting, just in New York City. In 1999, a HUD study concluded there were nearly 5 million low-income families who paid more than 50 percent of their income for rent or lived in severely substandard housing.

In the last several years, housing prices have continued to skyrocket, and with the stagnant economy and rising unemployment rates the problem is probably even worse and more severe today. We must not ignore the desperate situation facing these families any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. More than 2 million American families benefit from section 8 vouchers. For these families, section 8 is a lifeline and enables them to live in decent housing.

□ 1545

Mr. Chairman, why are we planning to undermine the program in this bill by not expanding it?

The fact is, as recently as a few years ago, in fiscal year 2001, we increased the number of vouchers by 79,000. In fiscal year 2002, we increased it by 18,000. Last year we increased it by zero. This budget proposes to increase it by zero.

The amount of money I am proposing to put into this bill will increase a mere 23,000 new vouchers. Waiting lists are in the millions. We can afford the offset. We have already appropriated over $1 billion in the last couple of years to upgrade the computer system. We are proposing $330 million more this year. We are saying, take about half of that, less than half of that, and provide services for people. If it takes HUD a little longer to upgrade its computer system, they will live with that, so 23,000 people will have decent housing.

Mr. Chairman, that is a fair trade, and that is why I urge my colleagues to support this amendment.

JULY 25, 2003.

To: Members of the House of Representatives.

Re funding for the Housing Choice (''Section 8'') Voucher Program.

As members of the faith community, we are writing to express our concern about funding for the Section 8 housing voucher program. Our organizations serve millions of low-income individuals and families who, despite their best efforts, are struggling to meet their basic needs and to achieve economic stability. To many of those we assist, the lack of affordable housing presents a considerable obstacle, and the Section 8 voucher program offers in turn a critical

form of assistance. Through our work, we are witness to the important role that housing vouchers play in preventing homelessness, and in helping low-income individuals and families to make progress towards economic stability.

Congress has for many years expressed a strong commitment to the Section 8 voucher program, consistently voting to increase the number of vouchers authorized and to fully fund all authorized vouchers. This commitment has been important, as the need for housing assistance has continued to expand. In most communities, there are long waiting lists for Section 8 vouchers, and it is estimated that only one third of eligible households receive voucher assistance.

To our disappointment, however, Congress appears to be retreating from this commitment. In the appropriations law for 2003, Congress failed, for the first time in recent memory, to include funding for incremental Section 8 vouchers. This week, the House Appropriations Committee reported out a VA–HUD appropriations bill for 2004 that would, by its own estimate, fund only 96 percent of authorized Section 8 vouchers, and again includes on funding for incremental vouchers.

Moreover, while we appreciate that the House Appropriations Committee has made a sincere effort to improve on the President's budget request for the voucher program, and we recognize that estimating future voucher costs is difficult, there is reason to believe that the Committee's estimate is overly optimistic. Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities (CBPP) suggest that the Committee's estimate is based on voucher cost assumptions that are too low. For example, in an analysis of the most recent voucher cost data from the U.S. Department of Housing and Urban Development, CBPP estimates that the Section 8 appropriation in the House bill would be sufficient to renew only 91 percent of authorized vouchers, and is approximately $580 million short of the funding that will be necessary to fully renew vouchers leased in 2004. A shortfall of this magnitude would have a destructive impact on thousands of vulnerable households—85,000 households, by CBPP's estimate—the great majority of which are working families, elderly, or disabled.

We therefore urge you to renew Congress's commitment to fully fund the Section 8 voucher program. Specifically, we ask that you increase the Section 8 appropriation sufficiently to ensure that all authorized vouchers will be funded, and to make certain that no households using vouchers in the coming year will be denied funding.

As faith-based organizations, we are committed to strengthening our communities by assisting those who are the most vulnerable, and we believe that our work is not simply a matter of charity, but of responsibility, righteousness, and justice. We urge you to assist us in our work by renewing Congress's commitment to fully fund and expand the Section 8 voucher program.

Sincerely,

American Baptist Churches USA.
Call to Renewal.
Catholic Charities USA.
The Episcopal Church, USA.
McAuley Institute.
NETWORK, A National Catholic Social Justice Lobby.
Presbyterian Church (U.S.A.) Washington Office.
United Jewish Communities.
Volunteers of America.

Mr. Chairman, I am offering, with Congresswoman VELÁZQUEZ, this amendment to increase funding for Section 8 vouchers by $150 million to help low-income families afford safe, decent housing. To offset this increase, we propose to cut the working capital fund from the management and administration account by the same amount.

The need for housing assistance is staggering. As of January 1, 2003, the New York City Housing Authority had 141,837 applicants on its Section 8 waiting list. And it gets worse. The Section 8 waiting list has been closed to new applicants since December 1994. That is just in New York City.

In 1999, a HUD study concluded that there were nearly 5 million low-income families who paid more than 50 percent of their income for rent or who lived in severely substandard housing. In the last several years housing prices have continued to skyrocket, and with the stagnant Bush economy and rising unemployment rates the problem is probably even more severe today. We must not ignore the desperate situation facing many families or the severity of their needs any longer.

I challenge anyone to argue that tenant-based Section 8 vouchers do not achieve their goals. More than 2 million American families benefit from Section 8 vouchers. For these families, Section 8 is more than a contract or a subsidy; it is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. Thanks to Section 8, families are able to afford decent, safe housing. Nothing extravagant and, frankly, sometimes not very nice at all, but much better than the alternative.

Research supports the benefits of Section 8 housing. Section 8 children are much less likely to be involved in violent crime, and they are more likely to stay in school and improve their educational performance. Section 8 families are more than twice as likely to leave welfare, and have success moving into the workforce. Based on these and other findings, the bipartisan, congressionally-chartered Millennial Housing Commission strongly endorsed the voucher program in its May 2002 report, describing the program as ''flexible, cost-effective, and successful in its mission.''

So why are we planning to undermine the program in this bill?

The bill, in its current form, does a terrible disservice to those most in need. Unlike the previous administration which in the year 2000 requested 120,000 incremental Section 8 vouchers, the Bush Administration would prefer to block grant the program and cut its funding. Thankfully, not even the Republicans agreed to such a radical proposal. However, this bill would contribute to the growing backlog of families who can't afford decent, safe and sanitary housing.

I want to quote from a letter from religious organizations throughout the country who write that ''Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities (CBPP) suggest that the Committee's estimate is based on voucher cost assumptions that are too low. . . . CBPP estimates that the Section appropriation . . . is approximately $580 million short of the funding that will be needed to fully renew vouchers leased in 2004.'' That means that 85,000 households will be affected.

Our amendment will allow about 23,500 more families to live in safe, affordable, decent housing. It is not asking for much. We can and should do more. But today, we only ask for a very modest amount.

Franklin Delano Roosevelt spoke eloquently in 1944 of the fact hat, and I quote: ''True individual freedom cannot exist without economic security and independence. Necessitous men are not freemen.'' FDR was right—every family deserves a decent home.

President Roosevelt's commitment to provide decent, safe, affordable housing to those who could not afford the rents in the private market continued through both Democratic and Republican administrations. Richard Nixon, Ronald Reagan and the first George Bush all—to some degree—continued that commitment. And yet today, this bill does not properly fund Section 8 housing vouchers. Families in need will suffer under this bill if we cannot amend it.

We must house our people. Let's continue the legacy of this great nation. Please vote yes on the Nadler-Velázquez amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would not slow down HUD's ability to operate; it would slash their annual funding that is required to keep their information technology systems, it would cut it about 67 percent, two-thirds of their ability to manage their information in that department.

The adoption of this amendment would likely bring the department's day-to-day operations to a halt. Public housing authorities would not get paid, grants would not be made, commercial lenders would be unable to process FHA-insured loans.

I share the sponsor's desire to ensure that adequate funding is available for Section 8 renewals, and I believe that the bill does just that. Last year, we instituted major reforms for Section 8 to better estimate actual funding requirements and to end the chronic problems of recapture. This bill continues these reforms.

We have provided $11.6 billion for Section 8 renewals, the full amount necessary to support the projected actual requirement based on the latest verified cost and use data. In addition, we have included another $568 million in Central Fund as a cushion, should actual renewal needs be greater than projected. This means that in total, the bill provides over $12 billion for Section 8 voucher renewals, an $810 million increase over our 2003 bill, and $205 million more than was requested in the budget, 7 percent above the 2003 level.

Last year, there was much discussion and debate over the funding methods that we used, if they would provide adequate funding for 2003. Based on current spending to date, it appears that our new funding methodology is pretty close to the target. In fact, of

the $381 million cushion we provided in Central Fund for 2003, only $99 million is estimated to actually be spent this year, leaving those funds available for 2004, in addition to the $568 million we have included in this bill.

I understand that an outside interest group has provided its own analysis of Section 8 funding requirements, a group that I would note fought the reforms we adopted in 2003. This analysis was not based on HUD data; it was based on unverified information submitted by public housing authorities. It is my understanding that HUD's experts have repeatedly warned this group and others that this information was neither appropriate nor reliable for accurately predicting Section 8 funding needs.

Let me assure my colleagues that this subcommittee will continue to work closely with the experts at HUD to monitor and examine the estimated Section 8 funding needs as we move through the process and verified, reliable data becomes available.

Mr. Chairman, I urge the rejection of this amendment.

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

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend from New York for yielding me this time.

I rise in strong support of the Nadler-Velázquez amendment to provide decent, affordable housing to the working poor. While I salute the work of the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Ranking Member MOLLOHAN) for making the best possible bill with the awful budget constraints they were given by the leadership of the House, the facts demonstrate that the Section 8 housing program is badly underfunded and, at this level, will lead to the possible eviction and homelessness of 85,000 families.

Who are Section 8 families? They are the working poor who cannot afford housing in today's high-priced markets, in my district in such places as Queens and the Bronx. They contribute 30 percent of their income to housing, so it is not free housing we are talking about. Section 8 serves as a vital tool to help those families whose only other choice is the streets.

In my district, I see a number of Section 8 houses threatened, such as the Seward Manor in the Bronx in New York, which I represent. I am working to save the homes of those families, but without Section 8 vouchers, this will be a losing battle.

I can also just add to this that I know there are landlords in New York City who are refusing Section 8 vouchers as they exist right now. We should be enhancing this program, making them more lucrative to landlords to accept. In fact, the enhanced vouchers are threatened by landlords of being rejected.

This is a real crisis, potential crisis in the City of New York. We see homelessness on the streets rising on a daily basis. We should not be contributing to that factor. These are hard-working people, working people, not just poor people. They are working poor people. They are people struggling each day to put food on their plates, to afford to buy prescription drugs and, at the same time, affording themselves the opportunity to have a roof over their heads, that are being threatened right now with the decrease in enhancement of vouchers in Section 8:

So I would ask my colleagues to support this amendment and give an opportunity of hope to people who desperately need that in Section 8 vouchers.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, let me, first of all, compliment the gentleman from New York (Mr. NADLER) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their leadership on this issue. Let me dwell for a moment on the 185,000 families that my colleague from New York alluded to earlier.

At a time when unemployment in this country is rising, at a time when poverty is rising in major parts of this country, it strikes me that this, frankly, is the kind of program that we ought to be investing more into, and not less.

Section 8 has a bipartisan history. There was a time, Mr. Chairman, when many of our colleagues on the other side of the aisle firmly embraced this program as an example of the public sector and the private sector combining together.

In so many ways in this budget, particularly in the area of housing, we are dismantling tools, we are deconstructing tools that we ought to be putting more behind. I am deeply concerned about that. Just 3 weeks ago in my district, we held a Section 8 event and we drew in, in Birmingham, Alabama on a Wednesday night, 250 people to come out because they were concerned about the changes in this program.

Now, I compliment the leadership of the subcommittee for not doing the block-granting that the President wanted to do, and I compliment them for putting more money behind this program than what the President wanted to provide. But as I looked into the faces of those 250 people who came out, it was clear to me that they need this kind of program. They need it to be well-funded. A number of them, close to 1,000 of them in the State of Alabama, stand to lose their funding under this budget. That is a very cruel signal for us to send these hard-working Americans who are not getting the child tax credit check today that they ought to be getting, and who are facing so much economic anxiety and insecurity right now.

This bill is flawed in so many ways, Mr. Chairman, because it makes the wrong set of investments, it chooses the wrong set of priorities. So many of us in this House regularly talk about extending opportunity. This is a means of extending opportunity, because when we give people a chance at housing, when we give people a chance to have the spark of homeownership, this is a huge benefit to them.

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

Mr. Chairman, first, let me note and thank the gentlewoman from New York (Ms. VELÁZQUEZ) for coauthoring this amendment with me. She could not be here on the floor right now, but it is her amendment as well as mine, and I want to express my appreciation to her in public for all the work that she has done on this amendment.

Second, the distinguished chairman said that an outside interest group estimated the costs of the vouchers. The fact of the matter is, and I quote from a letter from some church groups, religious organizations throughout the country who wrote, ''Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities suggest the committee's estimate is based on voucher cost assumptions that are too low'' because, in fact, they are a couple of years out of date. ''CBPP estimates that the Section 8 appropriation is approximately $580 million short of the funding that will be needed to fully renew vouchers leased in 2004.''

That means that about 85,000 vouchers will not be paid for, assuming the Congressional Budget Office and the Center of Budget and Policy Priorities are more correct than those of the Department, for which I would rather give them the benefit of the doubt than I would the Department.

This amendment would restore funding for 23,500. Frankly, it is simply unacceptable in a time of rampant homelessness, in a time when in New York City, and I use this as an example because conditions are bad in many places, the waiting list for public housing was closed in 1994 and the waiting list is almost 200,000 since then. You cannot get on the waiting list in the last 9 years.

People are desperate for housing. It is unacceptable to have a budget that purports to increase the number of Section 8 vouchers by zero, and that may very well, if in fact the CBO and the CBPP were correct in saying that HUD estimates of costs are wrong, may very well cut it by 85,000. That is just not acceptable.

So I urge my colleagues to accept this amendment. Yes, it will present some difficulties perhaps with computerization. HUD can survive that. But this will enable 23,500 additional households to have decent housing, maybe 23,500 additional kids to be able to learn in school instead of not being able to learn in school because they have no place to do their homework

and no decent place to literally hang their hats.

This is a modest, minimal amendment. It is minimal decency. We should be doing it 10 times larger, but given the constraints of the budget, the constraints of the tax cut, this is the least we can do.

I am sorry, by the way, if it were not for the constraints of the tax cuts and the budget that were forced on this side of the aisle by the other side of the aisle, we would not have to take $150 million away from this computerization program. We would not have to have that offset. We could simply say, in decency, let us help provide more people with decent housing.

But we must do this offset. The offset may not be the best thing, but it is a heck of a lot better than 23,500 families not having decent housing.

So I urge my colleagues to support this amendment.

Ms. VELAZQUEZ. Mr. Chairman, I rise in support of the Nadler-Velázquez amendment to increase funding for Section 8 vouchers. This successful program is the principal form of housing assistance for low-income families, the elderly and the disabled.

For the last several years, I have taken to the floor with like-minded colleagues time and time again to decry the deep and sweeping cuts being made to the HUD budget. In FY 2001, 79,000 new vouchers were appropriated—that was the last year of the Clinton Administration. As soon as President Bush took office, the number of new vouchers dropped to 18,000. In FY 2003, no new vouchers were appropriated.

During these debates we have discussed how rising housing costs are far outstripping income growth for low-income Americans. We contrasted the growing need for housing assistance, with the drastic cuts to HUD's budget. And we warned that by allowing the housing crisis to take firm root in time of economic prosperity it would grow beyond control during an economic downturn. Well, Mr. Chairman, you reap what you sow.

Unemployment is up, the markets are down, and housing costs continue to rise. The need for housing assistance is skyrocketing across the nation, and homelessness is at a 10-year high. In fact, the housing crisis is so bad in New York City that low-income families were actually housed in jail cells.

Our cities and States have continuously called on the Federal Government for assistance—yet never has a HUD budget so directly exacerbated this national housing crisis. President Bush's FY 2004 HUD budget proposal called for a mere 5,500 new vouchers.

This spring, my colleague from New York and I sent a letter to chairman and ranking member of this subcommittee, signed by 66 Members of the House, urging funding for 79,000 new vouchers. This request was soundly ignored. We were all well aware that the Republican tax cuts would put us in such a budget crisis that funding for all low-income programs would be on the chopping-block. But I never thought that we would be standing here today voting on a budget that actually cuts current Section 8 assistance for 85,000 families, and will likely lead to their eviction.

The Nadler-Velázquez amendment offers some relief by providing an additional $150 million for this account. It would protect nearly 22,000 low-income families whose housing is jeopardized by this bill.

Clearly, the entire VA–HUD appropriations bill is underfunded. And using funding from one Federal program to offset another is less than ideal. While Mr. NALDER and I reluctantly included this offset, we unequivocally support increasing Section 8 funding. I urge my colleagues to support the Nadler-Velázquez amendment—and the right of low-income American families to safe, decent, affordable housing.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the Nadler-Velázquez amendment to provide an additional $150 million for the Housing Certificate Fund for housing vouchers.

First I want to acknowledge that Chairman WALSH and his staff improved upon the President's request for the Housing Certificate Fund, particularly by using a more up-to-date estimate of the average annual cost of each housing voucher. But I am concerned that the average cost estimate used may yet be insufficient to actually renew all currently used vouchers.

I understand the need to base estimated costs for the housing voucher program on financial statements that have been audited by HUD. But the audit work takes time, such that by the time the audited data is available, it is almost certainly out-of-date. The bill before us does not use the most recent estimates from HUD on the number of vouchers currently in use and the average cost of each voucher.

It it true that the most recent data, based on information provided to HUD by State and local housing agencies in April 2003, does not come from audited financial statements. But we should not completely ignore what it tells us about average voucher costs, in particular.

The experts at the Center on Budget and Policy priorities have produced a report indicating that, based on this most recent HUD data, the bill before us is very likely $583 million short of what is needed to fully renew all currently used vouchers. That shortfall, if borne out next year, would result in at least 85,000 fewer families with access to vouchers—and the number could be much higher depending on how public housing agencies might decide to absorb the reduction in real funding.

Most of the shortfall, according to the Center, comes from an underestimation in the House bill of the average annual cost of each voucher by some $300. And before anyone dismisses this estimated cost out of hand, I want to point out that it is very close to the average annual voucher cost estimated by the Congressional Budget Office for FY 2004.

The Nadler-Veláquez amendment is not proposing to provide the full $583 million that the voucher program may well need during the next fiscal year. Instead it proposes a much more modest increase in funding that would provide a margin of safety for the many low-income families around the country who rely on housing vouchers. At the very least, we should provide this incremental amount of funding for the program, and we should also be prepared to supplement funding for the program next year as the more up-to-date can be better verified by HUD.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

Mr. HOBSON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman and the ranking member of the subcommittee on VA–HUD appropriations, first of all, for the excellent work they have done. This is a tough legislative appropriations or appropriations bill to manage with several agencies. And I do know that many of us are still struggling to work to ensure greater assistance of veterans, but I believe that this has been a cooperative effort and look forward to supporting this legislation.

I offer a very simple amendment on one of the supporting agencies, NASA. NASA is an agency that gives us great pride, but in the last 6 months we have suffered with the *Columbia* 7 tragedy. I serve as a member of the Subcommittee on Space and Aeronautics and have worked over the years as a member of that committee on one question: beyond the question of human space flight is safety, safety, safety.

What this amendment does as we begin to prepare ourselves for Admiral Gehman's report on what happened with the *Columbia* 7 tragedy and the

loss of life of those brave young men and women, it is to understand that NASA must change its culture and begin to promote safety as an important issue.

I am very gratified that the chairman and ranking member of the committee are concerned about these issues and realize that they will be addressing them as the Gehman report is rendered. We would like to work with you in collaboration. The Committee on Science ranking member, the gentleman from Texas (Mr. HALL), and the gentleman from New York (Chairman BOEHLERT) have worked on this question; we would like to work with you and be prepared to assist in whatever resource is necessary to promote safety.

This amendment says that we should not lose the skills and the expertise of employees that deal with safety as it relates to the international space station and as well the Space Shuttle. We should not lose those employees in terms of any buy-outs that might be pending at this time. All of the expertise we can muster to save lives and promote safe human Space Shuttle flights and safety on the international space station should be our goal as part of this Congress. I ask my colleagues to support this amendment. I appreciate the consideration.

Mr. Chairman, I have always been a staunch supporter of NASA and its manned and unmanned space exploration missions. However, the *Columbia* disaster and the loss of seven of my neighbors from Johnson Space Center outside of Houston has opened our eyes to some deep seeded problems at NASA that need to be addressed. NASA needs a new culture of safety and a renewed commitment to the well-being of their spacecraft and crew. I am troubled by the fact that on Tuesday of this week, the Chairman of the Science Committee pushed through legislation, urged by the NSAS Administrator, that will give the NASA Administrator unprecedented flexibility to reorganize the NASA workforce. The bill was about bonuses, and buyouts, designations, and transfers. The bill was rushed through, over protests from the minority, despite the fact that Admiral Gehman and the Columbia Accident Investigation Board, will be giving us a detailed report next month regarding the cause of the *Columbia*-7 disaster, and the technical and workforce changes necessary to prevent further losses.

It was only after hard work and pressure from us Democrats, with great leadership from my colleague from Texas, Ranking Member HALL, and my colleague from Tennessee, Space Subcommittee Ranking Member GORDON, that some common sense safety provisions were added to that workforce bill. But again, safety seemed to be an afterthought, rather than a top priority in NASA policy.

Two more excellent safety provisions offered by Mr. HALL were blocked by the majority in the Science Committee, and I am concerned that due to long delays in putting forth a NASA reauthorization bill, these provisions might not be able to be put into place in time to prevent loss of lives, or the loss of multi-billion dollar spacecraft, so I hope my colleagues can support their insertion here.

My first amendment will prohibit any funds from being used for ''buyouts''—financial incentives to encourage retirement—until the Administrator assures Congress that the loss of that employee will not compromise the safety of future shuttle missions or the International Space Station.

This amendment will help ensure that we do not put management ''flexibility'' before safety. I am concerned by reports that NASA may not have given high enough priority to safety and quality assurance in the past. We will learn more about that from the Gehman report later, however, I understand that in some cases there is only a single safety expert responsible for a given project subsection.

Therefore, I am worried that if we give the Administrator a flexibility offer to encourage experienced people to retire—we could lose critical knowledge and expertise, and compromise missions in the future.

This amendment will not let that happen. It is a smart and unobtrusive provision. I hope my colleagues can support it.

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

The CHAIRMAN. Does the gentleman from Ohio (Mr. HOBSON) still insist on his point of order?

Mr. HOBSON. Mr. Chairman, I withdraw my reservation. After hearing the explanation, we are willing to accept the amendment.

The CHAIRMAN. Are there any Members seeking time in opposition to the amendment?

If not, the question will be on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; HAZARDOUS SUBSTANCE SUPERFUND'' after the second and fourth dollar amounts insert ''(increased by $114,716,000)''.

In title III, in the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SCIENCE, AERONAUTICS AND EXPLORATION'' after the second dollar amount insert ''(reduced by $114,716,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from New Hampshire (Mr. BASS) and I are at this point going to attempt to move money from the program which has funded the Prometheus program in NASA's budget over to deal with the shortfall in the Superfund clean-up program which is one that has not met the amount which President Bush requested in this budget. Now, as the bill itself is structured, there is such an increase in the program for Prometheus that it does leave over substantial money that if it was shifted over, that would ensure the full funding of the Superfund program as President Bush requested it, combined with a still substantial increase in the Prometheus program, and that is what we will consider today.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

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

Mr. Chairman, we had to make some really tough choices in this bill. I believe that the $1.3 billion that we provided for the Superfund program given our allocation and the demands of the bill is the right level. This level keeps cleanups going at a steady pace. A cut of $115 million to NASA would severely hamper the operations of NASA, and I think it would send a terrible signal. It would seem like the Congress is bailing out on NASA at a time when they are in a crisis, and we are awaiting the report from the Gehman Commission.

If the gentleman wants to find money somewhere else in the bill, well, at this point I guess it is too late to do that. But NASA is dealing with unknown costs associated with the return to flight following the Columbia accident. We have to await the Gehman Commission report, and this would really send a bad signal.

It would also place in jeopardy many worthwhile space and Earth missions which would improve the understanding of our world, basic knowledge, which we, as humans, strive for. So I would urge Members to support the Superfund budget at $1.3 billion to maintain critical funding at NASA, and reject the gentleman's amendment.

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

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), the co-sponsor of the amendment.

Mr. BASS. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me time. I agree and I appreciate the fact that the gentleman from New York (Mr. WALSH) has to make funding priorities in these difficult times. However, what this amendment seeks to do is to return funding or raise funding to what the President's request was for this program.

I certainly support NASA in such respects, but this Project Prometheus is still going to receive a 30 percent increase after the money is removed for Superfund clean-up. And what the project basically is is an effort to study 3 moons of Jupiter. Even NASA space science chief Ed Weiler told Science Magazine in late March of this year that ''Prometheus is more vision than reality'' and the entire effort must cost between 8 and 9 billion over the next 10 years.

Now I am not here to bash NASA or Project Prometheus, but it is an issue

of priorities. Now, of the 10 sites that will not be addressed this year because of this reduction in funding, three of them are in New England and one of them is in Merimack, New Hampshire, and it is an extremely dangerous area which is emitting all sorts of noxious chemicals which need to be addressed immediately.

I hope that this Congress and this Committee on Appropriations will seriously consider this small reallocation which will address a problem 10 different places around the country facing very significant issues now.

Project Prometheus is a project that is going on for a long time. The moons of Jupiter are going nowhere, but the people who live around these Superfund sites are people that are affected and potentially affected by this issue every single day. I urge the Congress to adopt this amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, the gentleman's amendment shines the light on the problem we have in this bill: to provide additional funds for one account, you have to raid another account. There has to be an offset. That is why so many of the account funding levels are very similar this year as to last year.

In this case, the amendment seek to add funds for EPA Superfund clean-up efforts. It is a good thing, certainly. I think that all of us or at least a great majority of us support the Federal Government playing an important role in providing some of the resources that communities across this country need to ensure that former industrial sites are not a health risk and are reclaimed and reused.

The funds permit EPA to not only provide resources for removal and remedial actions, but also to ensure that primary responsible parties contribute to the clean-up of the site, all very good things.

As an indication of the support for these efforts, the bill as presented provides $1.275 billion for the hazardous substance Superfund. This represents a small increase of $10 million from the current year's funding. The amendment would add a further $114 million to the account in bringing the funding level to what the administration requested, but at what cost?

To allow for the increase the President proposed, cuts and program elimination throughout the bill would be the cost. The gentleman has a different offset in mind. He would look to a NASA program, Project Prometheus. NASA is an agency that as many of you know has been essentially flat-funded for most of the past decade. This program started last year would develop radio isotopes, thermo-electric generators, and nuclear propulsion for planetary exploration space craft technology. And this is technology that if developed would make the exploration of different planets cheaper and more reliable.

The bill provides the budget request for the program, $279 million. A reduction of $114 million would cause a severe disruption to this program at a time when NASA cannot afford budget cuts and should be receiving additional resources.

The bill contains funding for $1.275 billion for Superfund activities. That is a slight increase over last year's level. The funding the amendment would add represents an increase of less than 10 percent. However, the cut proposed for the NASA initiative is roughly 40 percent of that program. If the bill before us had reduced funding for Superfund, I might be in a different position, might be; but as it stands, that account is treated as well as any in this bill. One account should not be gutted to provide funding for another when this bill has been as delicately balanced by the chairman as it has been.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate the leadership that the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Hampshire (Mr. BASS) have provided.

I rarely take exception to what I hear from my good friend from New York and the good work that he does with his colleague from West Virginia. But the fact is that we are not keeping up with our Superfund responsibilities. We have backed away from having the Superfund polluter paid concept to having a stream of money. We are cutting back on sites. There are places around the country, including some that I have seen in Upstate New York, that would benefit from this dramatically.

I would feel different if I felt that we were somehow taking some finely balanced program. We have been trying to get information about Prometheus and find out why it would be crippled if it had only a 30 percent increase, which is what the gentleman's amendment would provide. I think this is nebulous. It is a decade-long project that is going to involve billions of dollars. Right now if we are going to promote livable communities in our cities, in our districts, we ought to approve this amendment, be able to provide at least another 10 sites, including one in my district. I think the American people would be well-served. I strongly urge the adoption of this amendment.

Mr. WALSH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has 5½ minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 6 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

I want to rise as a strong supporter of the Superfund program. We have dealt with real challenges in southern California with Superfund clean-up. I want to congratulate the gentleman from New York (Chairman WALSH) for the $1.3 billion level for the Superfund that exists. And I know that there are other needs that continue to exist out there, and I would support efforts to find ways in which we could address those needs. But, Mr. Chairman, I have to say that I believe as we look at the challenge of space exploration and the NASA program, it would be extraordinarily short-sighted of us to make this kind of attack, and it is an attack on NASA and the Prometheus program.

□ 1615

In the last couple of weeks we have just seen the launching of the very, very innovative and a program with great potential, a Mars program which will have a scheduled landing for January, 5 months from now. The Prometheus program is designed, Mr. Speaker, to enhance the opportunity to increase the speed of travel. As we look toward ways to increase that, I believe the Prometheus program is the one way in which we can pursue it.

My very good friend from New Hampshire (Mr. BASS), cosponsor of this amendment, used the term ''going nowhere'' in describing this Prometheus program, and I have to say from having spent a great deal of time, as my colleague, the gentleman from California (Mr. SCHIFF), and I have, with a number of the engineers, those who are involved in this program, we know that if you do not take risks, you are not going to learn anything. That was said to me by the former director of the Jet Propulsion Laboratory in Southern California, Dr. Ed Stone, and I believe that we do need to do everything that we possibly can to pursue it.

My friend from New Hampshire loves Model A automobiles, and I know that at the time that that brilliant new vehicle came on line, the Model A, there were many people around who were focused simply on the horse as a means of transportation.

It is obvious that, as we look towards our future, we have great potential in space. We also know that the NASA program itself has been undergoing some great challenges after the *Challenger* disaster and other difficulties that they have faced in the past. That is why I urge my colleagues to, while we support the concept of dealing with Superfund and want to enhance that, please do not attack this very, very important Prometheus program in so doing.

I thank my friend for yielding me the time.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I am struck by the number

of Members of the majority party who come up and concede, there is not enough here and not enough there. That was their decision. They voted to cut taxes on wealthy people and then voted for a budget that constrains them. So as they complain about these constraints, remember that this is self-flagellation in almost the literal sense.

Given the bad position they have put us in, we have to make choices. Nothing in the gentleman's amendment would interfere with NASA's ability to solve the problems that led to the tragedy of a few months ago. Indeed, the opposite is the case. At this point, NASA ought to be focused on preventing that kind of tragedy, rather than going into new programs that would divert resources and attention; and instead, we have the Superfund program.

The gentleman from California said, Well, you have got to take risks. If, as a society, we decide to take risks, that is one thing. But I do not think the people who live in Fairhaven, Massachusetts, ought to have to take the risk of living next to a Superfund site that has been certified by the EPA as a Superfund site; and now they tell us they have not got enough money to continue.

The gentleman from New York says this is $10 million more, a slight percentage increase than what we now have, but what we now have is a recent announcement by the EPA that existing Superfund sites will get no work. The EPA has just announced some of the hazardous sites in this country will be left in their current situation because they have not had enough money, and we are being told, well, you should be happy we are continuing the situation in which existing Superfund sites will not get the money.

I think it is important to deal with space, but not at the expense of exposing citizens of this country today to the hazards of Superfund sites, and that is what this bill does. It carries forward a situation in which EPA admits it does not have enough money, and that is intolerable.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to join the chairman and my colleague and friend, the gentleman from California (Mr. DREIER) from the San Gabriel Valley in strong opposition to the Markey amendment.

I appreciate the colleague's interest in increasing funding for the Superfund program, and I share that desire, but this is most emphatically not the way. To divert $115 million in funds away from a critical NASA project, Prometheus, is not the way.

Project Prometheus and the exploration of the icy moons of Jupiter has been rated as top priority by the National Academy of Sciences. JPL has recently launched two Mars Rovers, aptly named Spirit and Opportunity, to land on the red planet and determine whether there was or has been water on that planet and help science unlock the geologic mysteries of our solar system.

This work in Project Prometheus is a bold, new venture and will revolutionize solar system exploration using nuclear power and propulsion. Project Prometheus will enable more robust and ambitious scientific missions by supporting more complex scientific instruments, enabling significantly larger and faster data communication networks and allowing a single spacecraft to visit multiple targets per mission.

Using nuclear power and propulsion systems will exponentially increase the amount of power available to spacecraft instruments and enable vastly greater amounts of scientific data to be returned to home, 120 CDs worth of data compared to one or two floppy disks of information today. It will allow much more time for scientific observation of the moons, 180 days, opposed to only 1 to 5 hours using conventional technology.

This project's spearheading the Jupiter Icy Moons Orbiter mission will be the first application of these new technologies for a flight mission. It will search for evidence of global, subsurface oceans on Jupiter's icy moons.

This is a top priority, and I urge rejection of this effort to rob Peter to pay Paul.

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

The amendment which I am making is a win-win amendment. All we do in our amendment is say to those who are fans of the Prometheus program, and it is a program which has strong support in the Congress in our country, that in my amendment you get a 31 percent increase in the Prometheus budget for next year, a 31 percent increase, and the remainder of the money goes over to Superfund and they get a 9 percent increase in their budget.

How can anyone complain if space science is increased by 31 percent? Here on Earth the residue of the industrial age is still leaving neighborhood nightmares all across our country to the point where the Bush administration has decreased Superfund cleanup by 50 percent over the last 2 years.

All we are saying is, is not it possible for us to give a 31 percent increase between this year and next year to Prometheus, which we will vote for, and have a 9 percent increase for the Superfund program so we can take care of the last Industrial Age that still torments neighborhoods all over our country?

Win-win: Prometheus wins a 31 percent increase; Superfund gets a 9 percent increase. This is not anything other than something which everyone should be able to embrace.

Back in history, during the Clinton administration, in the mid- to late-1990s, there was an average of 86 Superfund sites cleaned up each year. In the Bush EPA, it only cleans up about 40 sites in 2003 and 2004. It is slowing down at half the rate that it was used as a program to help neighborhoods in the 1990s.

In Massachusetts, Fairhaven, Massachusetts, has now been taken off the list. There are 10 sites, including Fairhaven, taken off the list; sorry, we cannot help you with the residue of the last era of research.

All we are saying is, within this budget, without hurting Prometheus, giving it a 31 percent increase, we can also ensure that we take what the President requested, that is the number that I am building in here, President Bush requested the number $1.39 billion for Superfund. That is the number I am using, the number they sent to us. President Bush, his EPA, his OMB, they gave us that number; and you can get to the number President Bush wanted just by taking a relatively small amount of money and leaving a 31 percent increase for Prometheus.

That is only fair to those communities across America that still have these sites, and I ask and I implore Members to listen to President Bush, to give that money, that $1.39 billion, over to Superfund and still leave the 31 percent for space exploration, which all of us believe is so important. But a balance has to be struck between our exploration of the stars and our preservation of the Earth in a way that is respectful of neighborhoods that were ravaged by the Industrial Revolution. This is the balance which works for both projects.

Mr. WALSH. Mr. Chairman, I yield myself the remainder of my time. I have just 30 seconds to close, so I will be brief.

We have increased funding for Superfund in this budget by over $50 million. The subcommittee strongly supports environmental cleanup, but if we adopted this gentleman's amendment, we would cut our increase in the entire NASA budget by half.

I think it is the wrong time to send that kind of a signal, and I urge my colleagues to reject the gentleman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Texas.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise with great jubilation and excitement and also great appreciation that this legislation has accepted my bill filed just last year and again this year, H.R. 91, to name the veterans hospital in the city of Houston in the 18th Congressional District after a great American hero, Dr. Michael E. DeBakey, who played a critical role in helping to establish and develop the Veterans Affairs Medical Center and, as well, served valiantly as a World War II hero and as the creator and orchestrator of the MASH unit.

Now, almost 95 years old, he is a great American, and it is a great privilege that we have the opportunity to honor him. I am grateful to my Texas colleagues and to the ranking member and the chairman for allowing this to occur, and I will include the bill for the RECORD at this point.

Mr. Chairman. One provision in this bill that is of great importance to me and to the 18th Congressional District of Texas, which I represent, is language that calls for the Veterans Affairs Hospital in Houston, Texas to be renamed the Michael DeBakey Department of Veterans Affairs Medical Center. Inclusion of this provision is the culmination of over a year of hard work and collaboration with members of the American Legion, AMVETS, Disabled American Veterans, Veterans of Foreign Wars, and the Paralyzed Veterans Association; my colleagues in the Texas Congressional Delegation; and numerous other Houstonians—all committed to bestowing this honor upon the great Dr. Michael DeBakey.

Dr. Michael DeBakey is an internationally renowned physician, known foremost for his pioneering work as a cardiovascular surgeon. Although known as ''the father of modern cardiovascular surgery'' due to his introduction of now common-place procedures as arterial bypass operations, artificial hearts, and heart transplants, Dr. DeBakey has also contributed greatly to other fields diverse as military medicine, veterans affairs, and public health policy.

Born in 1908 in Lake Charles, Louisiana, Dr. Michael DeBakey received his bachelors and medical degrees from Tulane University. After receiving surgical training in Europe, Dr. DeBakey returned to the United States and enlisted in the Army at the onset of World War II. His service on the Surgeon General's staff during the War was pivotal; studies conducted there led to the formation of mobile army surgical hospital (MASH) units that would save countless lives in that and subsequent wars. For his wartime contributions to the nation, Lt. Col./Dr. DeBakey was awarded a Legion of Merit Award in 1945. Following the war, Dr. DeBakey's expertise in the development of specialized medical and surgical center-systems became crucial to the formation of the Veterans Administration Medical Center System. In addition, Dr. DeBakey was instrumental in securing congressional support for the creation of the National Library of Medicine, where records of the nation's medical research activities are stored for the benefit of future researchers.

Dr. DeBakey's arrival in Houston at the Baylor College of Medicine heralded the development of Baylor and Houston's Texas Medical Center into world-renowned centers of medical excellence. As Baylor's Chairman of Surgery and later President, Dr. DeBakey spearheaded efforts to associate Baylor with the TMC's network of hospitals, secured federal funding for research, and recruited numerous highly-acclaimed faculty and researchers to Baylor. During that time, Dr. DeBakey was also an active and innovative clinician: introducing the Dacron artificial arteries in 1953, the first successful coronary bypass in the early 1960s, and the first successful multi-organ transplant in 1968.

Dr. DeBakey's wisdom has been sought by virtually every U.S. president since Harry S. Truman. He served on presidential commissions during both the Kennedy and Johnson administrations, and thus provided essential support in the passage of the landmark 1965 Medicare legislation. Dr. DeBakey was awarded the Presidential Medal of Freedom with Distinction in 1969 and the National Medal of Science by President Ronald Reagan in 1987. He currently serves as Chancellor Emeritus of the Baylor College of Medicine and continues to see patients, pursue his research, serve on national advisory committees, and consult on projects to help develop health care systems in the Middle and Far East.

This legislation honoring the contributions of Dr. DeBakey was also supported by a variety of organizations including: the University of Texas Health Science Center at Houston, the Texas Medical Center, the Harris County Medical Society, Methodist Hospital. Senators HUTCHISON and CORNYN have recently introduced the Senate companion to my legislation.

I am pleased to see this endeavor clearing this important milestone, and passing out of the House of Representatives. I look forward with great anticipation to a ceremony in the near future: renaming the Veterans Affairs Hospital in Houston after Dr. Michael DeBakey; it is an honor that is long overdue.

H.R. 91

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

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Dr. Michael E. DeBakey played a critical role in establishing and developing the Department of Veterans Affairs Medical Center in Houston, Texas. He has successfully elevated its professional staff and quality healthcare to meet high standards of excellence and encouraged minorities to fulfill their potential in education, and particularly in the health professions.

(2) Dr. DeBakey's dedication to the Department of Veterans Affairs Medical Center is ongoing. He is still chairman of the Dean's Committee of that medical center, as he has been since the beginning of that institution.

(3) Dr. DeBakey brought both the City of Houston and the State of Texas international recognition for the Texas Medical Center through his pioneering of medical research, his leadership at Baylor College of Medicine, his national and international medical statesmanship, and his championing of the rights and the welfare of the underprivileged.

(4) Dr. DeBakey is credited with the development of the Mobile Army Surgical Hospitals (MASH) concepts for the military, which led to saving thousands of lives during the Korean and Vietnam conflicts, as well as the development of specialized medical and surgical center systems in order to treat returning military personnel.

(5) During World War II, Dr. DeBakey served as a colonel in the United States Army and was assigned to the Surgical Consultant Division in the office of the Surgeon General. His active duty service was from 1942 to 1946. He remained on active duty in 1946 and recruited 100 additional specialists to care for World War II wounded military personnel in Army specialty centers.

(6) For his service in the Armed Forces, Dr. DeBakey received the Legion of Merit.

SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, HOUSTON, TEXAS.

(a) NAME.—The Department of Veterans Affairs medical center in Houston, Texas, shall after the date of the enactment of this Act be known and designated as the ''Michael E. DeBakey Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Michael E. DeBakey Department of Veterans Affairs Medical Center.

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

Mr. MOLLOHAN. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I just want to thank and commend the gentlewoman from Texas (Ms. JACKSON-LEE) for her farsightedness in writing a bill which now will be incorporated into this measure to name the Houston VA Medical Center after the renowned American, Dr. Michael DeBakey.

My mentor in politics, Olin Teague, one of the greatest of all World War II veterans, has a VA hospital named after him in Temple.

□ 1630

I think that kind of honor meant more to him than all the awards given to him through his lifetime. And I want to congratulate the gentlewoman from Houston for honoring our veterans, for honoring Dr. DeBakey by writing the legislation, which now, through this bill, will become the law of the land. This is an honor deserved by Dr. DeBakey, and I appreciate her for bringing this legislation to the forefront so that it could be put in this bill.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield time to the gentleman from New Jersey (Mr. ANDREWS) for the purpose of a colloquy.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman, the chairman, and the ranking member as well, for their gracious cooperation.

Mr. Chairman, I strongly urge the House conferees on this bill work to include language in the conference report that addresses concerns I have about a Superfund site in my district, the Gloucester Environmental Management Services, or GEMS, landfill. Specifically, I request that report language direct the Inspector General of the EPA to conduct an investigation into all financial transactions, including revenue and spending, by the GEMS Trust, a collection of responsible parties who are required to conduct the remediation of this highly polluted landfill. I am concerned about

how the trust has financed its actions so far and have reason to believe that the trust has not seriously considered all viable remediation options.

Mr. Chairman, 38,000 of my constituents live within a 3-mile radius of this landfill, some as close as 300 feet. We owe it to them to choose the safest and most environmentally sound remediation method, not simply the cheapest. The responsible parties should not get away with a Band-Aid solution to a major environmental hazard. I seek this Inspector General investigation because I fear that the EPA may be endorsing a treatment method that does not sufficiently protect the health of my community.

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for the concern he has expressed for his constituents in his community. We will work with EPA and have the Inspector General look at this site to ensure that any remedy gives adequate consideration to the health of the gentleman's constituents and other environmental impacts.

I look forward to working with the gentleman on this issue as we move towards the conference.

Mr. ANDREWS. Mr. Chairman, if the gentleman will yield further, I thank the chairman and the ranking member for their cooperation.

The CHAIRMAN. Are there further amendments to be heard?

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOORE:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. (a) None of funds appropriated in this Act may be expended to take any action proposed under the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs until—

(1) the Secretary of Veterans Affairs submits to Congress a written notification of the intent to take such action; and

(2) there has elapsed—

(A) a period of 60 days beginning on the date on which such notification is submitted; and

(B) a period of 30 days of continuous session of Congress beginning on the date on which such notification is submitted.

(b) For purposes of subsection (a)(2)(B)—

(1) the continuity of session of Congress is broken only by an adjournment of Congress sine die;

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session; and

(3) if either House of Congress is not in session on the date when a notification is submitted under subsection (a)(1), the counting of days shall begin as of the first day after such date that both Houses of Congress are in session.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MOORE).

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

Mr. Chairman, I appreciate the opportunity to talk about an amendment that I want to offer to the VA–HUD appropriations bill. I ask that the House consider as an amendment H.R. 2808, which the gentlewoman from Missouri (Mrs. EMERSON) and I filed just this week.

The concept is simple. Our amendment would require that the Secretary of Veterans Affairs give 60 days' advance notice to Congress before closing any Veterans Hospital facilities or medical facilities or beds currently serving veterans.

At the Kansas City Veterans Administration facility, which serves my district, veterans already have to wait 6 months for nonemergency care. Closure of beds at a VA facility in Leavenworth, just north of my district, would put more people in the pool in Kansas City, making the wait even longer, as much as 8 months 9 months or a year, which is unconscionable. Asking veterans to wait even longer for care is wrong; we should not sacrifice treatment for those who fought for our country.

Mr. Chairman, I appreciate the opportunity to bring this matter to the House's attention. It is vital that we keep our promises to our veterans as we are asking even more young men and women to serve our country in places such as Afghanistan, Iraq, and perhaps even Liberia. We owe them quality care when they return from their service and they have the absolute right to know that that quality care will be there for them.

Mr. Chairman, Bob Ulin, State president of the Association of the United States Army, I think said it best: ''It is a budget issue for the VA; it is a life and death issue for our vets.''

I understand, Mr. Chairman, that my amendment is subject to a point of order, but I ask my colleagues to consider the status of VA care in our country and join as cosponsors on H.R. 2808.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEKS of New York:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act, may be used to terminate the furnishing of services to veterans by the Department of Veterans Affairs medical facility located in St. Albans Queens, New York.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. MEEKS).

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair asks that Members turn off electronic devices on the floor.

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment just simply says that no funds in fiscal year 2004 can be used to close the St. Albans Veterans Facility. Basically, the St. Albans veterans care facility has been a key provider of services and jobs at St. Albans for as long as I can remember. It sits in the heart of my district on what was formerly a military base in Queens County, New York.

The St. Albans VA Primary and Extended Care Center provides primary care and offers specialized geriatric programs and restorative rehabilitation. Geriatric programs provide comprehensive evaluation and safe, effective management of elderly cognitively impaired veterans. An outpatient adult day care health care program and home-based primary care program exists and cares for the physically disabled, medically complicated elderly veterans who are at risk of nursing home placement or recurrent hospitalization. A comprehensive psychosocial rehabilitation domiciliary program providing incentive therapy, vocational counseling, and independent living skills training for patients seeking to return to independent living is provided by the VA Primary and Extended Care Facility.

This facility has 386 beds. This facility provides inpatient extended care services, including skilled nursing, antibiotic therapy, and respite care. Also provided is subacute restorative rehabilitation for the elderly. The campus also hosts an ambulatory care center that provides primary care and specialty care, including podiatry, audiology, dental service, and optometry. VA adult health care and home-based primary care programs, providing outpatient geriatric care, is present at the St. Albans campus. A homeless domiciliary emphasizing comprehensive psychosocial rehabilitation exists at the extended care center.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend and colleague, the gentleman from Queens, for yielding me this time, and I rise in strong support of the Meeks-Crowley-Ackerman amendment to ensure that the St. Albans Veterans Medical Center is not closed by the VA this year.

Queens County has the largest veterans population in the New York metropolitan area, with over 115,000 living veterans. St. Albans serves thousands of Queens County veterans. The facility provides inpatient extended care services, including skilled nursing, IV antibiotic therapy, and respite care.

The campus also hosts an ambulatory care center that provides primary care and specialty care, including optometry, podiatry, audiology, and dental services. VA adult day care and home-based primary care programs, providing outpatient geriatric care, are present at the St. Albans campus, as are programs and services to benefit homeless veterans.

I understand that as part of a cost savings measure the VA is contemplating the closure of St. Albans. This is not because of a lack of veterans but rather, in my opinion, misplaced priorities. We must keep this hospital and all of our VA hospitals and clinics open.

I have had a conversation with the chairman, and I appreciate the situation he finds himself in at this time, and I know that we are waiting for the CARES Phase II proposal to be published. I hope that after that document is released, we will have an opportunity to really evaluate what it says and not close this particular facility as the VA, I believe, is suggesting may happen.

There are just too many veterans in the City of New York. Many of these people have absolutely no one; they have nobody. If it were not for the St. Albans Medical Center and what this center provides for these individuals, there would be no one there to take care of these poor veterans.

Mr. MEEKS of New York. Mr. Chairman, I yield myself the balance of my time.

I realize, Mr. Chairman, that the CARES program that the VA is looking to is to reduce wasteful and underutilized space; that it is costing $1 million a day. I understand the need not to be wasteful, but the St. Albans facility is not a place of waste. It is not only a key to the County of Queens, it is a key for all of New York City and is also a huge economic engine in the City of New York.

We need this facility, particularly now; and it is really something that is not underutilized. In fact, it is overutilized. And so I would urge all of my colleagues to support this amendment and keep the St. Albans VA Facility for fiscal year 2004 and accept this amendment.

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this CARES process is something that the Congress voted to support. It is an ongoing process. Certainly we are all nervous about its impact upon our own veterans medical centers. This is of great concern to us. We all have an affinity and a relationship with our VAs, with the vets that go there, and the doctors and nurses and staff who serve there. But it would be wrong for us to step in on behalf of one center, because all Members have the same concern.

The Secretary has not seen the proposals yet on realignment. Any protection built into this bill for any specific facility would undermine the overall plan. I think this discussion is best left until next year when the capital assets studies are completed and an official proposal is on the table.

So at this time, Mr. Chairman, I urge a strong ''no'' vote on this amendment.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of the Meeks-Crowley-Ackerman amendment to prevent the unnecessary closing of the St. Albans Primary & Extended Care Center. This center provides primary care and offers specialized geriatric programs and restorative rehabilitation to veterans from New York City and Nassau County. To close it would be a disservice to the Veterans of Queens and Nassau County.

At a time, when we have sent over 150,000 troops to fight in Iraq, it is indefensible that these men and women may come home to find that the Veterans Center is no longer there. Closing this facility would be an insult to those who have served our country so bravely.

The Veterans Administration is currently dangerously under-funded. To save dollars, the Administration wants to close Veterans' health centers. However, the administration did manage to find the money to give the wealthiest Americans a tremendous tax cut. We must fulfill our promises to our veterans and continue to provide access to the quality health care they were promised.

Currently, veterans sometimes have to wait months for doctors' appointments at VA Hospitals. Closing St. Albans will simply exacerbate this problem. If St. Albans is closed, veterans will have to go to other already overcrowded facilities in New York.

We owe it to our veterans to provide them access to quality health care. St. Albans needs to remain open.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was rejected.

AMENDMENT OFFERED BY MS. LEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS'', after the first and second dollar amounts, insert the following: ''(increased by $83,000,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND'', after the first dollar amount, insert the following: ''(reduced by $83,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, first let me thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the chairman, the gentleman from New York (Mr. WALSH), for this bill and for their hard work and leadership in terms of trying to address the very complicated issues of housing and our veterans population.

Mr. Chairman, 20 percent of our homeless population hold jobs, 22 percent are mentally ill, and 11 percent are veterans. Now, on any given day in my home State of California, there are approximately 350,000 people who are homeless, including as many as 100,000 children. I rise today because we must help the over 3 million homeless nationwide and millions of low-income families struggling to find shelter across this country.

Mr. Chairman, this bill is woefully underfunding homeless programs for one of our Nation's most vulnerable and most consistently neglected populations. Now, I understand that this bill provides $25 million more than fiscal year 2003 levels. But given the cost of inflation, this bill really does provide a net cut. Moreover, and what is very important that we understand here is that this bill falls $83 million short of the President's request. The President's request. Our amendment simply funds the McKinney-Vento homeless programs at the President's request.

This Congress and the administration have championed the need for more supportive housing, more comprehensive transitional housing and homeless assistance programs, and really ending the chronic cycle of homelessness. President Bush and Secretary Martinez have both committed to ending homelessness in the next 10 years.

□ 1645

As we make these commitments and promises, the rates of homelessness continues to rise. Since the start of 2003, people requesting emergency homeless assistance and food has skyrocketed. At a time of record and rising unemployment and economic uncertainty, when more people are forced to live on the streets, to suffer the elements and the stigma of homelessness, we must commit and live up to our promise and our obligation to end this crisis.

By increasing the funds used in the McKinney-Vento account, we can devote the much-deserved funding and attention to homelessness. The Lee-Schakowsky amendment would provide a modest response to this often unavoided yet urgent problem by simply funding the McKinney-Vento account at the President's requested level of $1.3 billion for fiscal year 2004.

This $83 million would translate into housing to over 14 million families who have critical housing needs and over 2.5 million households with children living in severely substandard housing. By supporting McKinney-Vento at the President's requested amount, we could provide shelter for the over 1 million homeless children in our country.

What would we be giving up in order to fund these accounts and do the right thing? The answer is nothing that HUD could not live without. This offset comes from an already bloated working capital account which pays for IT consultants and computer supplies at HUD. Even with the passage of the Lee-Schakowsky amendment, the HUD working capital would have received over $1 billion from 2001 to 2003.

The real question that our amendment poses, is very simple: Do Members support helping to alleviate homelessness or do they support a nameless, faceless account used to provide the tools to process the information about the homeless. It is really about choice.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the amendment that I am so proud to cosponsor along with the gentlewoman from California (Ms. LEE), who has done so much on behalf of low-income families.

The Bush administration's budget request for homeless programs was actually slashed in this appropriations bill. In this legislation, funding for homeless programs is $133 million below the administration's budget request, a total request that really does not even come close to addressing the critical problem of homelessness, and the growing problem of homelessness.

A modest amendment would increase HUD's homeless assistance and prevention programs by $83 million to provide desperately needed services for 20,000 homeless children and adults.

Homelessness does not discriminate. It affects people in rural and urban communities, and every single Member of Congress represents constituents who cannot afford a roof over their head. I do not care how wealthy Members think their district is, there are people who do not have a permanent residence.

Despite stereotypes, 39 percent of the homeless are children, and half of all homeless women and children are the victims of domestic violence. Over the course of a year, 3.5 million people will experience homelessness in the United States.

The underlying bill will actually increase the number of homeless people because it takes away vouchers from 85,000 families, including 3,200 families in Illinois. Our amendment would take $83 million from HUD's working capital fund and direct it right to homeless people.

The working capital account, which the money comes from, helps pay for computer upgrades and consultants. While I am sure that the capital account is helpful for HUD, there is no doubt that it is more important to provide housing for those that need it the most. $83 million could fund transitional housing and supportive services that could permanently end homelessness for 20,000 children and adults.

In 2002, Chicago alone had a 22 percent increase in requests for emergency shelter and a 35 percent increase in requests for shelter by families, compared to 2001. In Illinois, 1 million renters in need of housing assistance compete for 230,000 assisted housing units, while 80 percent of the shelters throughout the State reported an increase in family homelessness in the past year. As a result, families with children are being forced to choose between paying their rent, food, heat, and other necessities. This money would help emergency providers give aid to those who need it right now.

The Bush administration itself has stated on several occasions that it wants to end homelessness, and it can. This is not some sort of a problem like a hurricane or a tornado. We can decide to end homelessness, but the problem is, we consistently underfund the housing programs.

In communities like Chicago where our mayor, Mayor Daley, and community leaders have developed an historic 10-year plan to end homelessness, it will not succeed if it does not receive Federal support. I urge the support of this modest amendment to end homelessness.

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

Mr. Chairman, let me follow up with that by saying, failing to fund the administration's budget request for homeless programs undercuts HUD Secretary Martinez's pledge to end chronic homelessness within the next decade. By repudiating the administration's homeless budget, which is at the heart of that pledge, it will be impossible to provide the permanent housing and supportive services that are needed for the 150,000 chronically homeless individuals.

Underfunding in the homeless account really comes on top of the bill's deep cuts in public housing and underfunding of section 8 renewals. Public housing and section 8 are the key provisions providing rental assistance to the poorest. Program cuts now will result in an increase in the level of homelessness nationwide, and that is one of the reasons why we are standing today with the President in terms of his funding request of $83 million, so we can move forward and begin to address those who have been shut out, really, of the benefits of this very wealthy country.

I want to close with this poem from a 7-year-old homeless child. It is called ''Being Homeless'':

''If you are a kid, it is cold, lonely, scary. I guess I need to hurry and grow up.''

It does not seem much of a choice to me in terms of restoring or putting in the $83 million that the President wants. I am asking for this House to please support the Lee-Schakowsky amendment.

It is really a matter of choices. We can decide, do we want to help those who are vulnerable, those who are out on the streets with no place to go, those who barely have enough to eat, those who have severe mental difficulties, physical difficulties who have no health care; or do we want to fund some information technology account over at HUD.

I ask for an ''aye'' vote on this amendment.

Mr. WALSH. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, just briefly, to correct a point, there are no cuts for the homeless in this bill. There is an increase of $35 million. There are no cuts in section 8 housing vouchers, there is an increase of over $900 million.

But if we accepted this amendment, it would cut HUD's information technology by 35 percent and make it very difficult for them to continue their operation. For that reason I oppose the amendment, and I urge a ''no'' vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LEE) will be postponed.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

In title I, in the item relating to ''MEDICAL SERVICES FOR PRIORITY 1–6 VETERANS'', insert at the end of the following

In addition for such purposes, $1,800,000,000: *Provided*, That, from such sum, amounts may be transferred to ''Medical Services for Priority 7-8 Veterans'' without regard to the percentage limitation established in section 119 of this Act.

In title I, in the item relating to ''MEDICAL ADMINISTRATION'', after the aggregate dollar amount, insert ''(increased by $264,000,000)''.

At the end of the bill (before the short title), insert the following:

SEC. ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 12.5 percent.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

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

''The House leadership has deceived us.'' Those are not our words, those are the words of the Veterans of Foreign Wars Commander-in-Chief Ray Sisk in his press release of July 17, just a few days ago.

''A clear betrayal of the assurances made to America's veterans by the House Republican leadership.'' Those are not my words, those are the words of the VFW press release of July 17.

''This meager increase is simply inadequate to provide health care to sick and disabled veterans, and represents a flagrant disregard to promises made to veterans by this Congress.'' Those are not my words. They come from the National Legislative Director of AMVETS, Paralyzed Veterans of America and the Veterans of Foreign Wars.

Mr. Chairman, my amendment would add a desperately needed $2.2 billion to our veterans' health care system. Our veterans deserve those dollars. My view is that a Nation that can afford trillion dollar tax cuts that help our wealthiest citizens can and should afford to take care of our veterans who have sacrificed so much for our country.

I think it is time for some straight talk with veterans. They need to know what this debate is all about. Let me tell Members the steps we have gone through to get here.

Step 1. On March 20 during the first days of the Iraqi war this year, House Republicans voted for a budget resolution that, yes, cut veterans' benefits by $28 billion over the next 10 years.

Step 2. When Democrats and veterans organizations expressed outrage from one end of our country to another, the Republicans in the House, who drastically cut veterans programs even during a time of war in Iraq, during the first days of that war, Republicans scrambled to find some cover.

Step 3. The Republicans found the cover. It was to offer the promise of a $1.8 billion increase in funding for VA health care this year. In fact, on March 20, the gentleman from New Jersey (Mr. SMITH) put out a press release, ''I am pleased we reached agreement for a $1.8 billion increase.'' Republicans sent out releases like this bragging about this commitment to our veterans all over the country. That was step 3, and then what happened:

Step 4. It was not good news for veterans. The House Republican leadership, after allowing these kinds of press releases to go out from its Members, said, Nope, we are going to take away every dime of those $1.8 billion that we promised to you, America's veterans.

Step 5. Veterans groups made the quotes that I just read to you, ''clear betrayal,'' ''House leadership has deceived us.'' Then what happened?

Step 6. The gentleman from New Jersey (Mr. SMITH) and I, a Republican and a Democrat respectively, offered amendments to the Committee on Rules to increase veterans' health care spending by $1.8 and $2.2 billion respectively.

□ 1700

Even though the Committee on Rules protects amendments from points of order on a daily basis in this process and we all know that, in this case the Committee on Rules and the Republicans on it last night said, you know, we are not going to make that kind of exception for veterans even in time of war. We are not going to protect amendments that would actually increase VA health care spending.

Step 7. By voting ''no'' on that rule, we could say to the House Republican leadership, you are wrong, we should stand up for veterans today because tomorrow's veterans are fighting today in Iraq. 189 Democrats voted with veterans to kill that rule but only seven out of 229 Republicans voted against that rule. Why? We know. The Republican leadership threatened them. If they voted ''no'' on that rule, they were going to pay a terrible price for it.

Step 8. Republicans who were missing in action when we could have actually killed the rule that prohibited an increase in veterans spending said, I better get down to the floor and give an eloquent speech about standing up and fighting for veterans. So they have done that over the last couple of hours, knowing full well that this bill is going to pass even though they vote ''no.'' So they were missing in action when we needed them; but after the cease-fire was drawn, the agreements were made, they came running in with their rifles and said, boy, I want to stand up and fight for our veterans.

Step 9. This bill will pass and we all know it. VA health care funding will be $2 billion less than it should be.

Step 10. The Members who were missing in action and voted against veterans when they voted for this rule that stopped our helping veterans with more money, they will put out press releases telling veterans how they gave eloquent speeches on the floor of the House opposing this terrible bill.

Mr. Chairman, this is how our veterans get the shaft while Members are covering themselves. It is wrong. We ought to pass this amendment that will now be ruled out of order.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Does the gentleman continue to reserve?

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The point of order continues to be reserved.

The gentleman from New York will be recognized for 5 minutes.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a veteran and distinguished member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I am a veteran. The gentleman who just spoke is not. I am a combat veteran. The gentleman is not. I was wounded in combat. The gentleman was not. And I resent the implications that we are trying to cut veterans benefits. This bill increases veterans benefits $1.3 billion. In my mind, that is a good thing, not a bad thing. If you take a look at what the Republicans have done since we have been in the majority, every single year we have increased veterans benefits.

While Bill Clinton's budget fought against veterans health care, actually cut, not increased, Republicans came together with moderate Democrats and increased the veterans budgets every single year. I resent a gentleman saying, well, we do it just for tax breaks for the rich. Those jobs that the gentlemen are talking about, 70 percent of the jobs are created by small business, that enhance. We want those veterans to have business and we want them to have jobs. We did not, as the Democrats in 1993 when they had the White House, the House and the Senate, cut veterans COLAs. They cut military COLAs.

They gave us the highest middle-class tax increase in history. That tax increase also hurt our veterans. Republicans along with moderate Democrats restored those veterans COLAs, we restored the military COLAs, and we gave middle-income taxpayers tax relief. For the gentleman to sit up here and say that we are cutting veterans benefits when this bill increases it $1.3 billion aggravates me, Mr. Chairman.

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

Mr. CUNNINGHAM. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I think the point is not that the chairman and the subcommittee has not increased funding for veterans in this bill. We certainly have done that. I think the point is that the expectation with the budget resolution, with the advertising the increase in veterans benefits in the budget resolution which the majority passed was significantly higher than the actual allocation that we were able to deal with in the appropriation bill.

Mr. CUNNINGHAM. Taking back my time, I agree with the gentleman. I want more money in veterans. But to insinuate that it is a tax break for the rich when they say that about every bill is a political shot that is wrong.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I would insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2, rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment modifies existing law. I ask for a ruling from the Chair.

The CHAIRMAN. The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not wanted to speak any more on this, but in light of the comments of my friend from California, I feel compelled to. I want to read some words: ''The fiscal year 2004 VA–HUD appropriations bill as it pertains to funding levels for veterans health care is inadequate and represents a clear betrayal of the assurances promised to America's veterans by the House Republican leadership.'' I did not say that. Ray Sisk, Commander in Chief of the Veterans of Foreign Wars, said it on July 17 of this year. I could insert four other quotes in the RECORD from veterans organization leaders as well.

The gentleman from California says that this is a good budget for veterans. Let me explain why it is not. This bill has a 6 percent nominal increase in funding for veterans health care, so it sounds good. But the fact is that inflation eats up 3 percent of that 6 percent and then you have a 9 percent growth in the veterans population eligible for these programs. So when you add 9 and 3, that means that you need a 12 percent increase in veterans health care programs just in order to stay even. This bill only meets half that. While the gentleman is shaking his head, it is simple mathematics. His daughter got a perfect 600 on the SATs. She would know that that statement was right.

Let me say, also, Mr. Chairman, that I totally agree with the gentleman from Texas (Mr. EDWARDS) who has time and time again taken this floor to lead the effort to help veterans. The fact is that veterans are not going to be conned by someone who says, Oh, oh, I was a really good friend of veterans that day when that bill was up. I voted against final passage.

Mr. Chairman, the only practical chance that any Member of this House had to get more money for veterans was to beat the rule so you could go back and have made in order the amendment that the gentleman talked about. My friend from California can resent all he wants the fact that we talk about what the tax cut cost us in services, but the fact is the Republican leadership of this Congress put tax cuts before anybody else and the fact is that under those tax cuts if you make a million bucks next year, you are going to get an $88,000 tax cut. The fact is that what we are trying to do with his amendment is to reduce that by $11,000 so they will only get a $77,000 tax cut. We are trying to do that so that there is enough room to fund additional veterans health care benefits.

That is what we are trying to do. You may not like the fact that we bring it up, but the consequences of your providing $3 trillion in tax cuts the next 11 years, the consequences are that there will be no room in the inn for adequate education funding, adequate health care funding, or adequate help for veterans. That is a fact. You may not like the fact that we bring it up, but we are going to bring it up every day of the year because it is a hard, cold fact of budgeting. When you make choices, you have to be able to take the heat for those choices; and we are going to turn up the heat, baby, because you were wrong.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank my colleague for his assistance in creating this bill and steering it through the floor debate. I would like to give him and our colleagues in the House my promise that as all these bills move through to conference as CBO and OMB reexamine the estimates and costs of the bills and if, and that is a hope, more funds become available to the VA–HUD bill, increasing the funding for VA medical service will be our first priority.

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

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I certainly agree with that. As has been expressed here on the floor, expressed through the gentleman from Texas (Mr. EDWARDS), expressed with the gentleman from Wisconsin's comments, I agree that should funds under the VA-HUD allocation increase, VA medical service would most definitely be one of our first priorities.

Mr. WALSH. I thank the gentleman for his comments. I thank him for his help. I urge a ''yes'' vote on the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 12 offered by the gentleman from New Jersey (Mr. SMITH), amendment No. 10 offered by the gentleman from Florida (Mr. STEARNS), amendment No. 6 offered by the gentleman from New York (Mr. NADLER), an amendment offered by the gentleman from Massachusetts (Mr. MARKEY), and an amendment offered by the gentlewoman from California (Ms. LEE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 77, not voting 10, as follows:

[Roll No. 451]

AYES—347

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore

Moran (KS)
Moran (VA)
Murphy
Nadler
Napolitano
Neugebauer
Ney
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOES—77

Aderholt
Barton (TX)
Biggert
Bishop (UT)
Blunt
Bonilla
Bonner
Brady (TX)
Buyer
Cannon
Cantor
Castle
Collins
Culberson
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Flake
Foley
Franks (AZ)
Frelinghuysen
Gilchrest
Granger
Hastings (WA)
Hobson
Houghton
Hulshof
Istook
Johnson, Sam
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lewis (CA)
Murtha
Musgrave
Myrick
Nethercutt
Northup
Nunes
Nussle
Osborne
Otter
Pearce
Petri
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rogers (KY)
Saxton
Schrock
Sessions
Shadegg
Sherwood
Simpson
Souder
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Wicker
Wolf
Young (FL)

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Neal (MA)
Oberstar
Ros-Lehtinen
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1733

Messrs. COLLINS, PETRI, HOUGHTON, FRANKS of Arizona, and WALDEN of Oregon changed their vote from ''aye'' to ''no.''

Ms. KILPATRICK, Mrs. MILLER of Michigan, Mrs. CUBIN and Messrs. SHIMKUS, UPTON, SHUSTER, BURGESS, CALVERT, GARY G. MILLER of California, ROTHMAN, and CUNNINGHAM changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

The Chair will inform Members that this is a lengthy series of votes and will ask Members to cast their vote within the time provided for each vote.

AMENDMENT NO. 10 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 264, not voting 16, as follows:

[Roll No. 452]

AYES—154

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Edwards
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
McCotter
McHugh
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Stenholm
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—264

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Cooper
Fletcher
Gephardt
Green (TX)
Greenwood
Gutierrez
Hinchey
Holt
Issa
Kelly
McCrery
Millender-McDonald
Oberstar
Radanovich
Ros-Lehtinen
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1740

Mr. PETRI changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. KELLY. Mr. Chairman, on rollcall No. 452, due to a technical difficulty with my voting card, my vote was not recorded. I would have voted ''aye.''

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 452, I was detained by constituents that precluded me from getting to the floor. Had I been present, I would have voted ''no.''

Mr. HOLT. Mr. Chairman, I was detained on rollcall vote number 452, the Stearns amendment. If I had been here, I would have voted ''no.'' At a time when AmeriCorp is already underfunded by $100 million, this is no time to cut it further.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 208, not voting 9, as follows:

[Roll No. 453]

AYES—217

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

NOES—208

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

NOT VOTING—9

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1749

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 309, not voting 11, as follows:

[Roll No. 454]

AYES—114

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bass
Berkley
Bishop (NY)
Blumenauer
Bradley (NH)
Brady (PA)
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Chocola
Clay
Conyers
Costello
Crowley
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Grijalva
Gutierrez
Hoeffel
Holden
Honda
Hooley (OR)
Inslee
Jackson (IL)
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lynch
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Ramstad
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schakowsky
Shays
Simmons
Slaughter
Smith (WA)
Solis
Stark
Strickland
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Waxman
Weiner
Woolsey

NOES—309

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carter
Castle
Chabot
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
Hunter
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1756

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 454 I was unavoidably absent. Had I been present, I would have voted ''aye.''

AMENDMENT OFFERED BY MS. LEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 232, not voting 10, as follows:

[Roll No. 455]

AYES—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
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
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
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
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus

Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 455 I was unavoidably absent. Had I been present, I would have voted "aye."

The CHAIRMAN. Are there any further amendments? If not, the Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004''.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SHIMKUS, 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. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 338, he reported the bill back to the House with sundry amendments 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 any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on 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.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the remaining votes on final passage, if ordered, and on the concurrent resolution on adjournment and on the Toomey amendment be conducted as 5-minute votes if there are no intervening recorded votes ordered.

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

There was no objection.

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

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to the order of the House just adopted, this will be a 5-minute vote. This vote will be followed by a series of other 5-minute votes on the adjournment resolution and on the postponed proceedings of H.R. 2859. Because of the unusual nature of the unanimous consent request, the Chair will make certain that all Members have the opportunity to vote during this 5-minute series.

The vote was taken by electronic device, and there were—yeas 316, nays 109, not voting 10, as follows:

[Roll No. 456]

YEAS—316

Abercrombie
Ackerman
Aderholt
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Castle
Chabot
Clay
Clyburn
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Hall
Harman
Harris
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—109

Akin
Alexander
Allen
Baird
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Blackburn
Boozman
Boswell
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burns
Carson (IN)
Carson (OK)
Carter
Case
Chocola
Coble
Conyers
Costello
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
English
Evans
Feeney
Filner
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hart
Hayworth
Hefley
Hensarling
Hill
Honda
Hooley (OR)
Hostettler
Hyde
Inslee
Jackson (IL)
Janklow
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kind
King (NY)
Kline
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (KY)
LoBiondo
McCollum
McCotter
McInnis
McIntyre
Michaud
Miller (FL)
Moran (KS)
Murphy
Musgrave
Nussle
Obey
Paul
Pomeroy
Ramstad
Renzi
Rodriguez
Rogers (MI)
Ryan (OH)
Ryan (WI)
Ryun (KS)
Schakowsky
Schrock
Sensenbrenner
Simmons
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tanner
Tauscher
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Velazquez
Watt
Wexler

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1815

Messrs. POMEROY, DELAHUNT, LARSEN of Washington and MCINTYRE changed their vote from ''yea'' to ''nay.''

Messrs. EMANUEL, MOORE, HAYES, and MARKEY changed their vote from ''nay'' to ''yea.''

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 against:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 456 I was unavoidably absent. Had I been present, I would have voted "nay."

□ 1815

PROVIDING FOR AN ADOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 259) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, September 3, 2003 or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 25, 2003, through Monday, August 4, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 2, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The resolution is not debatable.

Pursuant to section 132 of the Legislative Reorganization Act of 1946, this vote must be taken by the yeas and nays.

Under the previous order of the House, this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 40, not voting 19, as follows:

[Roll No. 457]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
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
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
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 (WI)
Greenwood
Gutierrez
Gutknecht
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
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
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—40

Alexander
Baca
Becerra
Bell
Bishop (NY)
DeFazio
DeLauro
Dicks
Doggett
Fattah
Filner
Grijalva
Hall
Harman
Holt
Lee
Lofgren
Maloney
McCarthy (NY)
Meek (FL)
Menendez
Olver
Pastor
Pelosi
Rahall
Sanchez, Linda T.
Schakowsky
Schiff
Scott (VA)
Sherman
Solis
Strickland
Tanner
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Watt
Weiner
Wexler

NOT VOTING—19

Boehner
Burton (IN)
Cooper
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Jackson-Lee (TX)
Lipinski
McCrery
Miller, George
Oberstar
Ros-Lehtinen
Sessions
Sullivan
Taylor (NC)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1823

Ms. DELAURO changed her vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 457, I was unavoidably absent. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2861, and that I may include tabular and extraneous material therein.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

The SPEAKER pro tempore. Pursuant to the order of the House today, proceedings will now resume on the bill (H.R. 2859), making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, pending was the amendment by the gentleman from Pennsylvania (Mr. TOOMEY) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

This is a 5-minute order pursuant to the previous order of the House to be followed by a second 5-minute vote on passage.

The vote was taken by electronic device, and there were—yeas 111, nays 300, not voting 23, as follows:

[Roll No. 458]

YEAS—111

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bishop (UT)
Blackburn
Boyd
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Buyer
Camp
Cannon
Cardoza
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Dooley (CA)
Duncan
Dunn
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Gutknecht
Hall
Harman
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Isakson
Issa
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
Kline
Manzullo
Marshall
McCotter
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Nussle
Otter
Paul
Pence
Petri
Pickering
Pitts
Platts
Radanovich
Ramstad
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Stenholm
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Wilson (SC)

NAYS—300

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Castle
Clay
Clyburn
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Harris
Hastings (FL)
Hastings (WA)
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Boehner
Burton (IN)
Conyers
Cooper
Diaz-Balart, L.
Evans
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Hunter
Jackson-Lee (TX)
Lewis (KY)
Lipinski
McCarthy (MO)
McCrery
Miller, George
Oberstar
Ros-Lehtinen
Slaughter
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1830

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ISRAEL. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 458 on final passage of H.R. 2859, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2003. If I had been present, I would have voted "yea."

Stated against:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 458 I was unavoidably absent. Had I been present, I would have voted "no."

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 458, the Toomey amendment, I was unavoidably detained. Had I been present, I would have voted "nay."

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

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

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

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

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 60, not voting 23, as follows:

[Roll No. 459]

AYES—352

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly

Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—60

Akin
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blumenauer
Cannon
Cox
Crowley
Cubin
Deal (GA)
DeFazio
DeGette
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Green (WI)
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hostettler
Johnson, Sam
Jones (NC)
Kucinich
McInnis
Miller (FL)
Musgrave
Myrick
Nussle
Otter
Paul
Peterson (PA)
Petri
Pitts
Ramstad
Rehberg
Renzi
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Stearns
Stenholm
Tancredo
Toomey
Udall (CO)
Udall (NM)
Walden (OR)
Waters

NOT VOTING—23

Ackerman
Brady (TX)
Burton (IN)
Cooper
Delahunt
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Israel
Lipinski
McCarthy (MO)
McCrery
Oberstar
Ros-Lehtinen
Ryan (WI)
Scott (GA)
Slaughter
Sullivan
Weiner
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1836

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:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 459 I was unavoidably absent. Had I been present, I would have voted ''aye.''

Mrs. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 459 I was unavoidably detained. Had I been present, I would have voted ''aye.''

MESSAGE FROM THE SENATE

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

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2555) ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY, to be the conferees on the part of the Senate.

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

S. Con. Res. 40. Concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. Con. Res. 62. Concurrent resolution honoring the service and sacrifice of Korean War veterans.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Majority Leader, appoints the Senator from Minnesota (Mr. COLEMAN) as a member of the United States Senate Caucus on International Narcotics Control.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT REGARDING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 2854) to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2854

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

SECTION 1. EXTENSION OF AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.

(a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking ''fiscal year 2002'' and inserting ''fiscal year 2004''.

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking ''AND 1999'' and inserting ''THROUGH 2000''; and

(ii) by adding at the end of subparagraph (A) the following:

''(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.''.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting ''or for fiscal year 2000 by the end of fiscal year 2002,'' after ''fiscal year 2001,'';

(ii) in subparagraph (A), by striking ''1998 or 1999'' and inserting ''1998, 1999, or 2000'';

(iii) in subparagraph (A)(i)—

(I) by striking ''or'' at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting ''; or''; and

(III) by adding at the end the following new subclause:

''(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).'';

(iv) in subparagraph (A)(ii), by striking ''or 1999'' and inserting '', 1999, or 2000'';

(v) in subparagraph (B), by striking ''with respect to fiscal year 1998 or 1999'';

(vi) in subparagraph (B)(ii)—

(I) by inserting ''with respect to fiscal year 1998, 1999, or 2000,'' after ''subsection (e),''; and

(II) by striking ''2002'' and inserting ''2004''; and

(vii) by adding at the end the following new subparagraph:

''(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).''.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking ''AND 1999'' and inserting '', 1999, AND 2000''; and

(ii) in paragraph (3)—

(I) by striking ''or fiscal year 1999'' and inserting '', fiscal year 1999, or fiscal year 2000''; and

(II) by striking ''or November 30, 2001'' and inserting ''November 30, 2001, or November 30, 2002'', respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking ''2000'' and inserting ''2001''; and

(ii) by adding at the end of subparagraph (A) the following:

''(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.''.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting ''or for fiscal year 2001 by the end of fiscal year 2003,'' after ''fiscal year 2002,'';

(ii) in subparagraph (A), by striking ''1999, or 2000'' and inserting ''1999, 2000, or 2001'';

(iii) in subparagraph (A)(i)—

(I) by striking ''or'' at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting ''; or''; and

(III) by adding at the end the following new subclause:

''(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).'';

(iv) in subparagraph (A)(ii), by striking ''or 2000'' and inserting ''2000, or 2001'';

(v) in subparagraph (B)—

(I) by striking ''and'' at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

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

''(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and''; and

(vi) by adding at the end the following new subparagraph:

''(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).''.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking ''AND 2000'' and inserting ''2000, AND 2001''; and

(ii) in paragraph (3)—

(I) by striking ''or fiscal year 2000'' and inserting ''fiscal year 2000, or fiscal year 2001''; and

(II) by striking ''or November 30, 2002,'' and inserting ''November 30, 2002, or November 30, 2003,'', respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

''(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

''(1) STATE OPTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, or 2001 (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

''(B) PAYMENTS TO STATES.—

''(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the availability of funds under such subparagraph with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

''(ii) EXPENDITURES DESCRIBED.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this subsection and during the period in which funds are available to the qualifying State for use under subparagraph (A), for medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

''(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a qualifying State that uses amounts paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

''(2) QUALIFYING STATE.—In this subsection, the term 'qualifying State' means a State that, on and after April 15, 1997, has an income eligibility standard that is at least 185 percent of the poverty line with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or, in the case of a State that has a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on July 1, 1995, has an income eligibility standard under such waiver for children that is at least 185 percent of the poverty line, or, in the case of a State that has a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on January 1, 1994, has an income eligibility standard under such waiver for children who lack health insurance that is at least 185 percent of the poverty line..

''(3) CONSTRUCTION.—Nothing in paragraphs (1) and (2) shall be construed as modifying the requirements applicable to States implementing State child health plans under this title.''.

SEC. 2. TECHNICAL CORRECTION.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—Subparagraphs (A) and (B) of section 401(a)(6) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–027) are amended to read as follows:

''(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) for any date after September 2, 2003, only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) applied as of such date is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

''(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) for any date after September 2, 2003, is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) for subsequent dates in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 401 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–027).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1015) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1015

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 ''Mosquito Abatement for Safety and Health Act''.

SEC. 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 4 of Public Law 107–84 and section 312 of Public Law 107–188, is amended—

(1) by transferring section 317R from the current placement of the section and inserting the section after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following:

''SEC. 317S. MOSQUITO-BORNE DISEASES; COORDINATION GRANTS TO STATES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.

''(a) COORDINATION GRANTS TO STATES; ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

''(1) IN GENERAL.—With respect to mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as 'control programs'), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of—

''(A) coordinating control programs in the State involved; and

''(B) assisting such State in making grants to political subdivisions of the State to conduct assessments to determine the immediate needs in such subdivisions for control programs, and to develop, on the basis of such assessments, plans for carrying out control programs in the subdivisions.

''(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence, prevalence, or high risk of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

''(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if—

''(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (b)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

''(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs;

''(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous;

''(D) the State agrees that the State will make grants to political subdivisions as described in paragraph (1)(B), and that such a grant will not exceed $10,000; and

''(E) the State agrees that the grant will be used to supplement, and not supplant, State and local funds available for the purpose described in paragraph (1).

''(4) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

''(A) describes the activities of the State under the grant; and

''(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (b)(5) from such subdivisions.

''(5) NUMBER OF GRANTS.—A State may not receive more than one grant under paragraph (1).

''(b) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States or consortia of political subdivisions of States, for the operation of control programs.

''(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to a political subdivision or consortium of political subdivisions that—

''(A) has—

''(i) a history of elevated incidence or prevalence of mosquito-borne disease;

''(ii) a population of infected mosquitoes; or

''(iii) met criteria determined by the Secretary to suggest an increased risk of elevated incidence or prevalence of mosquito-borne disease in the pending fiscal year;

''(B) demonstrates to the Secretary that such political subdivision or consortium of political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions;

''(C) demonstrates to the Secretary (directly or through State officials) that the State in which such a political subdivision or consortium of political subdivisions is located has identified or will identify geographic areas in such State that have a significant need for control programs and will effectively coordinate such programs in such areas; and

''(D) is located in a State that has received a grant under subsection (a).

''(3) REQUIREMENT OF ASSESSMENT AND PLAN.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved—

''(A) has conducted an assessment to determine the immediate needs in such subdivision or consortium for a control program, including an entomological survey of potential mosquito breeding areas; and

''(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision or consortium of political subdivisions, a grant under such paragraph may be made only if the subdivision or consortium agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than ⅓ of such costs ($1 for each $2 of Federal funds provided in the grant).

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver.

''(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision or consortium will submit to the Secretary, and to the State within which the subdivision or consortium is located, a report that describes the control program and contains an evaluation of whether the program was effective.

''(6) AMOUNT OF GRANT; NUMBER OF GRANTS.—

''(A) AMOUNT OF GRANT.—

''(i) SINGLE POLITICAL SUBDIVISION.—A grant under paragraph (1) awarded to a political subdivision for a fiscal year may not exceed $100,000.

''(ii) CONSORTIUM.—A grant under paragraph (1) awarded to a consortium of 2 or more political subdivisions may not exceed $110,000 for each political subdivision. A consortium is not required to provide matching funds under paragraph (4) for any amounts received by such consortium in excess of amounts each political subdivision would have received separately.

''(iii) WAIVER OF REQUIREMENT.—A grant may exceed the maximum amount in clause (i) or (ii) if the Secretary determines that the geographical area covered by a political subdivision or consortium awarded a grant under paragraph (1) has an extreme need due to the size or density of—

''(I) the human population in such geographical area; or

''(II) the mosquito population in such geographical area.

''(B) NUMBER OF GRANTS.—A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).

''(c) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(d) TECHNICAL ASSISTANCE.—Amounts appropriated under subsection (f) may be used by the Secretary to provide training and technical assistance with respect to the planning, development, and operation of assessments and plans under subsection (a) and control programs under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

''(e) DEFINITION OF POLITICAL SUBDIVISION.—In this section, the term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized

to be appropriated $100,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

''(2) PUBLIC HEALTH EMERGENCIES.—In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under paragraph (1) is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

''(3) FISCAL YEAR 2004 APPROPRIATIONS.—For fiscal year 2004, 50 percent or more of the funds appropriated under paragraph (1) shall be used to award grants to political subdivisions or consortia of political subdivisions under subsection (b).''.

SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following section:

''METHODS OF CONTROLLING CERTAIN INSECT AND VERMIN POPULATIONS

''SEC. 463B. The Director of the Institute shall conduct or support research to identify or develop methods of controlling insect and vermin populations that transmit to humans diseases that have significant adverse health consequences.''.

SEC. 4. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with the Administrator of the Environmental Protection Agency shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the following:

(1) A description of the status of the development of protocols for ensuring the safety of the blood supply of the United States with respect to West Nile Virus, including—

(A) the status of the development of screening mechanisms;

(B) changes in donor screening protocols; and

(C) the implementation of surveillance systems for the transmission of the virus via the blood supply.

(2) Recommendations for improvements to be made to the safety of the blood supply based on the development of protocols pursuant to paragraph (1), including the need for expedited review of screening mechanisms or other protocols.

(3) The benefits and risks of the spraying of insecticides as a public health intervention, including recommendations and guidelines for such spraying.

(4) The overall role of public health pesticides and the development of standards for the use of such pesticides compared to the standards when such pesticides are used for agricultural purposes.

Mr. TAUZIN. Mr. Speaker, I am pleased that the House is considering, hopefully for the final time, the Mosquito Abatement for Safety and Health Act (MASH).

Last summer, West Nile infected over 40 states in the nation. This record epidemic led to the deaths of 274 people and made seriously ill more than 4,000. While much of the press has focused on Severe Acute Respiratory Syndrome (SARS), it is important to point out that last year West Nile Virus led to more American deaths than the total caseload of SARS in this country. West Nile Virus is clearly an infectious disease that must be addressed in a coordinated fashion.

The House has passed the Mosquito Abatement for Safety and Health Act twice in the past year. I am pleased to announce that we have reached agreement with our Senate counterparts and are now planning to move forward legislation that is substantively the same as the MASH Act approved by the House in March, with of course, minor, but nonetheless improvements to the House bill.

The bill we are considering today will compliment the work the CDC already has underway. The MASH Act provides authority to the Secretary of Health and Human Services to make grants to states for the purpose of coordinating mosquito control programs, including assessment and mosquito control planning grants to political subdivisions. In addition to State grants, the MASH Act authorizes the CDC to award grants to political subdivisions of states for the operation of mosquito control programs.

The rapid outbreak of West Nile virus across America—which is fast outpacing the predictions of many scientists—has made it very difficult for our communities to adequately respond. The additional federal dollars we authorize through this legislation will assist states and localities with their immediate needs to combat West Nile virus. Notably, this legislation recognizes the importance of keeping mosquito control programs running at the local level, where they have historically operated. The bill also gives additional support to the CDC so it may provide training and technical assistance in the planning, development, and operation of mosquito control programs.

I would also like to personally thank my colleagues, Representative CHRIS JOHN, for the leadership he has shown in advancing this legislation. I would also like to thank Senators GREGG, FRIST, BREAUX, LANDRIEU, and KENNEDY and their staff for the extensive time they dedicated to this issue.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2854 and S. 1015, the two bills just passed.

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

There was no objection.

VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. YOUNG of Alaska submitted the following conference report and statement on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

CONFERENCE REPORT (H. REPT. 108–240)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Vision 100—Century of Aviation Reauthorization Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Findings.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Federal Aviation Administration operations.
Sec. 104. Funding for aviation programs.
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SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

SEC. 4. FINDINGS.

Congress finds the following:

(1) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

(2) Past Federal investment in aeronautics research and development has benefited the economy and national security of the United States and the quality of life of its citizens.

(3) The total impact of civil aviation on the United States economy exceeds $900,000,000,000 annually and accounts for 9 percent of the gross national product and 11,000,000 jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of the Nation's highly skilled, technologically qualified work force.

(4) Aerospace technologies, products, and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

(5) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.

(6) Revitalization and coordination of the United States efforts to maintain its leadership in aviation and aeronautics are critical and must begin now.

(7) A recent report by the Commission on the Future of the United States Aerospace Industry

outlined the scope of the problems confronting the aerospace and aviation industries in the United States and found that—

(A) aerospace will be at the core of the Nation's leadership and strength throughout the 21st century;

(B) aerospace will play an integral role in the Nation's economy, security, and mobility; and

(C) global leadership in aerospace is a national imperative.

(8) Despite the downturn in the global economy, projections of the Federal Aviation Administration indicate that upwards of 1,000,000,000 people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

(9) The United States must increase its investment in research and development to revitalize the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''The total'' and inserting ''(a) IN GENERAL.—The total''; and

(2) in subsection (a) (as so designated)—

(A) by striking ''September 30, 1998'' and inserting ''September 30, 2003''; and

(B) by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,400,000,000 for fiscal year 2004;

''(2) $3,500,000,000 for fiscal year 2005;

''(3) $3,600,000,000 for fiscal year 2006; and

''(4) $3,700,000,000 for fiscal year 2007.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,138,000,000 for fiscal year 2004;

''(2) $2,993,000,000 for fiscal year 2005;

''(3) $3,053,000,000 for fiscal year 2006; and

''(4) $3,110,000,000 for fiscal year 2007.'';

(2) by striking subsections (b), (d), and (e) and redesignating subsection (c) as subsection (b);

(3) by inserting after subsection (b) (as so redesignated) the following:

''(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

''(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used for the development and analysis of wake vortex advisory systems.

''(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 to 2007 may be used to establish a program for the installation of a precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and other such approach aids and is certified or approved by the Administrator.'';

(4) in subsection (f)—

(A) by striking ''for fiscal years beginning after September 30, 2000''; and

(B) by inserting ''may be used'' after ''necessary''; and

(5) by adding at the end the following:

''(h) STANDBY POWER EFFICIENCY PROGRAM.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used by the Secretary of Transportation, in cooperation with the Secretary of Energy and, where applicable, the Secretary of Defense, to establish a program to improve the efficiency, cost effectiveness, and environmental performance of standby power systems at Federal Aviation Administration sites, including the implementation of fuel cell technology.

''(i) PILOT PROGRAM TO PROVIDE INCENTIVES FOR DEVELOPMENT OF NEW TECHNOLOGIES.—Of amounts appropriated under subsection (a), $500,000 for fiscal year 2004 may be used for the conduct of a pilot program to provide operating incentives to users of the airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of take-offs and landings.''.

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended to read as follows:

''(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

''(A) $7,591,000,000 for fiscal year 2004;

''(B) $7,732,000,000 for fiscal year 2005;

''(C) $7,889,000,000 for fiscal year 2006; and

''(D) $8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A) and (B) and subparagraphs (F) through (I);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking ''fiscal years 2000 through 2003'' and inserting ''fiscal years 2004 through 2007''; and

(4) by adding after subparagraph (C) (as so redesignated) the following:

''(D) Such sums as may be necessary for fiscal years 2004 through 2007 for the Center for Management Development of the Federal Aviation Administration to operate training courses and to support associated student travel for both residential and field courses.

''(E) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out and expand the Air Traffic Control Collegiate Training Initiative.

''(F) Such sums as may be necessary for fiscal years 2004 through 2007 for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

''(G) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out the Aviation Safety Reporting System.''.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather aviation data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Chapter 481 is further amended by adding at the end the following:

''§ 48114. Funding for aviation programs

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2007 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

''(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

''(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2007, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) TOTAL BUDGET RESOURCES.—The term 'total budget resources' means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

''(A) 69–8106–0–7–402 (Grants in Aid for Airports).

''(B) 69–8107–0–7–402 (Facilities and Equipment).

''(C) 69–8108–0–7–402 (Research and Development).

''(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

''(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term 'level of receipts plus interest' means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

''(c) ENFORCEMENT OF GUARANTEES.—

''(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

''(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2007 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

''48114. Funding for aviation programs.''.

(c) REPEAL.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is repealed.

SEC. 105. AGREEMENTS FOR OPERATION OF AIRPORT FACILITIES.

Section 47124 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GOVERNMENT RELIEF FROM LIABILITY.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.'';

(2) by striking subsection (b)(2) and inserting the following:

''(2) The Secretary may make a contract with a qualified entity (as determined by the Secretary) or, on a sole source basis, with a State or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the entity, State, or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the entity, State, or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.'';

(3) subsection (b)(3)—

(A) in the paragraph heading by striking ''PILOT'';

(B) by striking ''pilot'' each place it appears; and

(C) in subparagraph (E) by striking ''$6,000,000 per fiscal year'' and inserting ''$6,500,000 for fiscal 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007''; and

(4) in subsection (b)(4)(C) by striking ''$1,100,000.'' and inserting ''$1,500,000.''.

SEC. 106. INSURANCE.

(a) AIRCRAFT MANUFACTURERS.—

(1) IN GENERAL.—Section 44302 is amended by adding at the end the following:

''(g) AIRCRAFT MANUFACTURERS.—

''(1) IN GENERAL.—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

''(2) AMOUNT.—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or $50,000,000.

''(3) TERMS AND CONDITIONS.—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.''.

(2) DEFINITION OF AIRCRAFT MANUFACTURER.—Section 44301 is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) 'aircraft manufacturer' means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.''.

(3) COVERAGE.—Section 44303(a) is amended—

(A) in the subsection heading by striking ''IN GENERAL'' and inserting ''IN GENERAL''; and

(B) by adding at the end the following:

''(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.''.

(b) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: ''The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.''.

(c) PREMIUMS AND LIMITATIONS ON COVERAGE AND CLAIMS.—Section 44306(b) is amended by striking ''air'' and inserting ''insurance''.

(d) ENDING EFFECTIVE DATE.—Section 44310 is amended by striking ''December 31, 2004'' and inserting ''March 30, 2008''.

(e) TECHNICAL CORRECTION.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking ''to carry out foreign policy'' and inserting ''to carry out the foreign policy''.

Subtitle B—Passenger Facility Fees

SEC. 121. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

''(G) A project for converting vehicles and ground support equipment used at a commercial service airport to low-emission technology (as defined in section 47102) or to use cleaner burning conventional fuels, retrofitting of any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology or use cleaner burning fuels if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.''.

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

''(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to a vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.''.

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.''.

(d) GUIDANCE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance determining eligibility of projects, and how benefits to air quality must be demonstrated, under the amendments made by this section.

SEC. 122. USE OF FEES TO PAY DEBT SERVICE.

Sections 40117(b) is further amended by adding at the end the following:

''(6) DEBT SERVICE FOR CERTAIN PROJECTS.—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport.''.

SEC. 123. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

''(E) The agency must include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

''(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.'';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

''(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

''(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies that may be affected. The public notice may include—

''(i) publication in local newspapers of general circulation;

''(ii) publication in other local media; and

''(iii) posting the notice on the agency's Internet website.

''(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

''(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).''; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking ''shall'' and inserting ''may''.

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

''(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

''(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

''(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. The notice shall include—

''(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

''(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

''(C) the level of the passenger facility fee that is proposed.

''(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate

any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

''(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

''(6) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

''(7) SUNSET.—This subsection shall cease to be effective beginning on the date that is 3 years after the date of issuance of regulations to carry out this subsection.

''(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order issued by the Secretary for purposes of section 46110.''.

(c) CLARIFICATION OF APPLICABILITY OF PFC'S TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking ''and'' at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(4) by adding after subparagraph (E) the following:

''(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.''.

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking ''for costs'' and inserting ''A project for costs''; and

(2) by striking the semicolon and inserting a period.

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration, consistent with current law, with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

SEC. 124. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

Section 40117 is further amended by adding at the end the following:

''(m) FINANCIAL MANAGEMENT OF FEES.—

''(1) HANDLING OF FEES.—A covered air carrier shall segregate in a separate account passenger facility revenue equal to the average monthly liability for fees collected under this section by such carrier or any of its agents for the benefit of the eligible agencies entitled to such revenue.

''(2) TRUST FUND STATUS.—If a covered air carrier or its agent fails to segregate passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

''(3) PROHIBITION.—A covered air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

''(4) COMPENSATION TO ELIGIBLE ENTITIES.—A covered air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

''(5) INTEREST ON AMOUNTS.—A covered air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts if the accounts are established and maintained in compliance with this subsection.

''(6) EXISTING REGULATIONS.—The provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall not apply to a covered air carrier.

''(7) COVERED AIR CARRIER DEFINED.—In this section, the term 'covered air carrier' means an air carrier that files for chapter 7 or chapter 11 of title 11 bankruptcy protection, or has an involuntary chapter 7 of title 11 bankruptcy proceeding commenced against it, after the date of enactment of this subsection.''.

Subtitle C—AIP Modifications

SEC. 141. AIRFIELD PAVEMENT.

Section 47102(3)(H) is amended by inserting ''nonhub airports and'' before ''airports that are not primary airports''.

SEC. 142. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: ''; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.''.

SEC. 143. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

Section 308 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 44901 note; 110 Stat. 3253), and the item relating to such section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 144. GRANT ASSURANCES.

(a) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting ''or any other governmental entity'' after ''sponsor''.

(b) AUDIT CERTIFICATION.—Section 47107(m) is amended—

(1) in paragraph (1) by striking ''promulgate regulations that'' and inserting ''include a provision in the compliance supplement provisions to'';

(2) in paragraph (1) by striking ''and opinion of the review''; and

(3) by striking paragraph (3).

SEC. 145. CLARIFICATION OF ALLOWABLE PROJECT COSTS.

Section 47110(b)(1) is amended by inserting before the semicolon at the end ''and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type''.

SEC. 146. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) IN GENERAL.—Section 47114(c)(1) is amended by adding at the end the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

''(i) the passenger boardings at the airport were below 10,000 in calendar year 2002 or 2003;

''(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

''(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.''.

(b) SPECIAL RULE FOR TRANSITIONING AIRPORTS.—Section 47114(f)(3) is amended—

(1) in the paragraph heading by striking ''AIRORTS'' and inserting ''AIRPORTS''; and

(2) in subparagraph (B) by striking ''fiscal years 2000 through 2003'' and inserting ''fiscal year 2004''.

SEC. 147. CARGO AIRPORTS.

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking ''ONLY''; and

(2) in subparagraph (A) by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 148. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

''(d) CONSIDERATIONS.—

''(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

''(A) the effect that the project will have on overall national transportation system capacity;

''(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

''(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

''(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

''(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

''(F) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport.''.

''(2) FOR ALL PROJECTS.—In selecting a project for a grant under this section, the Secretary shall consider among other factors whether—

''(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

''(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.''.

SEC. 149. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting ''or 47114(d)(3)(A)'' after ''under section 47114(c)''.

(b) ALLOWABLE PROJECT COSTS.—Section 47110 is amended—

(1) in subsection (b)(2)(C) by striking ''of this title'' and inserting ''or section 47114(d)(3)(A)'';

(2) in subsection (g)—

(A) by inserting ''or section 47114(d)(3)(A)'' after ''of section 47114(c)''; and

(B) by striking ''of project'' and inserting ''of the project''; and

(3) by adding at the end the following:

''(h) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.''.

(c) WAIVER.—Section 47117(c)(2) is amended to read as follows:

''(2) WAIVER.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.''.

(d) TERMINAL DEVELOPMENT COSTS.—Section 47119(b) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(3) by adding at the end the following:

''(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).''.

SEC. 150. USE OF APPORTIONED AMOUNTS.

The first sentence of section 47117(b) is amended by striking ''primary airport'' and all that follows through ''calendar year'' and inserting ''nonhub airport or any airport that is not a commercial service airport''.

SEC. 151. INCREASE IN APPORTIONMENT FOR, AND FLEXIBILITY OF, NOISE COMPATIBILITY PLANNING PROGRAMS.

Section 47117(e)(1)(A) is amended—

(1) by striking ''At least 34 percent'' and inserting ''At least 35 percent'';

(2) by striking ''of this title and'' and inserting a comma;

(3) by striking ''of this title.'' and inserting '', for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, and for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.).''; and

(4) by striking ''34 percent requirement'' and inserting ''35 percent requirement''.

SEC. 152. PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

(a) IN GENERAL.—Chapter 471 is amended by adding at the end the following:

''§ 47138. Pilot program for purchase of airport development rights

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

''(b) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the grant is made—

''(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

''(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

''(2) MATCHING REQUIREMENT.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

''(c) GRANT STANDARDS.—The Secretary shall prescribe standards for grants under subsection (a), including—

''(1) grant application and approval procedures; and

''(2) requirements for the content of the instrument recording the purchase of the development rights.

''(d) RELEASE OF PURCHASED RIGHTS AND COVENANT.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

''(e) LIMITATION.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47137 the following:

''47138. Pilot program for purchase of airport development rights''.

SEC. 153. MILITARY AIRPORT PROGRAM.

Section 47118 is amended—

(1) in subsection (e) by striking ''Not more than $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available'' and inserting ''From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available''; and

(2) in subsection (f)—

(A) by striking ''Not more than a total of $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available'' and inserting the following:

''(1) CONSTRUCTION.—From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available''; and

(2) by adding at the end the following:

''(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).''.

SEC. 154. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

''§ 47130. Airport safety data collection

''Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.''.

SEC. 155. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

''(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

''(ii) in the case of a nonprimary airport, by the Secretary after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not affect any application submitted before the date of enactment of this Act.

SEC. 156. INNOVATIVE FINANCING TECHNIQUES.

(a) ELIGIBLE PROJECTS.—The first sentence of section 47135(a) is amended by inserting after ''approve'' the following: '', after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act,''.

SEC. 157. AIRPORT SECURITY PROGRAM.

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

''(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.''.

SEC. 158. EMISSION CREDITS FOR AIR QUALITY PROJECTS.

(a) EMISSIONS CREDIT.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47139. Emission credits for air quality projects

''(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors receive appropriate emission reduction credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(F), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following conditions:

''(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

''(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

''(3) Credits are calculated and provided to airports on a consistent basis nationwide.

''(4) Credits are provided to airport sponsors in a timely manner.

''(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

''(b) ASSURANCE OF RECEIPT OF CREDITS.—As a condition for making a grant for a project described in section 47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

''(c) PREVIOUSLY APPROVED PROJECTS.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).

''(d) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47138 the following:

''47139. Emission credits for air quality projects.''.

SEC. 159. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47140. Airport ground support equipment emissions retrofit pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

''(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

''(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47139 the following:

''47140. Airport ground support equipment emissions retrofit pilot program.''.

(b) ACTIVITIES ADDED TO DEFINITION OF AIRPORT DEVELOPMENT.—

(1) IN GENERAL.—Section 47102(3) is amended—

(A) by striking subparagraphs (J), (K), and (L) and redesignating subparagraph (M) as subparagraph (J); and

(B) by adding at the end the following:

''(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47139.

''(L) a project for the acquisition or conversion of vehicles and ground support equipment, owned by a commercial service airport, to low-emission technology, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.''.

(2) GUIDANCE.—

(A) ELIGIBLE LOW-EMISSION MODIFICATIONS AND IMPROVEMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission modifications and improvements, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(K) of title 49, United States Code, as added by this subsection.

(B) ELIGIBLE LOW-EMISSION VEHICLE TECHNOLOGY.—The Secretary, in consultation with the Administrator, shall issue guidance describing eligible low-emission vehicle technology, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(L) of title 49, United States Code, as added by this subsection.

(c) ALLOWABLE PROJECT COST.—Section 47110(b) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) if the cost is for a project not described in section 47102(3) for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that include low-emission technology, but only to the extent of the incremental cost of equipping such vehicles or equipment with low emission technology, as determined by the Secretary.''.

(d) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 801 of this Act) is further amended by inserting after paragraph (10) the following:

''(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.''.

SEC. 160. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47141. Compatible land use planning and projects by State and local governments

''(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatability plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—

''(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

''(2) the land use plan or project meets the requirements of this section.

''(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

''(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

''(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

''(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

''(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be made under this section for a land use plan or a project resulting from such plan to provide—

''(1) assurances satisfactory to the Secretary that the plan—

''(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

''(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

''(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

''(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

''(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

''(2) such other assurances as the Secretary determines to be necessary to carry out this section.

''(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

''(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

''47141. Compatible land use planning and projects by State and local governments.''.

SEC. 161. TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs for a grant made in each of fiscal years 2004 through 2007 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 162. SHARE OF AIRPORT PROJECT COSTS.

(a) IN GENERAL.—Section 47109 is amended—

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

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

''(c) GRANDFATHER RULE.—

''(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the

project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

''(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

''(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project

''(2) LIMITATION.—The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 47109 is amended by striking ''Except as provided in subsection (b)'', and inserting ''Except as provided in subsection (b) or subsection (c)''.

SEC. 163. FEDERAL SHARE FOR PRIVATE OWNERSHIP OF AIRPORTS.

Section 47109(a)(4) is amended by striking ''40 percent'' and inserting ''70 percent''.

SEC. 164. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: '', including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

SEC. 165. HANGAR CONSTRUCTION GRANT ASSURANCE.

Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and''; and

(3) by adding at the end the following:

''(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.''.

SEC. 166. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:

''(a) REPAYING BORROWED MONEY.—

''(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

''(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

''(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

''(B) that is a designated airport under section 47118 in fiscal year 2003; and

''(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

''(A) the sponsor submits the certification required under section 47110(d);

''(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

''(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

''(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).''.

Subtitle D—Miscellaneous

SEC. 181. DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47142. Design-build contracting

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

''(1) the Administrator approves the application using criteria established by the Administrator;

''(2) the design-build contract is in a form that is approved by the Administrator;

''(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

''(4) use of a design-build contract will be cost effective and expedite the project;

''(5) the Administrator is satisfied that there will be no conflict of interest; and

''(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

''(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

''(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term 'design-build contract' means an agreement that provides for both design and construction of a project by a contractor.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47141 the following:

''47142. Design-build contracting.''.

SEC. 182. PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT.

(a) IN GENERAL.—In order to test the cost effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending, subject to section 1341 of title 31, United States Code, a contract for more than one, but not more than 20, fiscal years to purchase and install air traffic control equipment for the Administration. Such amendments may be for more than one, but not more than 10, fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, such sums as may be necessary shall be available to carry out this section.

SEC. 183. COST SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

''§ 44517. Program to permit cost sharing of air traffic modernization projects

''(a) IN GENERAL.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation's air transportation system by encouraging non-Federal investment in critical air traffic control equipment and software.

''(b) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117.

''(c) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $5,000,000 in Federal funds under the program.

''(d) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) to carry out the program.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) ELIGIBLE PROJECT.—The term 'eligible project' means a project to purchase equipment or software relating to the Nation's air traffic control system that is certified or approved by the Administrator of the Federal Aviation Administration and that promotes safety, efficiency, or mobility. Such projects may include—

''(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, and lighting improvements;

''(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

''(C) equipment and software that enhance airspace control procedures or assist in en route surveillance, including oceanic and offshore flight tracking.

''(2) PROJECT SPONSOR.—The term 'project sponsor' means any major user of the national airspace system, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

''(f) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, and upon agreement by the Administrator, a project sponsor may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

''(g) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 445 is amended by adding at the end the following:

''44517. Program to permit cost sharing of air traffic modernization projects.''.

SEC. 184. FACILITIES AND EQUIPMENT REPORTS.

(a) BIANNUAL REPORTS.—Beginning 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes—

(1) the 10 largest programs funded under section 48101(a) of title 49, United States Code;

(2) any changes in the budget for such programs;

(3) the program schedule; and

(4) technical risks associated with the programs.

(b) SUNSET PROVISION.—This section shall cease to be effective beginning on the date that is 4 years after the date of enactment of this Act.

SEC. 185. CIVIL PENALTY FOR PERMANENT CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46319. Permanent closure of an airport without providing sufficient notice

''(a) PROHIBITION.—A public agency (as defined in section 47102) may not permanently close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

''(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

''(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

''46319. Permanent closure of an airport without providing sufficient notice.''.

SEC. 186. MIDWAY ISLAND AIRPORT.

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretaries of Transportation, Defense, Interior, and Homeland Security shall enter into a memorandum of understanding to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO SECRETARY OF THE INTERIOR FOR MIDWAY ISLAND AIRPORT.—The Secretary of Transportation may enter into a reimbursable agreement with the Secretary of the Interior for the purpose of funding airport development, as defined in section 47102(3) of title 49, United States Code, at Midway Island Airport for fiscal years ending before October 1, 2007, from amounts available in the discretionary fund established by section 47115 of such title. The maximum obligation under the agreement for any such fiscal year shall be $2,500,000.

SEC. 187. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by adding ''and'' at the end of clause (ii); and

(3) by adding at the end the following:

''(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;''.

SEC. 188. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115 is amended by adding at the end the following:

''(j) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—For fiscal years 2004 through 2007, the sponsors of airports located in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau shall be eligible for grants under this section and section 47116.''.

SEC. 189. LIMITATION ON APPROVAL OF CERTAIN PROGRAMS.

Section 47504(b) is amended by adding at the end the following:

''(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.''.

SEC. 190. CONVEYANCE OF AIRPORT.

(a) OFFER OF CONVEYANCE.—Subject to the requirements of this section, the Chaluka Corporation is hereby offered ownership of the surface estate in the former Nikolski Radio Relay Site on Umnak Island, Alaska, and the Aleut Corporation is hereby offered the subsurface estate of that Site, in exchange for relinquishment by the Chaluka Corporation and the Aleut Corporation of Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(b) ACCEPTANCE AND RELINQUISHMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall convey the land as provided in subsection (c) if the Chaluka Corporation and the Aleut Corporation take the actions specified in paragraphs (2) and (3), respectively.

(2) CHALUKA CORPORATION.—As a condition for conveyance under subsection (c), the Chaluka Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, the Chaluka Corporation—

(A) accepts the offer under subsection (a);

(B) confirms that the area surveyed by the Bureau of Land Management for the purpose of fulfilling the Chaluka Corporation's final entitlements under sections 12(a) and 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a) and (b)), identified as Group Survey Number 773, accurately represents the Chaluka Corporation's final, irrevocable Alaska Native Claims Settlement Act priorities and entitlements unless any tract in Group Survey Number 773 is ultimately not conveyed as the result of an appeal; and

(C) relinquishes Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska, which will be charged against the Chaluka Corporation's final entitlement under section 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(b)).

(3) ALEUT CORPORATION.—As a condition for the conveyance under subsection (c), the Aleut Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, accompanied by the written legal opinion of counsel as to the legal sufficiency of the Board of Directors' action, the Aleut Corporation—

(A) accepts the offer under subsection (a); and

(B) relinquishes all rights to Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(c) REQUIREMENT TO CONVEY.—

(1) CONVEYANCE.—Notwithstanding the existence of Public Land Order 2374, upon receipt from the Chaluka Corporation and from the Aleut Corporation of their acceptances made in accordance with the requirements of subsections (b)(2) and (b)(3), respectively, of the offer under subsection (a), the Secretary of the Interior shall convey to the Chaluka Corporation the surface estate, and to the Aleut Corporation the subsurface estate, of—

(A) Phase I lands as soon as practicable; and

(B) each parcel of Phase II lands upon completion of environmental restoration of Phase II lands in accordance with applicable law.

(2) PHASE I LIABILITY LIMIT.—Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607), neither the Chaluka Corporation nor the Aleut Corporation shall be subject to any liability for—

(A) the presence or release of a hazardous substance, as that term is defined by section 101(14) of that Act (16 U.S.C. 9601(14)), on Phase I lands or the presence of solid waste on Phase I lands, which predates conveyance of those lands to the Chaluka Corporation and the Aleut Corporation pursuant to this section; or

(B) any release, from any of the hazardous substances or solid wastes referred to in subparagraph (A), following conveyance of Phase I lands under this section, so long as the presence of or releases from those hazardous substances or solid wastes are not the result of actions by the Chaluka Corporation or the Aleut Corporation.

(3) CONTINUED ACCESS OVER HILL AND BEACH STREETS.—The surface estate conveyed under paragraph (1) shall be subject to the public's right of access over Hill and Beach Streets, located on Tract B of United States Survey 4904.

(d) TREATMENT AS ANCSA LANDS.—Conveyances made under subsection (c) shall be considered to be conveyances under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.),

and are subject to the provisions of that Act except sections 14(c)(3), 14(c)(4), and 17(b)(3) (43 U.S.C. 1613(c)(3), 1613(c)(4), and 1616(b)(3)).

(e) AUTHORITY TO CONVEY CERTAIN OTHER LANDS.—The Secretary of the Interior shall at no cost to the recipient convey ownership of—

(1) an estate in fee simple in—

(A) each of Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904 that is the subject of an Aleutian Housing Authority mutual help occupancy agreement, to the Aleutian Housing Authority; and

(B) the remainder of such Lots to the current occupants; and

(2) an estate in fee simple in the Nikolski powerhouse land, to—

(A) the Indian Reorganization Act Tribal Government for the Native Village of Nikolski, upon completion of the environmental restoration described in subsection (f), if after the restoration the powerhouse continues to be located on the Nikolski powerhouse land; or

(B) the surface estate to the Chaluka Corporation and the subsurface estate to the Aleut Corporation, if after the restoration, the Nikolski powerhouse is no longer located on the Nikolski powerhouse land. –

(f) RESTORATION OF POWERHOUSE LAND.—The Denali Commission, in consultation with the appropriate agency of the State of Alaska, is authorized to arrange for environmental restoration, in accordance with applicable law, of the areas on, beneath, and adjacent to the Nikolski powerhouse land that are contaminated as a result of powerhouse operations and activities.

(g) ACCESS.—As a condition of the conveyance of land under subsection (c), the Chaluka Corporation shall permit the United States Government, and its agents, employees, and contractors, to have unrestricted access to the airfield at Nikolski in perpetuity for site investigation, restoration, remediation, and environmental monitoring of the former Nikolski Radio Relay Site and reasonable access to that airfield, and to other land conveyed under this section, for any activity associated with management of lands owned by the United States and for other governmental purposes without cost to the Government.

(h) SURVEY REQUIREMENTS.—

(1) BLM SURVEYS.—The Bureau of Land Management is not required to conduct additional on-the-ground surveys as a result of conveyances under this section. The patent to the Chaluka Corporation may be based on protracted section lines and lotting where relinquishment under subsection (b)(2)(C) results in a change to the Chaluka Corporation's final boundaries.

(2) MONUMENTATION.—No additional monumentation is required to complete those final boundaries.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) FEDERAL AGENCIES.—There is authorized to be appropriated to the Department of the Interior and other appropriate agencies such sums as are necessary to carry out the provisions of this section.

(2) POWERHOUSE LAND RESTORATION.—There is authorized to be appropriated $1,500,000 to reimburse the appropriate State of Alaska agency for costs required for environmental restoration of the Nikolski powerhouse land, in accordance with applicable law.

(j) TERMINATION.—This section shall cease to be effective if either the Chaluka Corporation or the Aleut Corporation affirmatively rejects the offer under subsection (a) or if after 180 days following the date of enactment of this Act either corporation has not taken the actions specified in subsection (b)(2) or (b)(3), respectively.

(k) DEFINITIONS.—In this section, the following defintions apply:

(1) The term ''Aleut Corporation'' means the regional corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the region in which the Native Village of Nikolski, Alaska, is located.

(2) The term ''Chaluka Corporation'' means the village corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Native Village of Nikolski, Alaska.

(3) The term ''former Nikolski Radio Relay Site'' means the portions of Tracts A, B, and C of Public Land Order 2374 that are surveyed as Tracts 37, 37A, 38, 39, and 39A of Township 83 South, Range 136 West, Seward Meridian, Alaska, and Tract B of United States Survey 4904, Alaska, except—

(A) Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904; and

(B) the Nikolski powerhouse land.

(4) The term ''Nikolski powerhouse land'' means the parcel of land upon which is located the power generation building for supplying power to the Native Village of Nikolski, the boundaries of which are described generally as follows: Beginning at the point at which the southerly boundary of Tract 39 of Township 83 South, Range 136 West, Seward Meridian, Alaska, intersects the easterly boundary of the road that connects the Native Village of Nikolski and the airfield at Nikolski; then meandering in a northeasterly direction along the easterly boundary of that road until the road intersects the westerly boundary of the road that connects Umnak Lake and the airfield; then meandering in a southerly direction along the western boundary of that Umnak Lake road until that western boundary intersects the southern boundary of such Tract 39; then proceeding eastward along the southern boundary of such Tract 39 to the beginning point.

(5) The term ''Phase I lands'' means Tract 39 of Township 83 South, Range 136 West, Seward Meridian, excluding the Nikolski powerhouse land.

(6) The term ''Phase II lands'' means the portion of the former Nikolski Radio Relay Site not conveyed as Phase I lands.

TITLE II—FAA ORGANIZATION

Subtitle A—FAA Reform

SEC. 201. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting ''AND AIR TRAFFIC SERVICES BOARD'' after ''COUNCIL''; and

(2) in paragraph (2)—

(A) by striking ''consist of'' and all that follows through ''members, who'' and inserting ''consist of 13 members, who'';

(B) by inserting after ''Senate'' in subparagraph (C)(i) '', except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation'';

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting ''; and''; and

(D) by striking ''employees, by—'' in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting ''employees, by the Secretary of Transportation.''.

SEC. 202. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

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

''(3) QUALIFICATIONS.—No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee.''.

(2) in paragraph (4)(C) by inserting ''or Air Traffic Services Committee'' after ''Council'' each place it appears;

(3) in paragraph (5) by inserting '', the Air Traffic Services Committee,'' after ''Council'';

(4) in paragraph (6)(C)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''COMMITTEE'';

(B) by striking ''member'' and inserting ''members'';

(C) by striking ''under paragraph (2)(E)'' the first place it appears and inserting ''to the Air Traffic Services Committee''; and

(D) by striking ''of the members first'' and all that follows through the period at the end and inserting ''the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).'';

(5) in paragraph (6)(D) by striking ''under paragraph (2)(E)'' and inserting ''to the Committee'';

(6) in paragraph (6)(E) by inserting ''or Committee'' after ''Council'';

(7) in paragraph (6)(F) by inserting ''of the Council or Committee'' after ''member'';

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking ''Council'' and inserting ''Committee''; and

(B) by striking ''appointed under paragraph (2)(E)'';

(9) in paragraph (6)(H)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''COMMITTEE'';

(B) by striking ''under paragraph (2)(E)'' in clause (i) and inserting ''to the Committee''; and

(C) by striking ''Air Traffic Services Subcommittee'' and inserting ''Committee'';

(10) in paragraph (6)(I)(i)—

(A) by striking ''appointed under paragraph (2)(E) is'' and inserting ''is serving as''; and

(B) by striking ''Subcommittee'' and inserting ''Committee'';

(11) in paragraph (6)(I)(ii)—

(A) by striking ''appointed under paragraph (2)(E)'' and inserting ''who is a member of the Committee''; and

(B) by striking ''Subcommittee'' and inserting ''Committee'';

(12) in paragraph (6)(K) by inserting ''or Committee'' after ''Council'';

(13) in paragraph (6)(L) by inserting ''or Committee'' after ''Council'' each place it appears; and

(14) in paragraph (7)—

(A) by striking ''SUBCOMMITTEE'' in the paragraph heading and inserting ''COMMITTEE'';

(B) by striking subparagraph (A) and inserting the following:

''(A) ESTABLISHMENT.—The Administrator shall establish a committee that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, into such committee. The committee shall be known as the Air Traffic Services Committee (in this subsection referred to as the 'Committee').'';

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

''(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Committee shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

''(i) shall have a fiduciary responsibility to represent the public interest;

''(ii) shall be citizens of the United States; and

''(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

''(C) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member of the Committee may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.'';

(E) by striking ''Subcommittee'' each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting ''Committee'';

(F) by striking ''approve'' in subparagraph (E)(v)(I) (as so redesignated) and inserting ''make recommendations on'';

(G) by striking ''request'' in subparagraph (E)(v)(II) (as so redesignated) and inserting ''recommendations'';

(H) by striking ''ensure that the budget request supports'' in subparagraph (E)(v)(III) (as so redesignated) and inserting ''base such budget recommendations on'';

(I) by striking ''The Secretary shall submit'' in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E);

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

''(F) COMMITTEE PERSONNEL MATTERS AND EXPENSES.—

''(i) PERSONNEL MATTERS.—The Committee may appoint and terminate for purposes of employment by the Committee any personnel that may be necessary to enable the Committee to perform its duties, and may procure temporary and intermittent services under section 40122.

''(ii) TRAVEL EXPENSES.—Each member of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.'';

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking ''Subcommittee'' each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting ''Committee'';

(L) in subparagraph (H) (as so redesignated)—

(i) by striking ''Subcommittee'' each place it appears and inserting ''Committee'';

(ii) by striking ''Administrator, the Council'' each place it appears in clauses (i) and (ii) and inserting ''Secretary''; and

(iii) in clause (ii) by striking ''(B)(i)'' and inserting ''(D)(i)''; and

(M) by adding at the end the following:

''(I) AUTHORIZATION.—There are authorized to be appropriated to the Committee such sums as may be necessary for the Committee to carry out its activities.''.

SEC. 203. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking ''Air Traffic Services Subcommittee of the Aviation Management Advisory Council'' and inserting ''Air Traffic Services Committee'';

(2) in paragraph (2)(B) by inserting ''in'' before ''paragraph (3).'';

(3) in paragraph (3) by striking ''Air Traffic Control Subcommittee of the Aviation Management Advisory Committee'' and inserting ''Air Traffic Services Committee'';

(4) in paragraph (4) by striking ''Transportation and Congress'' and inserting ''Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate'';

(5) in paragraph (5)(A)—

(A) by striking ''develop a'' and inserting ''implement the''; and

(B) by striking '', including the establishment of'' and inserting ''in order to further'';

(6) in paragraph (5)(B)—

(A) by striking ''review'' and all that follows through ''Administration,'' and inserting ''oversee the day-to-day operational functions of the Administration for air traffic control,'';

(B) by striking ''and'' at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) the management of cost-reimbursable contracts.'';

(7) in paragraph (5)(C)(i) by striking ''prepared by the Administrator'';

(8) in paragraph (5)(C)(ii) by striking ''and the Secretary of Transportation'' and inserting ''and the Committee''; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting ''agency's'' before ''annual''; and

(B) by striking ''developed under subparagraph (A) of this subsection.'' and inserting ''for air traffic control services.''.

SEC. 204. DEPUTY ADMINISTRATOR.

Section 106(d) is amended—

(1) by redesignating paragraphs (2) and (3) as (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Federal Aviation Administration.''.

Subtitle B—Miscellaneous

SEC. 221. CONTROLLER STAFFING.

(a) ANNUAL REPORT.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

(b) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete development of the strategy.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

SEC. 222. WHISTLEBLOWER PROTECTION UNDER ACQUISITION MANAGEMENT SYSTEM.

Section 40110(d)(2)(C) is amended by striking ''355).'' and inserting ''355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term 'executive agency' is deemed to refer to the Federal Aviation Administration.''.

SEC. 223. FAA PURCHASE CARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled ''FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets'', numbered GAO–03–405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

SEC. 224. PROCUREMENT.

(a) ACQUISITION MANAGEMENT SYSTEM.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking '', not later than January 1, 1996,''; and

(B) by striking ''provides for more timely and cost-effective acquisitions of equipment and materials.'' and inserting the following: ''provides for—

''(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

''(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.''; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

''(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under section 46110 and to section 504 of title 5.''.

(b) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES.—Section 106(f)(2)(A)(ii) is amended by inserting '', services,'' after ''property''.

SEC. 225. DEFINITIONS.

(a) IN GENERAL.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

''(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

''(36) 'passenger boardings'—

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

''(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.'';

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

''(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.'';

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

''(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.''.

(b) CONFORMING AMENDMENTS.—

(1) AIR SERVICE TERMINATION NOTICE.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(A) in subsection (c)(1) by striking ''(as that term is defined in section 41731(a)(5))''; and

(B) in subsection (f) by striking ''(as defined in section 41731(a)(3))''.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.—Section 41744(b) is amended by striking ''(as defined in section 41731)''.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 226. AIR TRAFFIC CONTROLLER RETIREMENT.

(a) AIR TRAFFIC CONTROLLER DEFINED.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (27);

(B) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(C) by adding at the end the following:

''(29) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401 of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (33);

(B) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(C) by adding at the end the following:

''(35) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).''.

(3) MANDATORY SEPARATION TREATMENT NOT AFFECTED.—

(A) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).''.

(B) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).''.

(b) MODIFIED ANNUITY COMPUTATION RULE FOR CERTAIN AIR TRAFFIC CONTROLLERS UNDER FERS.—

(1) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively, and by redesignating the second subsection (i) as subsection (l); and

(B) by inserting after subsection (d) the following:

''(e) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has had at least 5 years of service as an air traffic controller as defined by section 2109(1)(A)(i), so much of the annuity as is computed with respect to such type of service shall be computed by multiplying 1 7/10 percent of the individual's average pay by the years of such service.''.

(2) CONFORMING AMENDMENTS.—(A) Section 8422(d)(2) of title 5, United States Code, is amended by striking ''8415(i)'' and inserting ''8415(j)''.

(B) Section 8452(d)(1) of such title is amended by striking ''subsection (f)'' and inserting ''subsection (g)''.

(C) Section 8468(b)(1)(A) of such title is amended by striking ''through (g)'' and inserting ''through (h)''.

(D) Section 302(a) of the Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8331 note) is amended—

(i) in paragraph (1)(D)(iii)(VI), by striking ''subsection (g)'' and inserting ''subsection (h)'';

(ii) in paragraph (9), by striking ''8415(f)'' and inserting ''8415(g)''; and

(iii) in paragraph (12)(B)(ii), by striking ''through (f)'' and inserting ''through (g)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section—

(A) shall take effect on the 60th day after the date of enactment of this Act; and

(B) shall apply with respect to—

(i) any annuity entitlement to which is based on an individual's separation from service occurring on or after the effective date of this section; and

(ii) any service performed by any such individual before, on, or after the effective date of this section, subject to paragraph (2).

(2) SPECIAL RULE.—

(A) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (a)(2) shall, with respect to any service described in subparagraph (B), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(i) the deductions from pay which would have been required for such service if the amendments made by subsection (a)(2) had been in effect when such service was performed, exceeds

(ii) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title with respect to such service.

An amount under this subparagraph shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(B) PRIOR SERVICE DESCRIBED.—This paragraph applies with respect to any service performed by an individual before the effective date of this section as an employee described in section 8401(35)(B) of title 5, United States Code (as amended by subsection (a)(2)).

SEC. 227. DESIGN ORGANIZATION CERTIFICATES.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting ''design organization certificates,'' after ''airman certificates,''.

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is amended by adding at the end the following:

''(e) DESIGN ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

''(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

''(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on certifications of compliance by a design organization when making a finding under subsection (a).

''(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.

''(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.''.

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting ''design organization, production certificate holder,'' after ''appliance,''.

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking ''agency'' and inserting ''agency, design organization certificate, ''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

''§ 44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates''

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.''.

SEC. 228. JUDICIAL REVIEW.

The first sentence of section 46110(a) is amended—

(1) by striking ''safety''; and

(2) by striking under this part and inserting ''in whole or in part under this part, part B, or subsection (l) or (s) of section 114''.

SEC. 229. OVERFLIGHT FEES.

(a) ADOPTION AND LEGALIZATION OF CERTAIN RULES.—

(1) APPLICABILITY AND EFFECT OF CERTAIN LAW.—Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, is deemed to apply to and to have effect with respect to the authority of the Administrator of the Federal Aviation Administration with respect to the interim final

rule and final rule, relating to overflight fees, issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

(2) ADOPTION AND LEGALIZATION.—The interim final rule and final rule referred to in subsection (a), including the fees issued pursuant to those rules, are adopted, legalized, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically adopted, authorized, and directed as of the date those rules were originally issued.

(3) FEES TO WHICH APPLICABLE.—This subsection applies to fees assessed after November 19, 2001, and before April 8, 2003, and fees collected after the requirements of subsection (b) have been met.

(b) DEFERRED COLLECTION OF FEES.—The Administrator shall defer collecting fees under section 45301(a)(1) of title 49, United States Code, until the Administrator (1) reports to Congress respondig to the issues raised by the court in Air Transport Association of Canada v. Federal Aviation Administration and Administrator, FAA, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

(c) ENFORCEMENT.—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.

SEC. 230. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.

(a) IN GENERAL.—Until October 1, 2007, the Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United State Government.

(b) LIMITATION.—Subsection (a) shall not apply—

(1) to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act;

(2) to any expansion of that program through new construction under subtitle VII of title 49, United States Code; or

(3) to a Federal Aviation Administration air traffic control tower (other than towers in Alaska) identified in the Report of the Department of Transportation Inspector General dated April 12, 2000, and designated ''Contract Towers: Observations on the Federal Aviation Administration's Study of Expanding the Program''.

TITLE III—ENVIRONMENTAL PROCESS

Subtitle A—Aviation Development Streamlining

SEC. 301. SHORT TITLE.

This title may be cited as ''Aviation Streamlining Approval Process Act of 2003''.

SEC. 302. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 303. AIRPORT CAPACITY ENHANCEMENT.

Section 40104 is amended by adding at the end the following:

''(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47176.''.

SEC. 304. AVIATION PROJECT STREAMLINING.

(a) IN GENERAL.—Chapter 471 is amended by inserting after subchapter II the following:

''SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

''§ 47171. Expedited, coordinated environmental review process

''(a) AVIATION PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects that—

''(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

''(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (d) with respect to the project.

''(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—

''(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

''(2) AVIATION SAFETY AND AVIATION SECURITY PROJECTS.—

''(A) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

''(B) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

''(i) the importance or urgency of the project;

''(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

''(iv) the prospect for undue delay if the project is not designated for priority review; and

''(v) for aviation security projects, the views of the Department of Homeland Security.

''(c) HIGH PRIORITY OF AND AGENCY PARTICIPATION IN COORDINATED REVIEWS.—

''(1) HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord any such review, analysis, opinion, permit, license, or approval involving an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2) the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

''(2) AGENCY PARTICIPATION.—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

''(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2), the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

''(e) STATE AUTHORITY.—Under a coordinated review process being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the Governor of the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

''(f) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (d) with respect to the project and, if applicable, the airport sponsor.

''(g) USE OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAMS.—

''(1) IN GENERAL.—The Secretary may utilize an interagency environmental impact statement team to expedite and coordinate the coordinated environmental review process for a project under this section. When utilizing an interagency environmental impact statement team, the Secretary shall invite Federal, State and Tribal agencies with jurisdiction by law, and may invite such agencies with special expertise, to participate on an interagency environmental impact statement team.

''(2) RESPONSIBILITY OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAM.—Under a coordinated environmental review process being implemented under this section, the interagency environmental impact statement team shall assist the Federal Aviation Administration in the preparation of the environmental impact statement. To facilitate timely and efficient environmental review, the team shall agree on agency or Tribal points of contact, protocols for communication among agencies, and deadlines for necessary actions by each individual agency (including the review of environmental analyses, the conduct of required consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals). The members of the team may formalize their agreement in a written memorandum.

''(h) LEAD AGENCY RESPONSIBILITY.—The Federal Aviation Administration shall be the lead agency for projects designated under subsection (b)(2) and airport capacity enhancement projects at congested airports and shall be responsible for defining the scope and content of

the environmental impact statement, consistent with regulations issued by the Council on Environmental Quality. Any other Federal agency or State agency that is participating in a coordinated environmental review process under this section shall give substantial deference, to the extent consistent with applicable law and policy, to the aviation expertise of the Federal Aviation Administration.

''(i) EFFECT OF FAILURE TO MEET DEADLINE.—

''(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (a)(3) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

''(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

''(j) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

''(k) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2). Any other Federal agency, or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

''(l) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (j) and (k), the Secretary shall solicit and consider comments from interested persons and governmental entities in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.).

''(m) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

''§ 47172. Air traffic procedures for airport capacity enhancement projects at congested airports

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of an airport capacity enhancement project at a congested airport that involves the construction of new runways or the reconfiguration of existing runways during the environmental planning process for the project. If the Administrator determines that noise mitigation flight procedures are consistent with safe and efficient use of the navigable airspace, the Administrator may commit, at the request of the airport sponsor and in a manner consistent with applicable Federal law, to prescribing such procedures in any record of decision approving the project.

''(b) MODIFICATION.—Notwithstanding any commitment by the Administrator under subsection (a), the Administrator may initiate changes to such procedures if necessary to maintain safety and efficiency in light of new information or changed circumstances.

''§ 47173. Airport funding of FAA staff

''(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

''(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

''(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(3) shall remain available until expended.

''(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002 (excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862)) for the activities described in subsection (a).

''§ 47174. Authorization of appropriations

''In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

''§ 47175. Definitions

''In this subchapter, the following definitions apply:

''(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

''(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

''(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—

''(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

''(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.

''(4) AVIATION SAFETY PROJECT.—The term 'aviation safety project' means an aviation project that—

''(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

''(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board, as determined by the Administrator; or

''(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

''(5) AVIATION SECURITY PROJECT.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.

''(6) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the United States Government.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

''47171. Expedited, coordinated environmental review process.
''47172. Air traffic procedures for airport capacity enhancement projects at congested airports.
''47173. Airport funding of FAA staff.
''47174. Authorization of appropriations.
''47175. Definitions.''.

SEC. 305. ELIMINATION OF DUPLICATIVE REQUIREMENTS.

Section 47106(c) is amended—

(1) by inserting ''and'' after the semicolon at the end of paragraph (1)(A)(iii) (as added by this Act);

(2) by striking subparagraph (B) of paragraph (1);

(3) by redesignating subparagraph (C) of paragraph (1) as subparagraph (B);

(4) in paragraph (2)(A) by striking ''stage 2'' and inserting ''stage 3'';

(5) by striking paragraph (4);

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

(7) in paragraph (4) (as so redesignated) by striking ''(1)(C)'' and inserting ''(1)(B)''.

SEC. 306. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking ''and'' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(4) by adding at the end the following:

''(E) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.''.

SEC. 307. ISSUANCE OF ORDERS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall publish the final Federal Aviation Administration Order 1050.1E, Environmental Impacts: Policies and Procedures. Not later than 180 days after the date of publication of such final order, the Secretary shall publish for public comment the revised Federal Aviation Administration Order 5050.4B, Airport Environmental Handbook.

SEC. 308. LIMITATIONS.

Nothing in this subtitle, including any amendment made by this title, shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 309. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this subtitle shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

Subtitle B—Miscellaneous

SEC. 321. REPORT ON LONG TERM ENVIRONMENTAL IMPROVEMENTS.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall—

(1) explore new operational procedures for aircraft to achieve those goals;

(2) identify both near term and long term options to achieve those goals;

(3) identify infrastructure changes that would contribute to attainment of those goals;

(4) identify emerging technologies that might contribute to attainment of those goals;

(5) develop a research plan for application of such emerging technologies, including new combuster and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and

(6) develop an implementation plan for exploiting such emerging technologies to attain those goals.

(b) REPORT.—The Secretary shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $500,000 for fiscal year 2004 to carry out this section.

SEC. 322. NOISE DISCLOSURE.

(a) NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

(c) NOISE EXPOSURE MAP.—In this section, the term ''noise exposure map'' means a noise exposure map prepared under section 47503 of title 49, United States Code.

SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.

(a) IN GENERAL.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting '', as defined by this section,'' after ''lands'' the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting ''over a national park'' after ''operations'';

(3) in subsection (b)(3)(C) by inserting ''over a national park that are also'' after ''operations'';

(4) in subsection (b)(3)(D) by striking ''at the park'' and inserting ''over a national park'';

(5) in subsection (b)(3)(E) by inserting ''over a national park'' after ''operations'' the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting ''over a national park'' after ''operations'';

(7) in subsection (f)(1) by inserting ''over a national park'' after ''operation'';

(8) in subsection (f)(4)(A)—

(A) by striking ''commercial air tour operation'' and inserting ''commercial air tour operation over a national park''; and

(B) by striking ''park, or over tribal lands,'' and inserting ''park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),'';

(9) in subsection (f)(4)(B) by inserting ''over a national park'' after ''operation''; and

(10) in the heading for paragraph (4) of subsection (f) by inserting ''OVER A NATIONAL PARK'' after ''OPERATION''.

(b) QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK.—

(1) DEADLINE FOR RULE.—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) RESOLUTION OF DISPUTES.—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quite technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

SEC. 324. NOISE EXPOSURE MAPS.

Section 47503 is amended—

(1) in subsection (a) by striking ''1985,'' and inserting ''a forecast period that is at least 5 years in the future''; and

(2) by striking subsection (b) and inserting the following:

''(b) REVISED MAPS.—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.''.

SEC. 325. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than April 1, 2005, the Secretary of Transportation shall issue final regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 326. REDUCTION OF NOISE AND EMISSIONS FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to reducing community exposure to civilian aircraft noise or emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities for developing and testing noise reduction engine technology.

(b) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—The Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Noise and Emission Research.

SEC. 327. SPECIAL RULE FOR AIRPORT IN ILLINOIS.

(a) IN GENERAL.—Nothing in this title shall be construed to preclude the application of any provision of this Act to the State of Illinois or any other sponsor of a new airport proposed to be constructed in the State of Illinois.

(b) AUTHORITY OF THE GOVERNOR.—Nothing in this title shall be construed to preempt the authority of the Governor of the State of Illinois as of August 1, 2001, to approve or disapprove airport development projects.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Community Air Service

SEC. 401. EXEMPTION FROM HOLD-IN REQUIREMENTS.

Section 41734 is amended by adding at the end the following:

''(i) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving scheduled passenger air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.''.

SEC. 402. ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.

(a) IN GENERAL.—Section 41737 is amended by adding at the end the following:

''(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

''(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(2) READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.—If an adjustment is made under paragraph (1), and total unit costs subsequently decrease to at least the total unit cost reflected in the compensation rate, then the Secretary may reverse the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(3) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term 'significantly increased costs' means a total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the total unit cost reflected in the compensation rate, based on the carrier's internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

SEC. 403. JOINT PROPOSALS.

Section 41740 is amended by inserting '', including joint fares,'' after ''joint proposals''.

SEC. 404. ESSENTIAL AIR SERVICE AUTHORIZATION.

Section 41742 is amended—

(1) in subsection (a)(2)—

(A) by striking ''$15,000,000'' and inserting ''$77,000,000''; and

(B) by inserting before the period at the end ''of which not more than $12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance'';

(2) by adding at the end of subsection (a) the following:

''(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.''; and

(3) by striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 405. COMMUNITY AND REGIONAL CHOICE PROGRAMS.

Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41745. Community and regional choice programs

''(a) ALTERNATE ESSENTIAL AIR SERVICE PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

''(2) ASSISTANCE TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may provide assistance directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

''(3) USE OF ASSISTANCE.—A unit of local government or State receiving assistance for an eligible place under the program may use the assistance for any of the following purposes:

''(A) To provide assistance to air carriers that will use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment if the Secretary determines that passenger safety would not be compromised by the use of such smaller equipment and if the State or unit of local government waives the minimum service requirements under section 41732(b).

''(B) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

''(C) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

''(D) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

''(E) To purchase aircraft to provide transportation to and from the eligible place or to purchase a fractional share in an aircraft to provide such transportation after the effective date of a rule the Secretary issues relating to fractional ownership.

''(F) To pay for other transportation or related services that the Secretary may permit.

''(b) COMMUNITY FLEXIBILITY PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program for not more than 10 eligible places or consortia of units of local government.

''(2) ELECTION.—Under the program, the sponsor of an airport serving an eligible place may elect to forego any essential air service for which compensation is being provided under this subchapter for a 10-year period in exchange for a grant from the Secretary equal in value to twice the compensation paid to provide such service in the most recent 12-month period.

''(3) GRANT.—Notwithstanding any other provision of law, the Secretary shall make a grant to each airport sponsor participating in the program for use on any project that—

''(A) is eligible for assistance under chapter 471 and complies with the requirements of that chapter;

''(B) is located on the airport property; or

''(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

''(c) FRACTIONALLY OWNED AIRCRAFT.—After the effective date of the rule referred to in subsection (a)(3)(E), only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (a)(3)(E) is used to provide transportation described in subsection (a)(3)(E).

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An entity seeking to participate in a program under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

''(A) a statement of the amount of compensation or assistance required; and

''(B) a description of how the compensation or assistance will be used.

''(e) PARTICIPATION REQUIREMENTS.—An eligible place for which compensation or assistance is provided under this section in a fiscal year shall not be eligible in that fiscal year for the essential air service that it would otherwise be entitled to under this subchapter.

''(f) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this subsection (a) in a fiscal year shall not be prohibited from participating in the basic essential air service program under this subchapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

''(g) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.''.

SEC. 406. CODE-SHARING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the Secretary may require air carriers providing service with compensation under subchapter II of chapter 417 of title 49, United States Code, and major air carriers (as defined in section 41716(a)(2) of such title) serving large hub airports (as defined in section 40102 of such title) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

(b) LIMITATION.—The Secretary may not require air carriers to participate in the pilot program under this section for more than 10 communities receiving service under subchapter II of chapter 417 of title 49, United States Code.

SEC. 407. TRACKING SERVICE.

Subchapter II of chapter 417 is further amended by adding at the end the following:

''§ 41746. Tracking service

''The Secretary of Transportation shall require a carrier that provides essential air service to an eligible place and that receives compensation for such service under this subchapter to report not less than semiannually—

''(1) the percentage of flights to and from the place that arrive on time as defined by the Secretary; and

''(2) such other information as the Secretary considers necessary to evaluate service provided to passengers traveling to and from such place.''.

SEC. 408. EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is further amended by adding at the end the following:

''§ 41747. EAS local participation program

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air service subsidy costs for a 4-year period.

''(b) DESIGNATION OF COMMUNITIES.—

''(1) IN GENERAL.—The Secretary may not designate any community under this section unless it is located within 100 miles by road of a hub airport and is not located in a noncontiguous State. In making the designation, the Secretary may take into consideration the total traveltime between a community and the nearest hub airport, taking into account terrain, traffic, weather, road conditions, and other relevant factors.

''(2) ONE COMMUNITY PER STATE.—The Secretary may not designate—

''(A) more than 1 community per State under this section; or

''(B) a community in a State in which another community that is eligible to participate in the essential air service program has elected not to participate in the essential air service program as part of a pilot program under section 41745.

''(c) APPEAL OF DESIGNATION.—A community may appeal its designation under this section. The Secretary may withdraw the designation of a community under this section based on—

''(1) the airport sponsor's ability to pay; or

''(2) the relative lack of financial resources in a community, based on a comparison of the median income of the community with other communities in the State.

''(d) NON-FEDERAL SHARE.—

''(1) NON-FEDERAL AMOUNTS.—For purposes of this section, the non-Federal portion of the essential air service subsidy may be derived from contributions in kind, or through reduction in the amount of the essential air service subsidy through reduction of air carrier costs, increased ridership, pre-purchase of tickets, or other means. The Secretary shall provide assistance to designated communities in identifying potential means of reducing the amount of the subsidy without adversely affecting air transportation service to the community.

''(2) APPLICATION WITH OTHER MATCHING REQUIREMENTS.—This section shall apply to the Federal share of essential air service provided this subchapter, after the application of any other non-Federal share matching requirements imposed by law.

''(e) ELIGIBILITY FOR OTHER PROGRAMS NOT AFFECTED.—Nothing in this section affects the eligibility of a community or consortium of communities, an airport sponsor, or any other person to participate in any program authorized by this subchapter. A community designated under this section may participate in any program (including pilot programs) authorized by this subchapter for which it is otherwise eligible—

''(1) without regard to any limitation on the number of communities that may participate in that program; and

''(2) without reducing the number of other communities that may participate in that program.

''(f) SECRETARY TO REPORT TO CONGRESS ON IMPACT.—The Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(1) the economic condition of communities designated under this section before their designation;

''(2) the impact of designation under this section on such communities at the end of each of the 3 years following their designation; and

''(3) the impact of designation on air traffic patterns affecting air transportation to and

from communities designated under this section.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

''41745. Community and regional choice programs.
''41746. Tracking service.
''41747. EAS local participation program.''.

SEC. 409. MEASUREMENT OF HIGHWAY MILES FOR PURPOSES OF DETERMINING ELIGIBILITY OF ESSENTIAL AIR SERVICE SUBSIDIES.

(a) REQUEST FOR SECRETARIAL REVIEW.—An eligible place (as defined in section 41731 of title 49, United States Code) with respect to which the Secretary has, in the 2-year period ending on the date of enactment of this Act, eliminated (or tentatively eliminated) compensation for essential air service to such place, or terminated (or tentatively terminated) the compensation eligibility of such place for essential air service, under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect based on the highway mileage of such place from the nearest hub airport (as defined in section 40102 of such title), may request the Secretary to review such action.

(b) DETERMINATION OF MILEAGE.—In reviewing an action under subsection (a), the highway mileage between an eligible place and the nearest medium hub airport or large hub airport is the highway mileage of the most commonly used route between the place and the medium hub airport or large hub airport. In identifying such route, the Secretary shall identify the most commonly used route for a community by—

(1) consulting with the Governor of a State or the Governor's designee; and

(2) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.

(c) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (a), the Secretary shall—

(1) determine whether the eligible place would have been subject to an elimination of compensation eligibility for essential air service, or termination of the eligibility of such place for essential air service, under the provisions of law referred to in subsection (a) based on the determination of the highway mileage of such place from the nearest medium hub airport or large hub airport under subsection (b); and

(2) issue a final order with respect to the eligibility of such place for essential air service compensation under subchapter II of chapter 417 of title 49, United States Code.

(d) LIMITATION ON PERIOD OF FINAL ORDER.—A final order issued under subsection (c) shall terminate on September 30, 2007.

SEC. 410. INCENTIVE PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;

(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage; and

(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.

(b) MARKETING PROGRAM.—Subchapter II of chapter 417 is further amended by adding at the end the following:

''§ 41748. Marketing program

''(a) IN GENERAL.—The Secretary of Transportation shall establish a marketing incentive program for eligible places that receive subsidized service by an air carrier under section 41733. Under the program, the sponsor of the airport serving such an eligible place may receive a grant of not more than $50,000 in a fiscal year to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.

''(b) MATCHING REQUIREMENT; SUCCESS BONUSES—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with a marketing plan to be developed and implemented under this section shall come from non-Federal sources. For purposes of this section—

''(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

''(B) matching contributions from a State or unit of local government may not be derived, directly or indirectly, from Federal funds, but the use by the State or unit of local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.

''(2) BONUS FOR 25-PERCENT INCREASE IN USAGE.—Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.

''(3) BONUS FOR 50-PERCENT INCREASE IN USAGE.—If, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

''41748. Marketing program.''.

SEC. 411. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Small Community Air Service'' (in this section referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members of whom—

(A) 3 members shall be appointed by the Secretary;

(B) 2 members shall be appointed by the majority leader of the Senate;

(C) 1 member shall be appointed by the minority leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) 1 member shall be a representative of a regional airline;

(B) 1 member shall be a representative of a small hub airport or nonhub airport (as such terms are defined in section 40102 of title 49, United States Code); and

(C) 1 member shall be a representative of a State aviation agency.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Commission.

(d) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) the challenges faced by small communities in the United States with respect to retaining and enhancing their scheduled commercial air service; and

(B) whether the existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.

(2) ESSENTIAL AIR SERVICE COMMUNITIES.—In conducting the study, the Commission shall pay particular attention to the state of scheduled commercial air service in communities currently served by the essential air service program.

(e) RECOMMENDATIONS.—Based on the results of the study under subsection (d), the Commission shall make such recommendations as it considers necessary to—

(1) improve the state of scheduled commercial air service at small communities in the United States, especially communities described in subsection (d)(2); and

(2) improve the ability of small communities to retain and enhance their existing air service.

(f) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (e).

(g) COMMISSION PANELS.—The chairperson of the Commission shall establish such panels consisting of members of the Commission as the chairperson determines appropriate to carry out the functions of the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (f).

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $250,000 to be used to fund the Commission.

SEC. 412. SMALL COMMUNITY AIR SERVICE.

Section 41743 is amended—

(1) in the heading of subsection (a) by striking ''PILOT'';

(2) in subsection (a) by striking ''pilot'';

(3) in subsection (c)—

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

''(3) STATE LIMIT.—Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.'';

(B) by adding at the end of paragraph (4) the following: ''No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.''; and

(C) in paragraph (5)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the assistance will be used in a timely fashion.'';

(4) in subsection (e)(2)—

(A) by striking ''and'' the first place it appears and inserting a comma; and

(B) by inserting after ''2003'' the following '', and $35,000,000 for each of fiscal years 2004 through 2008''; and

(5) in subsection (f) by striking ''pilot''.

Subtitle B—Miscellaneous

SEC. 421. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:

''(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

''(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

SEC. 422. DELAY REDUCTION ACTIONS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following new section:

''§ 41722. Delay reduction actions

''(a) SCHEDULING REDUCTION MEETINGS.—The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operation if—

''(1) the Administrator determines that it is necessary to convene such a meeting; and

''(2) the Secretary determines that the meeting is necessary to meet a serious transportation need or achieve an important public benefit.

''(b) MEETING CONDITIONS.—Any meeting under subsection (a)—

''(1) shall be chaired by the Administrator;

''(2) shall be open to all scheduled air carriers; and

''(3) shall be limited to discussions involving the airports and time periods described in the Administrator's determination.

''(c) FLIGHT REDUCTION TARGETS.—Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

''(d) DELAY REDUCTION OFFERS.—An air carrier attending the meeting shall make any offer to meet a flight reduction target to the Administrator rather than to another carrier.

''(e) TRANSCRIPT.—The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

''41721. Reports by carriers on incidents involving animals during air transport.
''41722. Delay reduction actions.''.

SEC. 423. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40129. Collaborative decisionmaking pilot program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

''(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

''(c) GUIDELINES.—

''(1) ISSUANCE.—The Administrator, with the concurrence of the Attorney General, shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall—

''(A) define a capacity reduction event;

''(B) establish the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program; and

''(C) prescribe the methods of communication to be implemented among carriers during such an event.

''(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

''(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication. The Attorney General, or the Attorney General's designee, may monitor such communication.

''(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 2 airports to participate in the pilot program from among the most capacity-constrained airports in the Nation based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

''(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

''(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator, with the concurrence of the Attorney General, may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation, with the concurrence of the Attorney General, finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

''(h) ANTITRUST IMMUNITY.—

''(1) IN GENERAL.—Unless, within 5 days after receiving notice from the Secretary of the Secretary's intention to exercise authority under this subsection, the Attorney General submits to the Secretary a written objection to such action, including reasons for such objection, the Secretary may exempt an air carrier's or foreign air carrier's activities that are necessary to participate in the pilot program under this section from the antitrust laws for the sole purpose of participating in the pilot program. Such exemption shall not extend to any discussions, agreements, or activities outside the scope of the pilot program.

''(2) ANTITRUST LAWS DEFINED.—In this section, the term 'antitrust laws' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

''(i) CONSULTATION WITH ATTORNEY GENERAL.—The Secretary shall consult with the Attorney General regarding the design and implementation of the pilot program, including determining whether a limit should be set on the number of occasions collaborative decisionmaking could be employed during the initial 2-year period of the pilot program.

''(j) EVALUATION.—

''(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary, with the concurrence of the Attorney General, shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

''(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

''(k) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator, with the concurrence of the Attorney General, may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (j) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary, with the concurrence of the Attorney General, determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40129. Collaborative decisionmaking pilot program.''.

SEC. 424. COMPETITION DISCLOSURE REQUIREMENT FOR LARGE AND MEDIUM HUB AIRPORTS.

Section 47107 is amended by adding at the end the following:

''(s) COMPETITION DISCLOSURE REQUIREMENT.—

''(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a large hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

''(2) COMPETITIVE ACCESS.—On February 1 and August 1 of each year, an airport that during the previous 6-month period has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport shall transmit a report to the Secretary that—

''(A) describes the requests;

''(B) provides an explanation as to why the requests could not be accommodated; and

''(C) provides a time frame within which, if any, the airport will be able to accommodate the requests.

''(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning October 1, 2008.''.

SEC. 425. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''12'' and inserting ''24''.

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking ''12'' and inserting ''20''; and

(2) by striking ''that were designated as medium hub or smaller airports''.

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking ''two'' and inserting ''3''.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking ''four'' and inserting ''without regard to the criteria contained in subsection (b)(1), six''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by striking ''eight'' and inserting ''ten''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) four shall be for air transportation to airports without regard to their size.''.

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

''(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.''.

SEC. 426. DEFINITION OF COMMUTER AIRCRAFT.

(a) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term 'commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.''.

(b) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by subsection (a).

SEC. 427. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 428. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

Section 145(c) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 40101 note) is amended by striking ''more than'' and all that follows through ''after'' and inserting ''more than 36 months after''.

TITLE V—AVIATION SAFETY

SEC. 501. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

''(B) whose certificate is revoked under subsection (b); or''; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking ''convicted of such a violation.'' and inserting ''described in subparagraph (A) or (B).''.

SEC. 502. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44727. Runway safety areas

''(a) AIRPORTS IN ALASKA.—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

''(b) STUDY.—

''(1) IN GENERAL.—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

''(2) REPORT.—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44727. Runway safety areas.''.

SEC. 503. CIVIL PENALTIES.

(a) INCREASE IN MAXIMUM CIVIL PENALTY.—Section 46301(a) is amended—

(1) by striking ''$1,000'' in paragraph (1) and inserting ''$25,000 (or $1,100 if the person is an individual or small business concern)'';

(2) by striking ''or'' the last place it appears in paragraph (1)(A);

(3) by striking ''section)'' in paragraph (1)(A) and inserting ''section), or section 47133'';

(4) by striking paragraphs (2), (3), (6), and (7) and redesignating paragraphs (4), (5), and (8) as paragraphs (2), (3), and (4), respectively;

(5) by striking ''41715'' each place it appears in paragraph (2), as redesignated, and inserting ''41719'';

(6) by striking ''paragraphs (1) and (2)'' in paragraph (4), as redesignated, and inserting ''paragraph (1)''; and

(7) by adding at the end the following:

''(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

''(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than $10,000 for violating—

''(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title; or

''(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

''(B) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

''(i) the transportation of hazardous material;

''(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

''(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

''(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

''(v) a violation of section 40127 or section 41705, relating to discrimination.

''(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be $5,000 instead of $1,000.

''(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be $2,500 for each violation.''.

(b) INCREASE IN LIMIT ON ADMINISTRATIVE AUTHORITY AND CIVIL PENALTY.—Section 46301(d) is amended—

(1) by striking ''more than $50,000;'' in paragraph (4)(A) and inserting ''more than—

''(i) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

''(ii) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

''(iii) $50,000 if the violation was committed by an individual or small business concern on or after that date;''; and

(2) by striking ''is $50,000.'' in paragraph (8) and inserting ''is—

''(A) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

''(B) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

''(C) $50,000 if the violation was committed by an individual or small business concern on or after that date.''.

(c) SMALL BUSINESS CONCERN DEFINED.—Section 46301 is amended by adding at the end the following:

''(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).''.

(d) CONFORMING AMENDMENTS.—Title 49 is amended—

(1) in section 41705(b) by striking ''46301(a)(3)(E)'' and inserting ''46301''; and

(2) in section 46304(a) by striking '', (2), or (3)''.

SEC. 504. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(d) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(e) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 505. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program's goals and objectives on schedule and within the proposed level of resources; and

(4) an evaluation of the roles, if any, that should be played by other Federal agencies, such as the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, in wake turbulence research and development, and how those efforts could be coordinated.

(b) REPORT.—A report containing the results of the assessment shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of the Federal Aviation Administration $500,000 for fiscal year 2004 to carry out this section.

SEC. 506. FAA INSPECTOR TRAINING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ''FAA inspectors'').

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 507. AIR TRANSPORTATION OVERSIGHT SYSTEM PLAN.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule for addressing problems with the air transportation oversight system that have been identified in reports by the Comptroller General and the Inspector General of the Department of Transportation.

(b) PLAN REQUIREMENTS.—The plan transmitted by the Administrator under subsection (a) shall set forth the action the Administration will take under the plan—

(1) to develop specific, clear, and meaningful inspection guidance for the use by Administration aviation safety inspectors and analysts;

(2) to provide adequate training to Administration aviation safety inspectors in system safety concepts, risk analysis, and auditing;

(3) to ensure that aviation safety inspectors with the necessary qualifications and experience are physically located where they can satisfy the most important needs;

(4) to establish strong national leadership for the air transportation oversight system and to ensure that the system is implemented consistently across Administration field offices; and

(5) to extend the air transportation oversight system beyond the 10 largest air carriers, so it governs oversight of smaller air carriers as well.

TITLE VI—AVIATION SECURITY

SEC. 601. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:

''§ 46111. Certificate actions in response to a security threat

''(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

''(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

''(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

''(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

''(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

''(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

''(g) CLASSIFIED EVIDENCE.—

''(1) IN GENERAL.—The Under Secretary, in consultation with the Administrator and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the

order of the Administrator was based to the individual adversely affected by the order.

''(2) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

''(A) REVIEW.—As part of a hearing conducted under this section, if the order of the Administrator issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.), such information may be submitted by the Under Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

''(B) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Under Secretary shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator under this section possess security clearances appropriate for their work under this section.

''(3) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator under subsection (a), the Under Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator is based.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:

''46111. Certificate actions in response to a security threat.''.

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking ''part'' and inserting ''subtitle''.

SEC. 602. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an ''ADIZ''), the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 60 days after the date of establishing the ADIZ, a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

(d) DEFINITION.—In this section, the terms ''Air Defense Identification Zone'' and ''ADIZ'' each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 603. CREW TRAINING.

Section 44918 is amended to read as follows:

''§ 44918. Crew training

''(a) BASIC SECURITY TRAINING.—

''(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

''(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

''(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) The proper commands to give passengers and attackers.

''(D) Appropriate responses to defend oneself.

''(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

''(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(G) Situational training exercises regarding various threat conditions.

''(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

''(I) The proper conduct of a cabin search, including explosive device recognition.

''(J) Any other subject matter considered appropriate by the Under Secretary.

''(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

''(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary may establish minimum standards for the training provided under this subsection and for recurrent training.

''(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

''(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

''(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

''(b) ADVANCED SELF DEFENSE TRAINING.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

''(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

''(A) Deterring a passenger who might present a threat.

''(B) Advanced control, striking, and restraint techniques.

''(C) Training to defend oneself against edged or contact weapons.

''(D) Methods to subdue and restrain an attacker.

''(E) Use of available items aboard the aircraft for self-defense.

''(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

''(G) Any other element of training that the Under Secretary considers appropriate.

''(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

''(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

''(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

''(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

''(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

''(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).''.

SEC. 604. STUDY OF EFFECTIVENESS OF TRANSPORTATION SECURITY SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with representatives of the aviation community, shall study the effectiveness of the aviation security system, including the air marshal program, hardening of cockpit doors, and security screening of passengers, checked baggage, and cargo.

(b) REPORT.—The Secretary shall transmit a report of the Secretary's findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving the effectiveness of aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act. In the report the Secretary shall also describe any redeployment of Transportation Security Administration resources based on those findings and conclusions. The Secretary may submit the report to the Committees in classified and redacted form. The Secretary shall submit the report in lieu of the annual report required under section 44938(a) of title 49, United States Code, that is due March 31, 2004.

SEC. 605. AIRPORT SECURITY IMPROVEMENT PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

''§ 44923. Airport security improvement projects

''(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Under Secretary for Border and Transportation Security of the Department of Homeland Security may make grants to airport sponsors—

''(1) for projects to replace baggage conveyer systems related to aviation security;

''(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

''(3) for projects to enable the Under Secretary to deploy explosive detection systems behind the

ticket counter, in the baggage sorting area, or inline with the baggage handling system; and

''(4) for other airport security capital improvement projects.

''(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Under Secretary an application in such form and containing such information as the Under Secretary prescribes.

''(c) APPROVAL.—The Under Secretary, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Under Secretary determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

''(d) LETTERS OF INTENT.—

''(1) ISSUANCE.—The Under Secretary may issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project).

''(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Under Secretary will reimburse the sponsor for the Government's share of the project's costs, as amounts become available, if the sponsor, after the Under Secretary issues the letter, carries out the project without receiving amounts under this section.

''(3) NOTICE TO UNDER SECRETARY.—A sponsor that has been issued a letter of intent under this subsection shall notify the Under Secretary of the sponsor's intent to carry out a project before the project begins.

''(4) NOTICE TO CONGRESS.—The Under Secretary shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

''(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

''(6) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

''(2) EXISTING LETTERS OF INTENT.—The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003.

''(f) SPONSOR DEFINED.—In this section, the term 'sponsor' has the meaning given that term in section 47102.

''(g) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

''(h) AVIATION SECURITY CAPITAL FUND.—

''(1) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first $250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2007 shall be available to be deposited in the Fund. The Under Secretary shall impose the fee authorized by section 44940(a)(1) so as to collect at least $250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Under Secretary to make grants under this section.

''(2) ALLOCATIONS.—Of the amount made available under paragraph (1) for a fiscal year, $125,000,000 shall be allocated in such a manner that—

''(A) 40 percent shall be made available for large hub airports;

''(B) 20 percent shall be made available for medium hub airports;

''(C) 15 percent shall be made available for small hub airports and nonhub airports; and

''(D) 25 percent shall be distributed by the Secretary to any airport on the basis of aviation security risks.

''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, $125,000,000 shall be used to make discretionary grants, with priority given to fulfilling intentions to obligate under letters of intent issued under subsection (d).

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts made available under subsection (h), there is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2004 through 2007. Such sums shall remain available until expended.

''(2) ALLOCATIONS.—50 percent of amounts appropriated pursuant to this subsection for a fiscal year shall be used for making allocations under subsection (h)(2) and 50 percent of such amounts shall be used for making discretionary grants under subsection (h)(3).''.

(b) CONFORMING AMENDMENTS.—

(1) USE OF PASSENGER FEE FUNDS.—Section 44940(a)(1) is amended by inserting after subparagraph (G) the following:

''(H) The costs of security-related capital improvements at airports.

''(I) The costs of training pilots and flight attendants under sections 44918 and 44921.''.

(2) LIMITATION ON COLLECTION.—Section 44940(d)(4) is amended by striking ''Act.'' and inserting ''Act or in section 44923.''.

SEC. 606. CHARTER SECURITY.

(a) IN GENERAL.—Section 44903 is amended by adding at the end the following:

''(l) AIR CHARTER PROGRAM.—

''(1) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall implement an aviation security program for charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

''(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

''(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

''(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

''(C) ARMED FORCES DEFINED.—In this paragraph, the term 'armed forces' has the meaning given that term by section 101(a)(4) of title 10.''.

(b) REPEAL.—Section 132 of the Aviation and Transportation Security Act (49 U.S.C. 44944 note) is repealed.

SEC. 607. CAPPS2.

(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to as ''CAPPS2'') until the Under Secretary provides to Congress a certification that—

(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from –unauthorized access by hackers or other intruders;

(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.

SEC. 608. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS2, on the privacy and civil liberties of United States citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, nongovernmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated, and updated.

SEC. 609. ARMING CARGO PILOTS AGAINST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that members of a flight deck crew of a cargo aircraft should be armed with a firearm or taser to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(b) ARMING CARGO PILOTS AGAINST TERRORISM.—Section 44921 is amended—

(1) in subsection (a) by striking ''passenger'' each place that it appears; and

(2) in subsection (k)(2) by striking ''or,'' and all that follows before the period at the end and inserting ''or any other flight deck crew member''; and

(3) by adding at the end of subsection (k) the following:

''(3) ALL-CARGO AIR TRANSPORTATION.—In this section, the term 'air transportation' includes all-cargo air transportation.''.

(c) TIME FOR IMPLEMENTATION.—In carrying out the amendments made by subsection (d), the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.

(d) EFFECT ON OTHER LAWS.—The requirements of subsection (e) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 610. REMOVAL OF CAP ON TSA STAFFING LEVEL.

The matter appearing under the heading ''AVIATION SECURITY'' in the appropriations for the Transportation Security Administration in the Transportation and Related Agencies Appropriation Act, 2003 (Public Law 108–7; 117 Stat. 386) is amended by striking the fifth proviso.

SEC. 611. FOREIGN REPAIR STATIONS.

(a) OVERSIGHT PLAN.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, are subject to an equivalent level of safety, oversight, and quality control as those located in the United States.

(b) REPAIR STATION SECURITY.—

(1) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

''§ 44924. Repair station security

''(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Under Secretary for Border and Transportation Security of the Department of Homeland Security, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 18 months after the date on which the Under Secretary issues regulations under subsection (f).

''(b) ADDRESSING SECURITY CONCERNS.—The Under Secretary shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator that a deficiency was identified in the security audit.

''(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

''(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Under Secretary determines that the foreign repair station does not maintain and carry out effective security measures, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station until such time as the Under Secretary determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator.

''(2) IMMEDIATE SECURITY RISK.—If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

''(3) PROCEDURES FOR APPEALS.—The Under Secretary, in consultation with the Administrator, shall establish procedures for appealing a revocation of a certificate under this subsection.

''(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 18 months after the date on which the Under Secretary issues regulations under subsection (f), the Administrator shall be barred from certifying any foreign repair station until such audits are completed for existing stations.

''(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Under Secretary and the Administrator shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

''(f) REGULATIONS.—Not later than 240 days after the date of enactment of this section, the Under Secretary, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

''(g) REPORT TO CONGRESS.—If the Under Secretary does not issue final regulations before the deadline specified in subsection (f), the Under Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.''.

(2) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 449 is amended by adding at the end the following:

''44924. Repair station security.''.

SEC. 612. FLIGHT TRAINING.

(a) IN GENERAL.—Section 44939 is amended to read as follows:

''§ 44939. Training to operate certain aircraft

''(a) WAITING PERIOD.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

''(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

''(A) full name, including any aliases used by the applicant or variations in spelling of the applicant's name;

''(B) passport and visa information;

''(C) country of citizenship;

''(D) date of birth;

''(E) dates of training; and

''(F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

''(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

''(b) INTERRUPTION OF TRAINING.—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

''(c) NOTIFICATION.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual's identification in such form as the Secretary may require.

''(d) EXPEDITED PROCESSING.—Not later than 60 days after the date of enactment of this section, the Secretary shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

''(1) holds an airman's certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multiengine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

''(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

''(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

''(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

''(e) TRAINING.—In subsection (a), the term 'training' means training received from an instructor in an aircraft or aircraft simulator and does not include recurrent training, ground training, or demonstration flights for marketing purposes.

''(f) NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

''(g) FEE.—

''(1) IN GENERAL.—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

''(2) OFFSET.—Notwithstanding section 3302 of title 31, any fee collected under this section—

''(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

''(B) shall remain available until expended.

''(h) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

''(i) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.''.

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES.—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

SEC. 613. DEPLOYMENT OF SCREENERS AT KENAI, HOMER, AND VALDEZ, ALASKA.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall deploy Federal screeners at Kenai, Homer, and Valdez, Alaska.

TITLE VII—AVIATION RESEARCH

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''to carry out sections 44504'' and inserting ''for conducting civil aviation research and development under sections 44504'';

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

(3) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(9) for fiscal year 2004, $346,317,000, including—

''(A) $65,000,000 for Improving Aviation Safety;

''(B) $24,000,000 for Weather Safety Research;

''(C) $27,500,000 for Human Factors and Aeromedical Research;

''(D) $30,000,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

''(E) $7,000,000 for Research Mission Support;

''(F) $10,000,000 for the Airport Cooperative Research Program;

''(G) $1,500,000 for carrying out subsection (h) of this section;

''(H) $42,800,000 for Advanced Technology Development and Prototyping;

''(I) $30,300,000 for Safe Flight 21;

''(J) $90,800,000 for the Center for Advanced Aviation System Development;

''(K) $9,667,000 for Airports Technology-Safety; and

''(L) $7,750,000 for Airports Technology-Efficiency;

''(10) for fiscal year 2005, $356,192,000, including—

''(A) $65,705,000 for Improving Aviation Safety;

''(B) $24,260,000 for Weather Safety Research;

''(C) $27,800,000 for Human Factors and Aeromedical Research;

''(D) $30,109,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

''(E) $7,076,000 for Research Mission Support;

''(F) $10,000,000 for the Airport Cooperative Research Program;

''(G) $1,650,000 for carrying out subsection (h) of this section;

''(H) $43,300,000 for Advanced Technology Development and Prototyping;

''(I) $31,100,000 for Safe Flight 21;

''(J) $95,400,000 for the Center for Advanced Aviation System Development;

''(K) $2,200,000 for Free Flight Phase 2;

''(L) $9,764,000 for Airports Technology-Safety; and

''(M) $7,828,000 for Airports Technology-Efficiency;

''(11) for fiscal year 2006, $352,157,000, including—

''(A) $66,447,000 for Improving Aviation Safety;

''(B) $24,534,000 for Weather Safety Research;

''(C) $28,114,000 for Human Factors and Aeromedical Research;

''(D) $30,223,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

''(E) $7,156,000 for Research Mission Support;

''(F) $10,000,000 for the Airport Cooperative Research Program;

''(G) $1,815,000 for carrying out subsection (h) of this section;

''(H) $42,200,000 for Advanced Technology Development and Prototyping;

''(I) $23,900,000 for Safe Flight 21;

''(J) $100,000,000 for the Center for Advanced Aviation System Development;

''(K) $9,862,000 for Airports Technology-Safety; and

''(L) $7,906,000 for Airports Technology-Efficiency; and

''(12) for fiscal year 2007, $356,261,000, including—

''(A) $67,244,000 for Improving Aviation Safety;

''(B) $24,828,000 for Weather Safety Research;

''(C) $28,451,000 for Human Factors and Aeromedical Research;

''(D) $30,586,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

''(E) $7,242,000 for Research Mission Support;

''(F) $10,000,000 for the Airport Cooperative Research Program;

''(G) $1,837,000 for carrying out subsection (h) of this section;

''(H) $42,706,000 for Advanced Technology Development and Prototyping;

''(I) $24,187,000 for Safe Flight 21;

''(J) $101,200,000 for the Center for Advanced Aviation System Development;

''(K) $9,980,000 for Airports Technology-Safety; and

''(L) $8,000,000 for Airports Technology-Efficiency.''.

SEC. 702. FEDERAL AVIATION ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a)(1) The Administrator of the Federal Aviation Administration shall establish a Federal Aviation Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Aviation Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Aviation Administration, for the period described in subsection (f)(1), in positions needed by the Federal Aviation Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the Federal Aviation Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term ''cost of attendance'' has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term ''Program'' means the Federal Aviation Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the Federal Aviation Administration for the Program $10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SEC. 703. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a)(1) The Administrator of the National Aeronautics and Space Administration shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the National Aeronautics and Space Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the National Aeronautics and Space Administration, for the period described in subsection (f)(1), in positions needed by the National Aeronautics and Space Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the National Aeronautics and Space Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension

of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term ''cost of attendance'' has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term ''Program'' means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the National Aeronautics and Space Administration for the Program $10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SEC. 704. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) STATUTORY CONSTRUCTION.—Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 705. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Science.

SEC. 706. DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS.

The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.

SEC. 707. RESEARCH ON AVIATION TRAINING.

Section 48102(h)(1) of title 49, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

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

''(D) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, on training requirements for pilots and air traffic controllers.''.

SEC. 708. FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures. The Center shall—

(1) promote and facilitate collaboration among academia, the Federal Aviation Administration's Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $500,000 for fiscal year 2004 to carry out this section.

SEC. 709. AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—(1) The Secretary of Transportation shall establish in the Federal Aviation Administration a joint planning and development office to manage work related to the Next Generation Air Transportation System. The office shall be known as the Next Generation Air Transportation System Joint Planning and Development Office (in this section referred to as the ''Office'').

(2) The responsibilities of the Office shall include—

(A) creating and carrying out an integrated plan for a Next Generation Air Transportation System pursuant to subsection (b);

(B) overseeing research and development on that system;

(C) creating a transition plan for the implementation of that system;

(D) coordinating aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research;

(E) coordinating goals and priorities and coordinating research activities within the Federal Government with United States aviation and aeronautical firms;

(F) coordinating the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(G) facilitating the transfer of technology from research programs such as the National Aeronautics and Space Administration program and the Department of Defense Advanced Research Projects Agency program to Federal agencies with operational responsibilities and to the private sector; and

(H) reviewing activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense.

(3) The Office shall operate in conjunction with relevant programs in the Department of Defense, the National Aeronautics and Space Administration, the Department of Commerce and the Department of Homeland Security. The Secretary of Transportation may request assistance from staff from those Departments and other Federal agencies.

(4) In developing and carrying out its plans, the Office shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

(b) INTEGRATED PLAN.—The integrated plan shall be designed to ensure that the Next Generation Air Transportation System meets air transportation safety, security, mobility, efficiency, and capacity needs beyond those currently included in the Federal Aviation Administration's operational evolution plan and accomplishes the goals under subsection (c). The integrated plan shall include—

(1) a national vision statement for an air transportation system capable of meeting potential air traffic demand by 2025;

(2) a description of the demand and the performance characteristics that will be required of the Nation's future air transportation system, and an explanation of how those characteristics were derived, including the national goals, objectives, and policies the system is designed to further, and the underlying socioeconomic determinants, and associated models and analyses;

(3) a multiagency research and development roadmap for creating the Next Generation Air Transportation System with the characteristics outlined under clause (ii), including—

(A) the most significant technical obstacles and the research and development activities necessary to overcome them, including for each project, the role of each Federal agency, corporations, and universities;

(B) the annual anticipated cost of carrying out the research and development activities; and

(C) the technical milestones that will be used to evaluate the activities; and

(4) a description of the operational concepts to meet the system performance requirements for all system users and a timeline and anticipated expenditures needed to develop and deploy the system to meet the vision for 2025.

(c) GOALS.—The Next Generation Air Transportation System shall—

(1) improve the level of safety, security, efficiency, quality, and affordability of the National Airspace System and aviation services;

(2) take advantage of data from emerging ground-based and space-based communications, navigation, and surveillance technologies;

(3) integrate data streams from multiple agencies and sources to enable situational awareness and seamless global operations for all appropriate users of the system, including users responsible for civil aviation, homeland security, and national security;

(4) leverage investments in civil aviation, homeland security, and national security and build upon current air traffic management and infrastructure initiatives to meet system performance requirements for all system users;

(5) be scalable to accommodate and encourage substantial growth in domestic and international transportation and anticipate and accommodate continuing technology upgrades and advances;

(6) accommodate a wide range of aircraft operations, including airlines, air taxis, helicopters, general aviation, and unmanned aerial vehicles; and

(7) take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents.

(d) REPORTS.—The Administrator of the Federal Aviation Administration shall transmit to the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Transportation and Infrastructure and the Committee on Science in the House of Representatives—

(1) not later than 1 year after the date of enactment of this Act, the integrated plan required in subsection (b); and

(2) annually at the time of the President's budget request, a report describing the progress in carrying out the plan required under subsection (b) and any changes to that plan.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office $50,000,000 for each of the fiscal years 2004 through 2010.

SEC. 710. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) IN GENERAL.—The Secretary of Transportation shall establish a senior policy committee to work with the Next Generation Air Transportation System Joint Planning and Development Office. The senior policy committee shall be chaired by the Secretary.

(b) MEMBERSHIP.—In addition to the Secretary, the senior policy committee shall be composed of—

(1) the Administrator of the Federal Aviation Administration (or the Administrator's designee);

(2) the Administrator of the National Aeronautics and Space Administration (or the Administrator's designee);

(3) the Secretary of Defense (or the Secretary's designee);

(4) the Secretary of Homeland Security (or the Secretary's designee);

(5) the Secretary of Commerce (or the Secretary's designee);

(6) the Director of the Office of Science and Technology Policy (or the Director's designee); and

(7) designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system.

(c) FUNCTION.—The senior policy committee shall—

(1) advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs;

(2) provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office;

(3) provide ongoing policy review for the transformation of the air transportation system;

(4) identify resource needs and make recommendations to their respective agencies for necessary funding for planning, research, and development activities; and

(5) make legislative recommendations, as appropriate, for the future air transportation system.

(d) CONSULTATION.—In carrying out its functions under this section, the senior policy committee shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, aviation labor, and the space industry), members of the public, and other interested parties and may do so through a special advisory committee composed of such representatives.

SEC. 711. ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The Administrator of the Federal Aviation Administration shall establish a rotorcraft initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of the enactment of this Act, technologies to enable rotorcraft with the following improvements relative to rotorcraft existing as of the date of the enactment of this Act:

(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

(2) Factor of 10 reduction in vibration.

(3) 30 percent reduction in empty weight.

(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service within 10 years after the date of the enactment of this Act.

(5) Capability for zero-ceiling, zero-visibility operations.

(b) IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall provide a plan to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a).

SEC. 712. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(f) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a 4-year pilot airport cooperative research program to—

''(A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not being adequately addressed by existing Federal research programs; and

''(B) fund research to address those problems.

''(2) GOVERNANCE.—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 14 of the Federal Advisory Committee Act shall not apply to the governing board.

''(3) IMPLEMENTATION.—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

''(4) REPORT.—Not later than 6 months after the expiration of the program under this subsection, the Secretary shall transmit to the Congress a report on the program, including recommendations as to the need for establishing a permanent airport cooperative research program.''.

TITLE VIII—MISCELLANEOUS

SEC. 801. DEFINITIONS.

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

''(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

''(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

''(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

''(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).''.

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking ''(as defined in section 41731 of this title)''.

SEC. 802. REPORT ON AVIATION SAFETY REPORTING SYSTEM.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 803. ANCHORAGE AIR TRAFFIC CONTROL.

(a) IN GENERAL.—Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.

(b) APPROPRIATE COMMITTEES.—In this section, the term ''appropriate committees'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 804. EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108 is amended by striking ''2004'' and inserting ''2008''.

SEC. 805. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL.—Section 329(b)(1) is amended by striking ''except that in no case'' and all that follows through the semicolon at the end and inserting the following: ''except that, if the Secretary requires air carriers to provide flight-specific information, the Secretary—

''(A) shall not disseminate fare information for a specific flight to the general public for a period of at least 9 months following the date of the flight; and

''(B) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 806. GOVERNMENT-FINANCED AIR TRANSPORTATION.

Section 40118(f)(2) is amended by inserting before the period at the end the following: '', except that it shall not include a contract for the transportation by air of passengers''.

SEC. 807. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15)(C) is amended by inserting ''which is under the actual control of citizens of the United States,'' before ''and in which''.

SEC. 808. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.

Section 41703 is amended by adding at the end the following:

''(e) CARGO IN ALASKA.—

''(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

''(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term 'eligible cargo' means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

''(A) under the code of a United States air carrier providing air transportation to Alaska;

''(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

''(C) under a term arrangement or block space agreement with an air carrier; or

''(D) under the code of a United States air carrier for purposes of transportation within the United States.''.

SEC. 809. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking ''the air carrier'' the third place it appears; and

(2) by adding at the end the following:

''(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.''.

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

''(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

''(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.''.

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 810. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41723. Notice concerning aircraft assembly

''The Secretary of Transportation shall require, beginning after the last day of the 18-month period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41722 the following:

''41723. Notice concerning aircraft assembly.''.

SEC. 811. TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.''.

SEC. 812. RECIPROCAL AIRWORTHINESS CERTIFICATION.

(a) IN GENERAL.—As part of their bilateral negotiations with foreign nations and their civil aviation counterparts, the Secretary of State and the Administrator of the Federal Aviation Administration shall facilitate the reciprocal airworthiness certification of aviation products.

(b) RECIPROCAL AIRWORTHINESS DEFINED.—In this section, the term ''reciprocal airworthiness certification of aviation products'' means that the regulatory authorities of each nation perform a similar review in certifying or validating the certification of aircraft and aircraft components of other nations.

SEC. 813. INTERNATIONAL ROLE OF THE FAA.

Section 40104(b) is amended to read as follows:

''(b) INTERNATIONAL ROLE OF THE FAA.—The Administrator shall promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator's foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.''.

SEC. 814. FLIGHT ATTENDANT CERTIFICATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44729. Flight attendant certification

''(a) CERTIFICATE REQUIRED.—

''(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

''(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

''(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

''(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

''(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

''(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

''(1) be numbered and recorded by the Administrator;

''(2) contain the name, address, and description of the individual to whom the certificate is issued;

''(3) is similar in size and appearance to certificates issued to airmen;

''(4) contain the airplane group for which the certificate is issued; and

''(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

''(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

''(f) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44729. Flight attendant certification.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 815. AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled ''The Airliner Cabin Environment and the Health of Passengers and Crew''.

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew;

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;

(4) analyze and study cabin air pressure and altitude; and

(5) establish an air quality incident reporting system.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 816. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 817. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(4) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/1099 and 3/1862 or section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108–7, division I), or both.

(5) Sightseeing operations that were not authorized to resume in enhanced class B air space under Federal Aviation Administration notice to airmen 1/1225.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term ''general aviation entity'' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 818. INTERNATIONAL AIR SHOW.

If the Secretary of Defense conducts activities necessary to enable the United States to host a major international air show in the United States, the Secretary of Defense shall coordinate such activities with the Secretary of Transportation and the Secretary of Commerce.

SEC. 819. REPORT ON CERTAIN MARKET DEVELOPMENTS AND GOVERNMENT POLICIES.

Within 6 months after the date of enactment of this Act, the Department of Commerce, in consultation with the Department of Transportation and other appropriate Federal agencies, shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure a report about market developments and government policies influencing the competitiveness of the United States jet transport aircraft industry that—

(1) describes the structural characteristics of the United States and the European Union jet transport industries, and the markets for these industries;

(2) examines the global market factors affecting the jet transport industries in the United States and the European Union, such as passenger and freight airline purchasing patterns, the rise of low-cost carriers and point-to-point service, the evolution of new market niches, and direct and indirect operating cost trends;

(3) reviews government regulations in the United States and the European Union that have altered the competitive landscape for jet transport aircraft, such as airline deregulation, certification and safety regulations, noise and emissions regulations, government research and development programs, advances in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;

(4) analyzes how changes in the global market and government regulations have affected the competitive position of the United States aerospace and aviation industry vis-à-vis the European Union aerospace and aviation industry; and

(5) describes any other significant developments that affect the market for jet transport aircraft.

SEC. 820. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define ''Fifth Freedom'' and ''Seventh Freedom'' consistently for both scheduled and charter passenger and cargo traffic.

SEC. 821. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

(1) the screening of catering supplies; and

(2) checking documents at security checkpoints.

SEC. 822. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) by inserting a comma after ''regularly scheduled charter air transportation''; and

(3) by striking ''flight unless such air transportation'' and all that follows through the period at the end and inserting the following: ''flight, to or from an airport that—

''(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

''(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

''(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

''(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that each annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.''.

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

''(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.''.

SEC. 823. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) SECURITY PLAN.—The Secretary of Homeland Security shall develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport.

(b) LANDINGS AND TAKE OFFS.—The Administrator of the Federal Aviation Administration shall allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed under subsection (a) due to national security concerns.

(c) REPORT.—If the President suspends the security plan developed under subsection (a), the President shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the reasons for the suspension not later than 30 days following the first day of the suspension. The report may be submitted in classified form.

SEC. 824. REVIEW OF AIR CARRIER COMPENSATION.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the criteria and procedures used by the Secretary of Transportation under the Air Transportation Safety and System Stabilization Act (Public Law 107–42) to compensate air carriers after the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate—

(1) to compensate air carriers for the decrease in value of their aircraft after September 11, 2001; and

(2) to ensure that comparable air carriers receive comparable percentages of the maximum compensation payable under section 103(b)(2) of such Act (49 U.S.C. 40101 note).

SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation, a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

(b) PUBLIC NOTICE AND COMMENT.—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

(c) DEFINITIONS.—In this section, the terms ''Stage 2 aircraft'' and ''Stage 3 aircraft'' have the same meaning as those terms have in chapter 475 of title 49, United States Code.

SEC. 826. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.

(a) FINDING.—Congress finds that the United States Government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) GAO REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall prepare a report for Congress analyzing the financial condition of the United States airline industry in its efforts to reduce the costs, improve the earnings and profits and balances of each individual air carrier. The report shall recommend steps that the industry should take to become financially self sufficient.

(c) GAO AUTHORITY.—In order to compile the report required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the report. The Comptroller General shall submit with the report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) REPORTS TO CONGRESS.—The Comptroller General shall transmit the report required by subsection (b) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 827. PRIVATE AIR CARRIAGE IN ALASKA.

(a) IN GENERAL.—Due to the demands of conducting business within and from the State of Alaska, the Secretary of Transportation shall permit, under the operating rules of part 91 of title 14 of the Code of Federal Regulations where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide air carriage of officials, employees, guests, and property of the company, or its affiliate, when the carriage—

(1) originates or terminates in the State of Alaska;

(2) is by an aircraft with no more than 20 seats;

(3) is within the scope of, and incidental to, the business of the company or its affiliate; and

(4) no charge, assessment, or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a company from making intermediate stops in providing air carriage under this section.

SEC. 828. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section during the 2-year period ending on the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

SEC. 829. NAVIGATION FEES.

(a) IN GENERAL.—Section 4(b) of the Rivers and Harbors Appropriation Act of July 5, 1884 (33 U.S.C. 5(b); 116 Stat. 2133), is amended—

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

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

(3) by adding at the end the following:

''(3) property taxes on vessels or watercraft, other than vessels or watercraft that are primarily engaged in foreign commerce if those taxes are permissible under the United States Constitution.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective on and after November 25, 2002.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 2003'' and inserting ''October 1, 2007'', and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: ''or the Vision 100—Century of Aviation Reauthorization Act''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2003'' and inserting ''October 1, 2007''.

SEC. 902. TECHNICAL CORRECTION TO FLIGHT SEGMENT.

(a) SPECIAL RULE.—Section 4261(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR AMOUNTS PAID FOR DOMESTIC SEGMENTS BEGINNING AFTER 2002.—If an amount is paid during a calendar year for a domestic segment beginning in a later calendar year, then the rate of tax under subsection (b) on such amount shall be the rate in effect for the calendar year in which such amount is paid.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN L. MICA,
VERNON J. EHLERS,
ROBIN HAYES,
DENNY REHBERG,
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
JOE BARTON,

From the Committee on Government Reform, for consideration of secs. 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of sec. 409 of the House bill, and modifications committed to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
DANA ROHRABACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
DAVE CAMP,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for

clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

House bill

''Flight 100–Century of Aviation Reauthorization Act''.

Senate Amendment

''Aviation Investment and Revitalization Vision Act''.

Conference substitute

''Vision 100—Century of Aviation Reauthorization Act''.

2. LENGTH OF AUTHORIZATION

House bill

4 years.

Senate amendment

3 years.

Conference substitute

House bill.

3. FINDINGS

House bill

No provision.

Senate amendment

Contains findings about the importance of aviation and the need to invest more into it.

Conference substitute

Contains some of the findings in the Senate amendment.

4. FAA OPERATIONS

House bill

Authorizes $7.591 billion in 2004, $7.732 billion in 2005, $7.889 billion in 2006, and $8,064 billion in 2007 for the operating costs of the FAA.

Senate amendment

Authorizes same amount for first 3 years. No authorization for 2007.

Conference substitute

House bill.

5. FAA TRAINING FACILITY

House bill

Authorizes some of this money to be used to fully utilize the FAA's Palm Coast management training facility.

Senate amendment

No provision.

Conference substitute

House bill funded out of the Operations account. Conferees agreed to authorize funding for the FAA Center for Management Development to operate training courses and to support associated student travel for both residential and field courses.

6. AEROSPACE AND AVIATION LIAISON

House bill

Directs the President to establish a task force to look for ways to ensure that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

Senate amendment

Establishes an office in DOT to coordinate research, development of new technologies, transfer of technology from research done by NASA and DOD to the private sector, review activities related to noise and emissions. One time and annual report required. $2 million is authorized over 2 years.

Conference substitute

Assigns the newly established Air Transportation System Joint Planning and Development Office (item #8) responsibility to facilitate the transfer of technology from research programs such as those managed by the National Aeronautics and Space Administration and the Department of Defense Advanced Research Projects Agency to Federal agencies with operational responsibilities, and to the private sector.

7. COMPETITIVENESS OF U.S. JET TRANSPORTATION INDUSTRY

House bill

No provision.

Senate amendment

Within 6 months the office established above shall report on the market developments and government policies influencing U.S. competitiveness.

Conference substitute

Senate Amendment with modifications.

8. NEXT GENERATION AIR TRAFFIC CONTROL OFFICE

House bill

Authorizes some of this money to be used to establish an office in the FAA to develop and plan for the implementation of the next generation air traffic control system.

Senate amendment

Similar provision but sets forth in greater detail the duties of the office. Authorizes $300 million over 7 years. Head of office reports directly to the Administrator.

Conference substitute

Establishes a Next Generation Air Transportation System Joint Planning and Development Office. Requires the office to produce an integrated research and development plan to meet air transportation needs in the year 2025. Requires the plan to be transmitted to Congress within one year after the date of enactment, and an annual update describing the progress in carrying out the plan. Authorizes $50 million a year through FY 2010.

9. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM

House bill

Implements the recommendation of the National Commission on the Future of the Aerospace Industry and requires the President to establish a Task Force to develop an integrated plan to transform the Nation's air traffic control and air transportation system to meet its future needs.

Senate amendment

No provision.

Conference substitute

Requires the Secretary of Transportation to establish a Next Generation Air Transportation Senior Policy Committee to work with the Joint Planning and Development Office. Members shall be the Administrator or designee from NASA and FAA, the Secretary of Defense, Secretary of Homeland Security, Secretary of Commerce, Director of the Office of Science and Technology Policy, and designees from Federal agencies determined by the Secretary of Transportation to have an important role. The Senior Policy Committee shall advise the Secretary and provide policy guidance on the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office.

10. APPROACH PROCEDURES

House bill

Authorizes some of this money to be used to establish approach and departure procedures using GPS and ADS–B in order to meet the needs of air ambulance services.

Senate amendment

No provision.

Conference substitute

In lieu of House provision, change expiration date in paragraphs (C), (D), and (E) of section 106(k)(2) of current law to conform to the number of years of the bill. Include reference to ADS–B in the Statement of Managers.

11. AIR TRAFFIC CONTROLLERS

House bill

Paragraph (k)(5) in section 101 authorizes some of this money to be used to hire additional air traffic controllers in order to accommodate the growth in air traffic and address the expected increase in retirement of experienced controllers.

Subsection (c) of section 101 directs the FAA to develop a human capital workforce strategy to address the need for more air traffic controllers as called for by the General Accounting Office.

Senate amendment

Section 103(b). Requires FAA beginning in FY 2004 budget submission and thereafter to include description of controller staffing plan including strategies for addressing anticipated retirements.

Conference substitute

Senate section 103(b) but starts with 2005 budget submission. Subsection (c) of House bill.

12. ALASKAN AVIATION CORRIDORS

House bill

Authorizes some of this money be used to complete the mapping of Alaska's main aviation corridors.

Senate amendment

No provision.

Conference substitute

House bill.

13. AVIATION SAFETY REPORTING SYSTEM

House bill

Authorizes $3.4 million to be used for the Aviation Safety Reporting System. Calls for a report on the Aviation Safety Reporting System.

Senate amendment

No provision.

Conference substitute

House bill.

14. BUREAU OF TRANSPORTATION STATISTICS

House bill

Authorizes $3.971 million in 04, $4.045 million in 05, $4.127 million in 06, and $4.219 million in 05 from the Trust Fund for the Bureau of Transportation Statistics' activities collecting and analyzing aviation data.

Senate amendment

No provision.

Conference substitute

House bill.

15. AIR NAVIGATION FACILITIES AND EQUIPMENT (F&E)

House bill

Authorizes $3.138 billion in 2004, $2.993 billion in 2005, $3.053 billion in 2006, and $3.110 billion in 2007.

Senate amendment

Authorizes $2.196 billion in 2004, $2.971 in 2005, and $3.030 billion for 2006. No authorization for 2007. Requires biannual reports on the changes in budget and schedule, and technical risks, of 10 largest F&E programs.

Conference substitute

House bill with Senate report. The Managers expect that no research and development activities will be funded from the facilities and equipment account.

16. GULF OF MEXICO

House bill

Money is authorized from the F&E account to improve the safety and efficiency of air operations in the Gulf of Mexico.

Senate amendment

Similar provision but worded differently. Money is authorized from general fund.

Conference substitute

House bill.

17. WAKE TURBULENCE

House bill

$20 million per year for 4 years is authorized from F&E for FAA to demonstrate the benefits of a wake vortex advisory system.

Senate amendment

$500,000 is authorized for 1 year from RED for FAA to contract with the National Research Council for an assessment of FAA's wake vortex research program. Report required in 1 year.

Conference substitute

House provision for the life of bill, except the Conferees agreed to delete a specific dollar amount and change the wording to allow development and analysis of multiple systems.

18. PRECISION APPROACH LANDING SYSTEMS

House bill

$20 million per year is authorized per year from F&E for precision approach landing systems in mountainous areas contingent on FAA certifying or approving these systems. Maintenance of equipment not included.

Senate amendment

Similar provision but no requirement for FAA approval and no specific sum is authorized. Money comes from general fund. Maintenance of equipment is included.

Conference substitute

House bill without specifying dollar amount.

19. STANDBY POWER EFFICIENCY PROGRAM

House bill

No provision.

Senate amendment

Authorizes funding for a program to improve power stations at FAA sites.

Conference substitute

Senate amendment.

20. ANCHORAGE AIR TRAFFIC CONTROL FACILITIES

House bill

No provision.

Senate amendment

Requires a report from FAA on the feasibility of consolidating air traffic control facilities.

Conference substitute

Senate amendment.

21. AIR TRAFFIC CONTROL COLLEGIATE TRAINING INITIATIVE

House bill

No provision.

Senate amendment

Authorizes DOT to expend funds on this initiative.

Conference substitute

Senate amendment but funded from the FAA's operating account (49 USC 106(k)).

22. RESEARCH

House bill

No provision.

Senate amendment

Authorizes funding for FAA research and development.

Conference substitute

Authorizes all research and development activities for the agency within the R&D section of Title 49. The Managers expect these research and development activities to be funded from the FAA's R,E&D account.

23. AVIATION SAFETY WORKFORCE INITIATIVE

House bill

No provision.

Senate amendment

NASA and FAA shall establish a joint program to make grants to students in aviation fields. Such sums are authorized to NASA and FAA to carry out this program. Report required in 180 days.

Conference substitute

Senate amendment.

24. SCHOLARSHIPS

House bill

No provision.

Senate amendment

NASA and FAA shall develop a student loan program for those studying in an aviation field. Money is authorized and a report is required.

Conference substitute

Established a scholarship and internship program for those studying in an aviation field.

25. AIRFIELD PAVEMENT

House bill

No provision.

Senate amendment

Requires FAA to continue the program of awarding grants to foundations to do research on airfield pavement. But this should not get higher priority than other research programs.

FAA shall review its standards for airfield pavement thickness and revise them if needed to meet the 20-year life requirement for such pavement. Report required in 1 year.

Conference substitute

Senate amendment, except Conferees agreed to strike any reference to ''rigid concrete'' and to amend 47102(3)(H) to make nonhubs eligible for AIP grants for pavement maintenance.

26. CERTIFICATION METHODS

House bill

No provision.

Senate amendment

FAA shall conduct research to develop analytical tools to improve existing certification methods and reduce the cost for certification of new products.

Conference substitute

Senate amendment.

27. NEW TECHNOLOGIES

House bill

No provision.

Senate amendment

FAA may conduct a limited pilot program to provide incentives to airlines to use new technologies. $500,000 is authorized from the general fund in 2004 for this program.

Conference substitute

Senate amendment except authorized from Facilities and Equipment.

28. FAA CENTER FOR EXCELLENCE

House bill

No provision.

Senate amendment

FAA shall develop a Center for Excellence focused on research and training on composite materials.

Conference substitute

Senate amendment.

29. REPORT ON ENVIRONMENTAL IMPROVEMENTS

House bill

No provision.

Senate amendment

Requires a study on ways to reduce aircraft noise and emissions. Report required in 1 year. $500,000 is authorized.

Conference substitute

Authorizes $20 million a year for research on enabling technologies to reduce noise and emissions pollution.

30. AIRPORT IMPROVEMENT PROGRAM (AIP)

House bill

$3.4 billion in 2004, increasing by $200 million each of 3 years thereafter. No AIP money for administrative expenses.

Senate amendment

$3.4 billion in 2004, increasing by $100 million in each of 2 years thereafter. Authorizes use of AIP for administrative expenses.

Conference substitute

Senate amendment to the length of the bill however does not authorize use of AIP for administrative expenses. Conferees believe that AIP money should not be used for research, as that should be done in the research account.

31. CONTRACT TOWER PROGRAM

House bill

Authorizes funding for the contract tower program for 4 years increasing funding by 500,000 each year. Updates the section on the FAA's contract tower program by deleting the 1987 date and increases the maximum Federal share (from $1.1 million to $1.5 million) for the construction of a tower under this program.

Senate amendment

Same provision with respect to funding but for only 3 years. Allows qualified entities to contract for towers. Same provision with respect to the Federal share.

Conference substitute

Senate amendment, but for 4 years.

32. UNDERSERVED AIRPORTS

House bill

Subsection (b) of section 104 authorizes funding for 5 years at $35 million per year for the program established in AIR 21 to improve service at underserved airports.

Subsection (b) of section 415 revises this program by eliminating the per-State limit on the number of communities that can participate and by giving priority to those communities that can use the money in the fiscal year that they receive it.

Senate amendment

Section 302, subsection (a) authorizes funding for 3 years at $27.5 million per year for this program. $275,000 may be used for administrative costs.

Subsection (b) allows communities to participate more than once but not for the same project. Section 354(c) amends section 41734(h) by striking ''an airport'' and inserting ''each airport''.

Conference substitute

House section 104(b) and Senate section 302(b). House section 415(b) but retain per state limit on a per year basis.

The Conferees continue to be concerned about air service to small and medium sized airports. Section 203 of AIR 21 (114 Stat. 92), codified at section 41743 of title 49, included a pilot program to make grants to small communities to help them bolster their air service. This program is only now beginning to get underway. The Conferees believe this program will lead to the desired air service improvements and the reported bill reauthorizes it for another 5 years at $35 million per year. In selecting communities for participation in this program, the Conferees encourage the Secretary of Transportation to give preference to airports that have demonstrated the ability to sustain service and that have strong support from the local community.

33. REGIONAL JET LOAN GUARANTEES

House bill

Reauthorizes the program to permit loan guarantees to be offered for the purchase of regional jets to serve small airports.

Senate amendment

No provision.

Conference substitute

No provision.

34. TRUST FUND GUARANTEE

House bill

Reauthorizes for 4 years the procedural protections in AIR 21 that ensure that all Trust Fund revenue and interest is fully spent and that the AIP and F&E programs are fully funded at their authorized levels.

Senate amendment

Same provision, worded differently, for 3 years.

Conference substitute

House bill.

35. DESIGN-BUILD

House bill

Continues for another 4 years the provision in existing law permitting contractors to both design and build 7 airport improvement projects.

Senate amendment

Makes existing law permanent and removes the 7-airport project limit.

Conference substitute

Senate amendment. The Committee understands that other alternative qualifications based methods exist such as job order contracting and construction manager at risk. These alternative qualifications-based methods are acceptable under existing regulations and statute. The term ''job order contracting'' means an agreement that provides for the purchase of indefinite and limited quantities of construction pursuant to specific work orders issued to the contractor. The term ''construction manager at risk'' means an agreement that provides for preconstruction services by a contractor during or after design. Section 181 is intended to cover traditional design-build techniques that are not otherwise permitted.

36. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

House bill

Reauthorizes MWAA's ability to receive AIP grants until 2007. Section 412(g) repeals the provision requiring this periodic reauthorization.

Senate amendment

Requires MWAA, with DOT, to study the feasibility of housing gates of the two air shuttles in one terminal.

Conference substitute

House bill, however Conferees agreed not to repeal the provision requiring periodic reauthorization and to require MWAA to seek reauthorization in 2008.

37. WAR RISK INSURANCE

House bill

Makes permanent war risk insurance for international flights and for non-premium insurance. War risk insurance for domestic flights would continue to be subject to periodic reauthorizations. Permits DOT to keep in effect after August 31, 2004 the war risk insurance policies that must be in effect until that date. Permits DOT to extend the $100 million cap on liability for third party damages to U.S. aircraft manufacturers until the end of next year. Allows DOT to provide war risk insurance coverage to U.S. aircraft manufacturers and to vendors, agents, and subcontractors of airlines but only to the extent that the loss involved aircraft of a U.S. airline. Makes technical corrections.

Senate amendment

Reauthorizes the program for 3 years. Allows DOT to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of $50,000,000 or in excess of manufacturer's primary insurance. Includes conforming amendments.

Conference substitute

Conferees agreed to amend Section 44310 to extend the effective date of the program to March 30, 2008. DOT is allowed to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of $50,000,000 or in excess of manufacturer's primary insurance.

38. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS

House bill

Authorizes FAA to conduct a pilot program to test the cost-effectiveness and feasibility of innovative financing techniques to purchase and install terminal automation replacement systems. This proposal is designed to replace existing obsolete air traffic control equipment at FAA TRACONS. This section provides $200,000,000 in FY 2004 from the Facilities and Equipment Account for this pilot program and allows the FAA to make multi-year advance contract provisions to achieve economic-lot purchases and more efficient production rates.

Senate amendment

No provision.

Conference substitute

House bill, however the pilot program is not limited to any particular technology or system.

39. COST SHARING OF ATC MODERNIZATION PROJECTS

House bill

No provision.

Senate amendment

DOT may make 10 grants per year for ATC projects that are certified or approved by FAA and that promote safety, efficiency or mobility. The money shall come from the F&E account. It shall be limited to $5 million per project. The Federal share of the project shall be limited to 33%. The local share shall come from non-Federal sources including PFCs. Facilities and equipment obtained through this program may be transferred to FAA. FAA shall issue guidelines for this program without being subject to the APA.

Conference substitute

Senate amendment but limited to the purchase of equipment and software.

40. PROJECT STREAMLINING

House bill

Provides that the Title may be cited as the ''Airport Streamlining Approval Process Act of 2003''. Makes a number of findings regarding our Nation's major airports and the environmental review process for airport capacity projects at congested airports.

Senate amendment

No provision.

Conference substitute

Subtitle renamed ''Aviation Development Streamlining.'' Provides that the Title may be cited as the ''Aviation Streamlining Approval Process Act of 2003''. Findings are the same as the House bill.

41. PROMOTION OF NEW RUNWAYS—AIRPORT CAPACITY PROJECTS

House bill

Provides that the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports. This is designed to encourage the FAA to take a more proactive approach in encouraging the construction of new runways when it determines that it would be in the national interest.

Senate amendment

Section 47701, takes a different approach by requiring the Secretary to identify airports, among FAA's Airport Capacity Benchmark Report 2001, with delays significantly affecting the national system. This section also requires the Secretary to set up a task force and conduct a capacity enhancement study (CES) from which identified airports would be directed to engage in runway expansion processes. Based on the CES, an airport would be required to complete the planning and environmental review process within 5 years after CES, is submitted to DOT. If an identified airport declines to undertake expansion projects, they will be ineligible for planning and other expansion funding and cannot issue passenger facility fees. The Secretary must make every attempt to expedite funding for airports that do comply.

Section 47702, provides for designation of airport development projects as national capacity projects if they will significantly enhance the capacity of the national air transportation system. The designation is effective for 5 years.

Conference substitute

Adopted the Senate title ''Airport Capacity Enhancement'' and the House bill.

42. DOT AS LEAD AGENCY

House bill

Section 47171, subsection (a) requires the Secretary to develop and implement a coordinated airport project review process for airport capacity enhancement projects at congested airports.

Subsection (b) provides for a coordinated review process for all environmental reviews, analyses, opinions, permits, licenses, and approvals to be conducted concurrently and completed within a time period established by the Secretary in cooperation with the agencies involved.

Subsection (c) requires that for each airport capacity enhancement project at a congested airport, the Secretary shall identify all Federal and state agencies that may have jurisdiction over environmental-related matters, may be required by law to conduct an environment review, or may have jurisdiction to determine whether to issue an environmental-related permit, license, or approval for the project.

Subsection (d) allows a State and its associated agencies, consistent with State law, to choose to participate in the coordinated review process for a project at an airport within that State.

Subsection (e) allows the coordinated review process for a project to be incorporated into a Memorandum of Understanding between the Secretary and the heads of other Federal and State agencies identified in subsection (c), and the airport involved.

Subsection (f) sets forth the notification and reporting requirements should the Secretary determine that a Federal agency, state agency, or airport sponsor participating in the coordinated review process has not met a deadline established under subsection (b).

Subsection (g) provides that for any environmental review process or approval issued or made by a Federal or state agency participating in a coordinated review process requiring an analysis of the purpose and need for a project, the agency is bound by the project's purpose and need as defined by the Secretary.

Subsection (h) provides that the Secretary shall determine the reasonable alternatives

to an airport capacity enhancement project at a congested airport and any other Federal or state agency participating in a coordinated review process shall consider only those alternatives to the project that the Secretary has determined are reasonable.

Senate amendment

Section 47703, subsection (a) similarly requires the Secretary to implement an expedited coordinated environmental review process for national capacity projects. Includes a date certain deadline for completing all reviews.

Subsection (b) requires each Federal agency/dept. to accord national capacity project environmental review the highest possible priority & to conduct the review expeditiously. If not complying then the Secretary shall notify Congress immediately.

Subsection (c) requires the designation of a Project Coordinator who shall, among other things, coordinate all activities of Federal, State and local agencies involved in the project.

Subsection (c)(1) requires Secretary to designate a project coordinator & establish an environmental impact team for each national capacity project. Subsection (c)(2) sets forth what the project coordinator and the EIS team shall do.

Adds 180-days extra time and it is not part of the NEPA process. Subsection (a) requires FAA to publish an additional notice in the FR for each airport capacity enhancement project at a congested airport requesting comments on reasonable alternatives. Subsection (b) provides, outside of NEPA, that an alternative shall be considered reasonable if certain listed criteria are met.

Subsection (d), provides that the Secretary's determination, not later than 90-days after last day of comment period, is binding on ''all persons, including Federal and State agencies, acting under or applying Federal laws when considering the availability of alternatives to the project.''

Subsection (e) states that the section does not apply to alternatives analysis under NEPA and does not apply if an airport opts out in writing. Subsections (a) and (c) require comment periods in addition to NEPA. Subsection (a), as indicated above, requires FAA to publish an additional notice requesting comments on reasonable alternatives.

Subsection (c), requires an additional 60-day comment period.

Conference substitute

House bill with Senate Amendment. The Conferees intend that the procedures set forth in this section will allow DOT to cut through red tape and eliminate duplication without diminishing existing environmental laws or limiting local input into these critical projects. Conferees believe that the expedited, coordinated environmental review process will ensure that once a community reaches consensus on a critical project, the review process will not unnecessarily delay action. Conferees designate the Department of Transportation as the lead agency for the project review process, and directs the Secretary of Transportation to develop a coordinated review process for major airport capacity projects that will ensure that all environmental reviews by government agencies will be conducted at the same time, whenever possible.

The Conferees agreed to combine the streamlined environmental review processes and procedures for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects into one section. Therefore, House bill section 47177 is folded into House bill section 47171. The Conferees also adopted the Senate amendment regarding environmental impact statement teams as a way to streamline the environmental review process and achieve a coordinated, expedited environmental review. Conferees believe that after proper scoping and public comment processes, the determinations of the Secretary with regard to a proposed project's purpose and need and reasonable alternatives shall be binding on any other Federal or state agency that is participating in a coordinated environmental review process under this section. Participation in a coordinated environmental review process includes the review of environmental analyses, consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals.

Conferees recognize that the Department of Transportation and the Federal Aviation Administration have significant expertise and experience on transportation-related matters. Therefore, the Conferees believe that in conducting environmental reviews within the jurisdiction of the DOT, the Secretary should play a lead role in determining which analytical methods are reasonable for use in determining the transportation impacts and benefits of project alternatives, particularly in the area of noise impacts. Other agencies should give substantial deference to the aviation expertise of the Federal Aviation Administration with respect to determinations of relevant aviation factors including aircraft and airport operations, airport capacity, and future national air space capacity forecasts. Other agencies have expertise in determining the environmental impacts of transportation projects, and the Secretary should rely on the expertise of these agencies in analyzing these impacts. The Conferees believe that, to the maximum extent possible, all Federal and State agencies participating in the coordinated review process should use a common set of data for their analyses in carrying out their responsibilities to conduct environmental reviews under Federal law.

43. CATEGORICAL EXCLUSIONS

House bill

Section 47172, states that not later than 120 days after the date of enactment of this section, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environment impact statement be prepared for projects at airports.

Senate amendment

Requires FAA to report to Senate, within 30 days, on current CATEXs and on proposed additional CATEXs. Directs Secretary to consider other things outside of NEPA, when determining list of proposed CATEXs.

Conference substitute

In lieu of either the House bill or Senate amendment, the Conferees agree that the requirement to develop and publish a list of categorical exclusions is unnecessary given that the FAA already published a list of new categorical exclusions as part of their proposed FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures.'' It would therefore be most helpful if the FAA finalized this Order. The Conferees have set a 180-day deadline for the FAA to publish their final FAA Order 1050.1E. In addition, with regard to airport projects, the Conferees have set a deadline for the FAA to publish, for public comment, the revised FAA Order 5050.413, ''Airport Environmental Handbook,'' and urge the FAA to finalize this Order as soon as practicable.

44. ACCESS RESTRICTIONS TO EASE CONSTRUCTION—AIR TRAFFIC PROCEDURES

House bill

Section 47173, provides that at the request of a congested airport, the Secretary may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that the imposition of the restriction (1) is necessary to mitigate significant noise impacts and expedite construction of the runway; (2) is the most appropriate and cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs; and (3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

Senate amendment

Section 47705 is a similar provision for national capacity projects that involve construction of new runway or reconfiguration of runway. If the Secretary determines consistent with safe and efficient use of airspace, and consistent with applicable Federal law, then commit to such procedure in ROD for project.

Conference substitute

Conferees adopted the Senate amendment with minor changes to conform to the use of the term ''airport capacity enhancement projects at congested airports'' in lieu of the term ''national capacity projects.''

45. AIRPORT REVENUE TO PAY FOR MITIGATION

House bill

Section 47174, subsection (a) states, that the Secretary may allow an airport carrying out a capacity enhancement project at a congested airport to make payments out of revenues generated at the airport for measures to mitigate the environmental impacts of the project if the Secretary finds that (1) the mitigation measures are included as part of, or are consistent with, the preferred alternative for the project in the documentation prepared for NEPA; (2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and (3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved. Subsection (b) describes what the mitigation measures described in Subsection (a) may include.

Senate amendment

No provision.

Conference substitute

No provision.

46. AIRPORT FUNDING OF FAA STAFF

House bill

Section 47175, subsection (a) provides that FAA may accept funds from an airport to hire additional staff or obtain the services of consultants to facilitate the timely processing, review, and completion of environmental documents associated with an airport development project.

Subsection (b) allows the Administrator, with agreement of the airport, to transfer its entitlement funds to the account used by FAA for activities described in subsection (a).

Subsection (c) states that, notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b) shall (1) be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted; (2) be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and (3) remain available until expended.

Subsection (d) provides that no funds may be accepted pursuant to subsection (a), or

transferred under subsection (b), ensures that airport or AIP money is utilized only to provide additional funds for environmental staff, not merely replace funds from the FAA's operating account that would have been provided for this purpose in any event.

Senate amendment

Section 47706, similar provision but provides for pilot program and sets up rather complicated process getting much more specific in requirements. Also, does not allow airports to use AIP for this purpose.

Conference substitute

House bill and Senate Amendment. Conferees agree that this program should be a permanent program and that airports should be allowed to use AIP entitlement funds to fund environmental staff. However, this provision is designed to ensure that airport or AIP money is utilized only to provide additional funds for environmental staff, and not merely to replace funds in the FAA's operating account that would have been provided for this purpose in any event.

47. AUTHORIZATION

House bill

Section 47176, authorizes funds to be appropriated to the Secretary out of the Airport and Airway Trust Fund, in the amount of $4,200,000 for fiscal year 2004 and for each fiscal year thereafter for the timely processing, review and completion of environmental review activities associated with airport capacity enhancement projects at congested airports

Senate amendment

No provision.

Conference substitute

House bill.

48. STREAMLINING OF SAFETY AND SECURITY PROJECTS

House bill

Section 47177, allows, in subsection (a), the Administrator of the Federal Aviation Administration to designate an aviation safety or aviation security project for priority environmental review. The Administrator is not allowed to delegate this designation authority.

Subsection (b) directs the Administrator to establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. The guidelines must include consideration of, (1) the importance or urgency of the project; (2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act; (3) the need for cooperation and concurrent reviews by other Federal or State agencies; and (4) the prospect for undue delay if the project is not designated for priority review.

Subsection (c) sets forth the procedures for coordinated environmental reviews. Paragraph (1) directs the Administrator, in consultation with the heads of affected agencies, to establish specific timelines for coordinated environmental reviews of an aviation safety or aviation security projects. The timelines shall be consistent with timelines established in existing laws and regulations. Also, this subsection directs each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals to accord any such review a high priority and to conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews. Paragraph (2) directs each Federal agency identified under subsection (c) to formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, in a timely and environmentally responsible manner.

Subsection (d) provides for State participation. Paragraph (1) states that if a priority environmental review process is being implemented with respect to a project within the boundaries of a State with State environmental requirements and approvals, the Administrator must invite the State to participate in the process. Paragraph (2) allows that a State invited to participate in a priority environmental review process, consistent with State law, may choose to participate and may direct that all State agencies, which have jurisdiction to conduct an environmental review or analysis of the project, be subject to the coordinated review process.

Subsection (e) sets forth the procedures for when a Federal agency or participating State fail to give priority, review. Paragraph (1) provides that if the Secretary of Transportation deternines that a Federal agency or a participating State is not complying with the requirements of this section and that the noncompliance is undermining the environmental review process, the Secretary must notify, within 30 days the head of the Federal agency or, with respect to a State agency, the Governor of the State. Paragraph (2) states that when a Federal agency receives such a notification, the Agency must submit a written report to the Secretary within 30 days explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take. Paragraph (3) states that if the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time allowed under this subsection, the Secretary shall notify the Council on Environmental Quality, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate.

Subparagraph (f) cross-references the procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 and directs that they shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

Subsection (g) provides a list of definitions of terms used in the section. Section 47178, provides a list of definitions of terms used in the subchapter, including terms ''congested airport'' and ''Airport Capacity Enhancement Project.''

Senate amendment

Section 47707, provides definition of National Capacity Project.

Conference substitute

House bill. Conferees combined House bill section 47177, which includes the procedures for an expedited, coordinated environmental review process for aviation safety and aviation security projects, with House bill section 47171, the procedures for airport capacity enhancement projects at congested airports. The Conferees believe that environmental reviews for these types of projects should be streamlined in the same way that airport capacity enhancement projects at congested airports are streamlined. Therefore, all processes and procedures applicable to airport capacity enhancement projects at congested airports apply to designated aviation safety or aviation security projects. Conferees adopted the House bill definitions of terms in both Sections 47177(g) and 47178.

49. GOVERNOR'S CERTIFICATE

House bill

Repeals the requirement in section 47106(c)(1)(B) that the Governor of the state in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be in compliance with applicable air and water quality standards.

Senate amendment

Same as House bill except the Senate strikes ''(1)(c)'' in newly designated 47106(c)(4) and inserts ''(1)(B)'', and does not strike ''Stage 2'' and insert ''Stage 3'' in 7106(c)(2)(A).

Conference substitute

Senate amendment with minor technical changes to reflect revisions contained in House bill. Conference substitute repeals the governor's certificate requirement regarding compliance with applicable air and water quality standards.

50. NOISE MITIGATION NEAR A CONGESTED AIRPORT

House bill

Authorizes the issuance of a grant to an airport operator of a congested airport and a unit of local government to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the FAA for an airport capacity enhancement project.

Senate amendment

No provision.

Conference substitute

House bill.

51. STREAMLINING LIMITATIONS AND RELATIONSHIP TO OTHER REQUIREMENTS

House bill

Section 207 states that nothing in the Act shall preempt or interfere with any practice of seeking public comment; any power, jurisdiction, or authority that a state agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and any obligation under the National Environmental Policy Act and Council on Environmental Quality regulations.

Section 208 provides that the coordinated review process required under this Title for airport capacity enhancement projects at congested airports shall apply whether or not the project is a high-priority transportation infrastructure project under Executive Order 13274.

Senate amendment

No provision.

Conference substitute

House bill.

52. ILLINOIS

House bill

No provision.

Senate amendment

Makes clear that nothing in Title II of the Senate amendment precludes the application of this Act to Illinois or preempts the Illinois Governor from approving or disapproving an airport project.

Conference substitute

Senate amendment.

53. MANAGEMENT ADVISORY COMMITTEE MEMBERS

House bill

This section reduces the FAA's Management Advisory Council (MAC) to 13 members to reflect the removal the Air Traffic Services Subcommittee from the MAC. The DOT Secretary rather than the President would fill any remaining vacancies in the MAC.

Senate amendment

Similar provision.

Conference substitute

House bill, but name changed to Management Advisory Committee.

54. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE

House bill

Establishes the Air Traffic Services Board and moves the members of the Air Traffic Services Subcommittee to this new Board. The FAA Administrator would be the Chairman of this Board. Members are appointed by the President and confirmed by the Senate. Compensation of the Board Members is eliminated. Board makes recommendations on the FAA budget rather than approve it.

Senate amendment

Similar provision but it is called a Committee rather than a Board and members are appointed by the Secretary. Retains $25,000 compensation for members. Continues to require approval of FAA budget. Requires President to submit FAA budget request to Congress without revision.

Conference substitute

House bill and Senate amendment, but without the provision on the budget. The new organization is a committee.

55. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER

House bill

Revises the functions of the FAA's Chief Operating Officer (COO) to more closely reflect the duties of such a position. The current statutory functions have been criticized for being more appropriate for a CEO than a COO. The COO is given the added responsibility of developing a comprehensive plan with specific performance goals for managing cost-reimbursable contracts as called for in the report of the Inspector General (Report F1–2202–092, May 8, 2002).

Senate amendment

Similar, except there is no provision on cost-reimbursable contracts.

Conference substitute

House bill.

56. SECTION WHISTLEBLOWER PROTECTION

House bill

No provision.

Senate amendment

Provides whistleblower protection for employees of FAA contractors.

Conference substitute

Senate amendment.

57. SMALL BUSINESS OMBUDSMAN

House bill

This section establishes the position of small business ombudsman within FAA to serve as a liaison with small business and provide assistance to those businesses.

Senate amendment

No provision.

Conference substitute

No provision.

58. FAA PURCHASE CARDS

House bill

This section requires FAA to take appropriate actions to implement General Accounting Office recommendations made in a report (GAO–03–405, March 2003) that uncovered abuses of FAA purchase cards. Similar concerns had been raised earlier about practices in Alaska (GAO–02–606, May 2002).

Senate amendment

No provision.

Conference substitute

House bill.

59. IMPROVEMENT OF AVIATION INFORMATION COLLECTION

House bill

This section would repeal the prohibition on collecting information by specific flight effective on the date of issuance of a final rule that reduces the reporting burden for air carriers through electronic filing of the Origin & Destination Survey data.

Senate amendment

No provision.

Conference substitute

House provision with additional language to ensure that data cannot be used for anticompetitive purposes. The additional language requires that, if the Secretary requires air carriers to provide flight-specific information, (1) the Secretary shall not disseminate fare information for a specific flight to the general public for a period of at least nine months following the date of the flight; and (2) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare.

60. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING

House bill

This section requires DOT to publish passenger complaints about screening problems in the same way that it publishes complaints about delays, lost baggage, etc.

Senate amendment

No provision.

Conference substitute

House bill.

61. DEFINITIONS

House bill

This section places the various definitions of ''hub'' in one place in Title 49 rather than scattered throughout the code as they are now. This section includes the various hub definitions in Chapter 471 of title 49. Also defines ''amount made available'' and ''passenger boardings''.

Senate amendment

Adds definitions of ''amount newly made available'' and ''amount subject to apportionment'' in chapter 471. Makes necessary conforming changes. Subsection (b) revises when AIP grants may be made.

Conference substitute

House bill and Senate amendment.

62. CLARIFICATIONS TO PROCUREMENT AUTHORITY

House bill

Subsection (a) deletes paragraph (c)(1) and (c)(2)(D) that no longer apply to the FAA as a result of the procurement reform contained in section 40110(d) of title 49.

Subsection (b) deletes the reference to the deadline for implementing procurement reform and allows bid protests to be resolved by alternate dispute resolution techniques. Subsection (c) adds the procurement of ''services'' to the list of actions to which the FAA's procurement system applies.

Senate amendment

Subsection (a) is the same provision but it also deletes paragraphs (2)(C) and (E) that require authorization from GSA and limit sole source contracts.

Also deletes the reference to the deadline for implementing procurement reform.

Subsection (b) is the same as subsection (c) of the House bill.

Conference substitute

House bill and Senate amendment with additional language at the end of new paragraph (d)(4) stating ''and shall be subject to judicial review under section 46110 of this title, and to the provisions of the Equal Access to Justice Act (5 U.S.C. 504).''

63. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT UNDER THE PFC PROGRAM

House bill

Subsection (a) allows passenger facility charge (PFC) revenue to be used to purchase low-emission vehicles or to convert existing equipment.

Subsection (b) makes clear that PFC revenue can be used only to pay the difference in cost between the low-emission vehicle and a regular vehicle. PFCs can also be used to pay the cost of converting an existing vehicle to a low emission vehicle.

Subsection (c) defines the type of equipment that is eligible.

Senate amendment

Similar provision, but adds requirement that DOT, in consultation with EPA, shall issue guidance.

Conference substitute

Conferees adopted a blended version of the House bill and Senate amendment. The Conferees adopted the House provision with the Senate requirement that the EPA, in consultation with DOT, shall issue guidance.

64. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM

House bill

Subsection (a) is designed to streamline the PFC approval process by requiring that notice and comment is provided before the airport submits its PFC application to FAA and all the certifications are included in that application. The subsection also states that an airport is required to consult with only those airlines operating there that provide scheduled air service or major charter operations.

Subsection (b) provides a 3-year test of expedited procedures for approval of PFC applications at small airports. Such an airport that notifies FAA of its intention to impose a PFC shall be allowed to do so unless FAA objects within 30 days of receiving the notice.

Senate amendment

This is the same provision with some different wording. Also eliminates the requirement that large airports seeking a PFC of more than $3 show that the project will make a significant contribution to safety, security, increased competition, or reducing congestion or noise.

Conference substitute

House bill.

65. PFCS AND MILITARY CHARTERS

House bill

Makes clear that passengers on a military charter are not required to pay a PFC since payment for the flight is made by the Department of Defense rather than by the individual passengers.

Makes technical amendments.

Senate amendment

Subsection (g) of section 507 is the same provision.

Conference substitute

Both House bill and Senate amendment.

66. USING PFC REVENUE FOR GROUND ACCESS PROJECTS

House bill

Requires FAA to publish in 60 days its current policy for allowing PFCs to be used to pay for ground access projects.

Senate amendment

No provision.

Conference substitute

House bill but add ''consistent with current law.''

67. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES

House bill

This section requires airlines to place PFC revenue that they collect in a separate account so that the airport for which the PFC was collected will be assured of receiving its money should the airline go out of business during the interim period between the time that the PFC was collected and the time it is remitted to the airport.

Senate amendment

No provision.

Conference substitute

House bill, but limited to air carriers filing for bankruptcy after the date of enactment. These air carriers would only have to segregate PFC money, and would not be required to put that money in an escrow account.

68. MAJOR RUNWAY PROJECTS

House bill

No provision.

Senate amendment

Requires quarterly reports on the status of major runway projects undertaken at 40 largest airports.

Conference substitute

No provision.

69. NOISE DISCLOSURE TO HOME BUYERS

House bill

No provision.

Senate amendment

Requires FAA to study the feasibility of developing a program to notify homebuyers of information on noise disclosure maps. Requires FAA to make noise exposure maps available on its web site.

Conference substitute

Senate amendment. Conferees made one change by requiring the Federal Aviation Administration to make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format. The approach was adopted instead of requiring the FAA to publish noise exposure maps on the FAA's web site alone. Conferees believe that it is very important that potential homebuyers should be notified of the likelihood that they would be exposed to aircraft noise.

70. CLARIFICATION OF FLY AMERICA ACT

House bill

Makes clear that the term ''commercial item'' does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

Makes clear that a person that has contracted with the military has the same obligation under 49 U.S.C. 41106 to employ U.S. airlines for airlift services as the military.

Senate amendment

No provision.

Conference substitute

Conferees adopted the House provision that the term ''commercial item'' does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

71. AIRLINE CITIZENSHIP

House bill

No provision.

Senate amendment

To qualify as a U.S. airline, it must be under the actual control of citizens of the U.S.

Conference substitute

Senate amendment.

72. AIR CARGO IN ALASKA

House bill

No provision.

Senate amendment

Permits cargo to or from a foreign country to be transferred to another airline in Alaska without being considered to have broken its international journey.

Conference substitute

Senate amendment. This subsection does not apply to transportation of passengers and does not permit the Secretary to authorize a foreign air carrier either to take on for compensation at a place in the United States cargo having both first origin and ultimate destination in the United States, or to engage in service that contravenes any bilateral or multilateral agreement between the United States and any foreign state. Alaska's geographic location and distance from the contiguous 48 states creates special needs, challenges and opportunities. Alaska has a unique geographic location as a technical and refueling stop for all cargo services between Asia, on the one hand, and Europe and North America on the other. A ''term arrangement'' is a cargo relationship between air carrier(s) and foreign air carrier(s) on an ongoing basis, including, for example, preferential rates or joint marketing up to and including a full cargo alliance.

73. OVERFLIGHTS OF NATIONAL PARKS

House bill

States that the requirements and restrictions governing commercial air tour operations, as defined in the Air Tour Management Act of 2000, of national parks apply only to those flights that are over the park, or over an area within ½ mile outside the boundary of a national park, and not to those flights that may be near the park, even if they have some impact on the park.

Overrules an FAA regulation that establishes specific times that are considered daylight hours and instead uses the more common approach of defining daylight as the hours between 1 hour after sunrise and 1 hour before sunset.

Senate amendment

No provision.

Conference substitute

House bill, subsection (a) regarding the application of the Air Tour Management Act of 2000 only. The Conferees also agreed to add a provision regarding the utilization of quiet technology at Grand Canyon National Park and established a mediation process if necessary.

Conferees are greatly disappointed with the lack of progress that has been made by the National Park Service (NPS) and the Federal Aviation Administration (FAA) with regard to managing air tour noise impacts in national parks. It is our understanding that the two agencies have not been able to reach agreement on how to set noise standards for national parks, how to measure and model noise impacts in national parks, and how to appropriately regulate air tours over national parks.

Conferees point out that in no less than eight places in the Air Tour Management Act of 2000 (ATMA), Congress used the words ''in cooperation'' to describe how the FAA and NPS should work together to develop air tour management plans (ATMPs) for national parks. Congress' intent is clear. The agencies should work collaboratively, cooperatively and in coordination with one another. Neither is in the position to dictate an approach. Conferees expect the two agencies to come to an agreement on a common approach to develop ATMP's, as well as to determine environmental impacts in national parks, including noise impacts. The approach and procedures should be developed expeditiously and in a coordinated and collaborative fashion.

Finally, it is our understanding that the National Park Service has not sought funding authorization or appropriation for the ATMP process. Conferees believe that both agencies should be funding this effort.

74. DELAY REDUCTION MEETINGS

House bill

No provision.

Senate amendment

DOT may ask U.S. airlines to meet with FAA to discuss flight reductions at severely congested airports to reduce over scheduling and flight delays during peak hours if FAA and DOT determine it is necessary. Meetings shall be chaired by FAA, open to all scheduled U.S. airlines, and limited to the airports and time period determined by FAA. FAA shall set flight reduction targets for the meeting. Airlines shall make flight reduction offers to FAA rather than to other airlines. Transcripts of the meetings shall be made available. Includes an additional provision dealing with delays caused by stormy weather.

Conference substitute

Senate amendment without the ''Stormy Weather'' provisions which are covered by the collaborative decision making pilot program described below.

75. COLLABORATIVE DECISION MAKING PILOT PROGRAM

House bill

Requires a pilot program to be established within 90 days that would authorize airlines to discuss changes in flight schedules in the event of a capacity reduction event.

States that the pilot program will last for 2 years after it is established.

Subsection (c) directs FAA to issue guidelines for the program that, at least, define when a capacity reduction event exists that would warrant the use of collaborative decision making among airlines.

States that when the FAA determines that a capacity reduction event exists at an airport, it may permit airlines to meet and discuss their schedules for up to 24 hours in order to use the available air traffic capacity most effectively. The FAA shall monitor these discussions.

Directs the FAA to choose three airports to participate in the program within 30 days after establishing the program. The airports chosen should be those with the most delays where collaborative decision-making could help reduce delays there and throughout the nation.

States which airlines are eligible to participate.

Permits the FAA to modify or cancel the program or prevent an airline from participating if it finds that the purposes of the program are not being furthered or there is an adverse impact on competition.

Requires FAA and DOT to evaluate the impact of the pilot program on the use of air traffic capacity, competition, the amount of air service to communities, and the impact of delays at other airports. Subsection (i) allows the program to be extended for an additional two years and expanded to seven more airports if warranted by the evaluation in subsection (h).

Senate amendment

Requires a program to be established to authorize airlines to discuss changes in schedules in the event of bad weather.

Within 30 days of enactment, DOT shall establish procedures governing airline requests for authorization, participation by DOT, and the determination by FAA about the impact of bad weather.

When FAA determines that bad weather is likely to adversely and directly affect capacity at an airport for at least 3 hours, airlines may discuss flights directly affected by the bad weather for up to 24 hours. DOT shall be represented at the meetings.

Allows DOT to exempt airlines from the antitrust laws in order to participate in the discussions.

This provision expires 2 years and 45 days after enactment but may be extended for another 2 years. DOT shall notify Congress of any such extension.

Conference substitute

House bill but reduced the number of initial participating airports from 3 to 2. Conferees also included requirements that the Attorney General concur with certain actions and determinations of the Secretary of DOT. Conferees also provided that the Attorney General may monitor the communications between air carriers operating at a participating airport. Also included antitrust immunity. Conferees directed the Administrator of the FAA to define and establish limited criteria for a ''capacity reduction event''. Conferees expect the FAA to work closely with the Department of Justice and the Department of Transportation.

76. COMPETITION AND ACCESS

House bill

No provision.

Senate amendment

Directs DOT to study and report within 6 months on competition, access problems, gate usage, pricing and availability at large airports.

Conference substitute

No provision.

77. COMPETITION DISCLOSURE

House bill

No provision.

Senate amendment

Requires large airports to file a report with DOT within 30 days of denying an airline a gate or other facilities. Report shall provide reason for the denial and time frame for granting the request.

Conference substitute

Instead of requiring a report from an airport each time it is unable to accommodate an airline request for gates, the conference substitute requires an airport to file a report with DOT during each 6 month period that it was unable to accommodate a request for gates. The airport could aggregate several incidents into one report. This provision sunsets in 5 years.

78. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION

House bill

This section adds two provisions to the family assistance plans that airlines are required to follow in the event of a plane crash. The first requires information to homeowners whose houses are damaged about liability and compensation. Typically, this information should direct homeowners to their insurance companies to obtain information on compensation for damages. The second requires the airline to provide closed circuit television or a similar method for families to view NTSB proceedings concerning the accident. This would apply only if the NTSB proceedings were more than 80 miles from the accident site. In such cases, the proceedings would have to be able to be viewed in the cities where the flight originated and where it was scheduled to land. This applies only to cities in the United States.

Senate amendment

No provision.

Conference substitute

House bill.

79. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

House bill

Increases the number of slot exemptions to be granted outside the 1,250–mile perimeter from 12 to 24. Increases the number of slot exemptions to be granted inside the perimeter from 12 to 20.

Accommodates the above additional exemptions by increasing the number that can be granted during each one-hour period from 2 to 3. It also distributes the 20 inside-the-perimeter exemptions as follows—6 for air service from Reagan National to small airports without regard to the new entrant criteria, 10 to medium size or smaller airports, and 4 to any airport. Directs DOT to establish procedures for the grant of these slot exemptions.

Senate amendment

No provision.

Conference substitute

House bill. In order to enhance competition, DOT is encouraged to, among others, consider the competitive importance of service to cities that can serve as gateways to additional western states that currently have only limited service to Reagan National Airport. This language is not intended to favor or prejudice an application from a carrier under this section.

80. PERIMETER RULES

House bill

Requires DOT to study the impact of locally imposed perimeter rules on competition and air service to communities outside that perimeter.

Senate amendment

No provision.

Conference substitute

No provision.

81. COMMUTER AIRCRAFT DEFINITION

House bill

Changes the definition of commuter to allow up to 76 seat regional jets to use commuter slots at Reagan National Airport.

Senate amendment

No provision.

Conference substitute

House bill.

82. NOTICE CONCERNING AIRCRAFT ASSEMBLY WHERE AN AIRCRAFT IS ASSEMBLED

House bill

This section requires, within 1 year, U.S. airlines to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was built.

Senate amendment

No provision.

Conference substitute

House bill, but airlines have 18 months to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was finally assembled.

83. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES

House bill

In order to promote air service to small communities, this section directs FAA to permit small turbine powered or multi-engine aircraft to carry passengers between a small airport and another airport and to accept payment from those passengers if the aircraft is otherwise operated in accordance with FAA rules in Parts 119 and 135 and DOT rules in Part 298 of 14 CFR.

Senate amendment

No provision.

Conference substitute

No provision.

84. ESSENTIAL AIR SERVICE (EAS) MARKETING

House bill

Allows the portion of the essential air service (EAS) subsidy paid to an airline to promote its service to be paid to the community instead so that the community can promote that service.

Senate amendment

Airports may receive up to $50,000 for a marketing plan to increase usage at an EAS community. A local share, not including federal sources but including bond proceeds or in-kind contributions, is required unless passenger usage increases by a specified amount. Authorizes $50,000 to a State with an EAS community to assist the State in developing methods to increase passengers at the community. A 10% local share, including in-kind contributions, is required.

$12 million per year for 3 years is authorized for this program of which $200,000 may be used for administrative costs.

Conference substitute

Senate amendment.

85. EAS SUBSIDY ADJUSTMENT

House bill

Allows adjustments to a carrier's subsidy rate at any time if average monthly costs have increased by 10% or more without regard to requirements relating to renegotiation or termination notice.

Senate amendment

Allows adjustments to a carrier's subsidy rate within 30 days of enactment if average annual unit costs have increased by 10% or more without regard to renegotiation requirements.

Conference substitute

House bill section 415 (a)(3), but does not go into effect until 30 days after enactment. Senate amendment definition of ''significantly increased costs,'' with revisions to clarify calculation. Conferees agreed to a new provision authorizing the Secretary to reverse the upward adjustment in the subsidy rate if costs subsequently decline. It is the Managers' intent that the authority provided in this section be used to cover an industry-wide cost increase, such as increased fuel or insurance costs, and not one unique to a particular carrier.

86. RETURNED EAS FUNDS

House bill

No provision.

Senate amendment

Any EAS subsidy returned to DOT by an airport shall remain available to DOT and used to increase flights to that airport.

Conference substitute

No provision.

87. EAS AUTHORIZATION

House bill

Authorizes $65 million, in addition to the $50 million already required to be provided, for the EAS program and for the alternative program established by subsection (f) below. It also authorizes the hiring of additional employees in DOT to manage the program.

Senate amendment

Authorizes $113 million including the $50 million already required.

Conference substitute

House bill, with additional authorization for marketing from Senate bill.

88. SUBSIDY TERMINATION

House bill

Requires DOT to give a community 90 days notice before it discontinues subsidies to a

community as a result of that community's failure to meet mileage or per passenger subsidy targets established in Appropriations Acts.

Senate amendment

Notwithstanding the subsidy per passenger limitation in the 2000 appropriations act, DOT may not terminate a subsidy to a community before the end of 2004, if 2000 ridership at the community was sufficient and it received notice in 2003 that its ridership is no longer sufficient.

Conference substitute

No provision.

89. RESUMING SERVICE AT FORMER EAS COMMUNITIES

House bill

Allows an airline to begin service after the date of enactment to a community that has been eliminated from the EAS program without being subject to the hold-in requirements of that program if it should decide to terminate service to that community.

Senate amendment

No provision.

Conference substitute

House bill. The purpose of this provision is to remove a requirement that might prove to be a disincentive to a carrier resuming service to a community without any service.

90. JOINT FARES

House bill

Directs DOT to encourage the submission of joint fare proposals to benefit service to small communities.

Senate amendment

No provision.

Conference substitute

House bill.

91. ALTERNATIVE EAS

House bill

Establishes an alternative to the EAS program. Under this alternative, rather than receiving service from an airline subsidized by DOT, the community could receive a grant from DOT to establish and pay for its own service. This could include scheduled air service, air taxi service, fractional ownership where passengers pay for the service, surface transportation, or some other approach approved by DOT. Communities choosing to participate in this alternative program could not receive service under the established EAS program in the fiscal year in which they participated in the alternate program.

Senate amendment

If money authorized for the marketing program is fully appropriated, DOT shall establish a pilot program for no more than 10 communities under which the airport may forgo EAS subsidies for 10 years in exchange for a grant of double the EAS subsidy for airport development. DOT may require major airlines serving one of these 10 communities to participate in multiple code shares if that would improve air service.

DOT shall establish a pilot program for no more than 10 communities to authorize more flights with smaller aircraft if safety will not be compromised. For 3 of these airports, DOT may establish a pilot program where the subsidy pays for alternate transportation and improvement to airport facilities if the airport agrees to terminate its participation in this program pilot program after 1 year.

DOT may establish a pilot program where airports share the cost of providing service over and above the required essential air service.

Conference substitute

Substitute is House section 415 (g), with alternatives and pilot programs in the Senate bill. The fractional ownership provision cannot be used until the FAA rule on fractional ownership takes effect.

92. TRACKING EAS SERVICE CHANGES

House bill

No provision.

Senate amendment

Requires semi-annual report from airlines providing EAS on on-time performance and other service changes.

Conference substitute

Senate amendment with revisions.

93. MILEAGE REQUIREMENTS FOR EAS PROGRAM

House bill

Establishes mileage requirements for participation in the EAS program and directs DOT to calculate the mileage by the most commonly used route. DOT should consult with the Governor in determining the most commonly used route. Any community previously eliminated from the EAS program by the distance criteria may appeal that decision to DOT in light of the changes made by this subsection.

Senate amendment

Similar provision but the method for determining mileage applies only to Lancaster, PA while the appeal rights apply to any community.

Conference substitute

House bill but limited to only 2 years prior to date of enactment and order to be issued is limited to 2007.

94. SMALL COMMUNITY OMBUDSMAN

House bill

No provision.

Senate amendment

Establishes ombudsman in DOT to develop strategies for improving air service to small communities.

Conference substitute

No provision.

95. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE

House bill

No provision.

Senate amendment

Establishes 9-member Commission to study challenges facing small communities and whether existing Federal programs are helping.

Conference substitute

Senate amendment.

96. REFUNDED SECURITY FEES

House bill

No provision.

Senate amendment

Requires flag airlines, within 30 days, to remit to their code share partners any security fees that they paid but that were refunded to the flag airline. IG reviews compliance. Airline CEO certifies compliance.

Conference substitute

No provision.

97. TYPE CERTIFICATES

House bill

Requires anyone building a new aircraft based on a type certificate to have the permission of the holder of that type certificate.

Senate amendment

No provision.

Conference substitute

House bill.

98. CERTIFICATION OF FOREIGN AVIATION PRODUCTS

House bill

Requires the FAA to spend the same amount of time and perform a similarly thorough review when certifying or validating a foreign aviation product as the foreign nation spends in certifying or validating U.S. aviation products.

Senate amendment

No provision.

Conference substitute

The House bill is revised to direct U.S. negotiators to ensure that American products are treated fairly in the certification process.

99. INTERNATIONAL ROLE OF FAA

House bill

No provision.

Senate amendment

Amends section 40101 (d) by requiring FAA to exercise leadership with foreign counterparts, in ICAO, and other organizations to promote safety, efficiency, and environmental improvements in air travel.

Conference substitute

Senate amendment.

100. REPORT ON OTHER NATION'S ADVANCEMENTS

House bill

No provision.

Senate amendment

FAA shall review other countries aviation safety, research funding, and technological actions and report with recommendations on how those activities might be used in the U.S.

Conference substitute

No provision, however the report requirement in the Senate amendment is included in section 819 of the bill.

101. DESIGN ORGANIZATION CERTIFICATES

House bill

This section directs FAA to develop, within 4 years, a plan for certification of design organizations and allows the FAA to implement within 7 years a system for certifying design organizations if it so chooses.

Senate amendment

Similar provision but plan is to be submitted in 3 years and implemented in 5 years. Nothing in this section prevents FAA from revoking a certificate. Makes conforming change to subsection on type certificates.

Conference substitute

House timelines with Senate provision on FAA authority to revoke certificates. Replace (f)(3) of House bill with ''The FAA may rely on certifications of compliance by a Design Organization when making a finding under section (a).''

102. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS

House bill

This section would direct the FAA to deny a certificate to a person whose certificate was previously revoked for involvement in an activity relating to counterfeit or fraudulent aviation parts.

Senate amendment

Same provision, but would also deny a certificate to a person who carried out an activity related to counterfeit or fraudulent aviation parts for which he could have been convicted.

Conference substitute

House bill.

103. RUNWAY SAFETY AREAS

House bill

Section 419 states that an airport shall not be required to reduce the length of a runway or declare the length of the runway to be less than the actual pavement length in order to meet FAA requirements for runway safety areas.

Section 505 requires airports to undertake, to the maximum extent practical, improvements to the runway safety overrun area to meet FAA standards when they receive grants to construct, reconstruct, repair, or improve that runway. This does not require that airport to build a shorter runway, reduce the length of that runway or similar actions that are prohibited by section 419 of this bill.

Senate amendment

No provision.

Conference substitute

House bill. The Conferees agreed to limit this provision to airports located in the State of Alaska, as that is apparently where the FAA's actions with regard to runway safety areas has become a problem. The Conferees also agreed to require the DOT to conduct a study and submit a report on this issue for airports located in the remaining states.

104. AVAILABILITY OF MAINTENANCE INFORMATION

House bill

Requires manufacturers of aircraft and aircraft parts to provide maintenance manuals at a reasonable cost to repair stations that are authorized to work on those aircraft or aircraft parts.

Senate amendment

No provision.

Conference substitute

No provision.

105. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT

House bill

Requires FAA to revoke a pilot's certificate if the Department of Homeland Security notifies the FAA that the pilot is a security risk.

Gives a pilot who is a U.S. citizen the right to a hearing before an administrative law judge (ALJ). Others have the right to the appeal procedures that the Transportation Security Administration (TSA) has already provided for them.

States that the ALJ is not bound by the FAA's or TSA's findings of fact or law.

Allows either party to appeal an ALJ decision to a special panel created by the Transportation Security Oversight Board.

Allows either party to appeal the panel's decision to the U.S. Court of Appeals. Requires TSA to give a person appealing under this section an explanation of the reason for the revocation and all supporting documents to the extent that national security permits.

Sets forth the procedures for handling classified evidence This section makes clears that appeals under Subtitle VII of title 49 are handled by the Federal Court of Appeals rather than the District Court.

Contains a conforming amendment.

Senate amendment

No provision.

Conference substitute

House bill with technical clarifications to address how FAA, TSA, DHS, CIA, and the parties shall handle classified information in the hearing and appeal processes.

106. JUDICIAL REVIEW

House bill

Amends 46110(a) by striking ''part'' and inserting ''subtitle'' in the first sentence. Judicial review of TSA actions is covered by section 1710 of H.R. 2144.

Senate amendment

References 46110(c) instead of 46110(a). Uses Administration's proposed language, including sections for TSA.

Conference substitute

Conferees agreed to amend section 46110(a) of Title 49, United States Code to clarify that the judicial review procedures set forth in section 46110 apply to persons disclosing a substantial interest in orders issued by the Secretary of Transportation in whole or in part under part A and under part B of Subtitle VII of Chapter 49 of the U.S. Code. The intent is to clarify that decisions to take actions authorizing airport development projects are reviewable in the circuit courts of appeals under section 46110, notwithstanding the nature of the petitioner's objections to the decision. In addition, the Committee believes that FAA orders pertaining to airport compliance are exclusively reviewable in the circuit courts of appeals, like other orders issued under similar provisions in part B of subtitle VII of title 49. The Committee notes that the amendment to section 46110 would resolve the jurisdictional issue raised in *City of Alameda* v. *FAA*, 285 F.3d 1143 (9th Cir. 2002). Conferees agreed to strike ''part'' and insert ''Subparts A and B''; strike the reference to ''safety'' in order to clarify that the provision is not limited to safety orders of the FAA. Similar changes are made with respect to the Transportation Security Administration.

107. CIVIL PENALTIES

House bill

No provision.

Senate amendment

Sets all civil penalties at $25,000. Increases the limit for the administrative imposition of civil penalties to $1 million.

Conference substitute

Senate amendment on civil penalties with an exemption for individuals and small businesses. They will not be subject to the penalty increase but will be subject to the penalty they were subject to prior to the enactment of this Act. Also, sets the limit for the administrative imposition of civil penalties at $400,000.

108. FLIGHT ATTENDANT CERTIFICATION

House bill

Prohibits a person from serving as a flight attendant on an aircraft of a U.S. airline unless that person holds a certificate from the FAA. That person must present that certificate, upon request, to an authorized Federal official within a reasonable time. People currently serving as flight attendants can continue to do so pending their certification. After the airline notifies the FAA that a person has met the qualifications for certification, that person may serve as a flight attendant even if that person does not have the certificate in hand. Requires the FAA to issue a certificate to a person after the airline notifies the FAA that the person has completed all FAA approved training. Designates the appropriate airline official to determine whether a person has successfully completed the training. Requires the certificate to be numbered and recorded by the FAA, contain the name, address, and description of the flight attendant, contain the name of the airline that the flight attendant works for, be similar to airmen certificates, contain the airplane group (jet or prop) for which the certificate is issued, and be issued by the FAA within 30 days of notification by the airline or within 1 year of the effective date of this section.

Subsection (e) states that all flight attendant training programs, other than those involving security, are subject to FAA approval. Training programs approved within one year prior to the date of enactment may be used as the basis for certifying flight attendants. Defines ''flight attendant''. This section takes effect one year after the date of enactment.

Senate amendment

Requires FAA to establish standards for flight attendant training. FAA shall require flight attendants to complete training courses approved by FAA and TSA. FAA shall issue a certificate to each person that completes the course. Has a similar requirement for the certificate. Similar definition of ''flight attendant''.

Conference substitute

House bill, however Conferees agreed to allow the Administrator 120 days to issue the certificate after receiving notification from the air carrier.

109. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE

House bill

Requires the government agency that owns or controls an airport to provide 30 days notice before that airport is closed. There is $10,000 penalty for each day that the airport remains closed without having given the proper notice.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment. This provision applies only to airport closures that are permanent, not to temporary closures for emergency or operational reasons.

110. NOISE EXPOSURE MAPS

House bill

This section replaces an obsolete date reference and directs airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

Senate amendment

Similar provision with exception that does not direct airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

Conference substitute

House bill.

111. OVERFLIGHT FEES

House bill

This section makes clear that the changes to the method for calculating overflight fees in the Aviation and Transportation Security Act were not nullified by the savings provision in that Act.

Senate amendment

The provision has a similar goal but accomplishes it differently.

Conference substitute

Conferees agreed to ratify the interim final rule and final rule issued by the FAA on May 30, 2000, and August 13, 2001, respectively. This ratification applies to fees collected after the date of enactment of the Aviation and Transportation Security Act and before the court decision striking down those fees. It also applies to the fees that FAA collects in the future after it undertakes the actions required by this provision. The FAA may not resume collecting fees until after the Administrator reports to Congress in response to the issues raised in the April 8, 2003 court decision; and after the FAA consults with users and other interested parties to ensure the fees established are consistent with the international obligations of the United States. Conferees intend that consultations before the date of enactment shall satisfy this requirement.

Conferees note that in 1996, Congress directed the FAA Administrator to set and collect fees for the provision of air traffic control and related services for flights that fly over but do not land in the United States. This was done to recover a portion of the costs of these services from those who receive the benefit of the services but who would otherwise pay nothing. Although the

FAA Administrator has diligently proceeded to recover such costs through the imposition of overflight fees, a group of foreign airlines has challenged the fees in United States Court of Appeals for the District of Columbia Circuit.

On April 8, 2003, when the United States Court of Appeals for the District of Columbia Circuit issued an opinion in the case of Air Transport Association of *Canada et al* v. *FAA*, No. 01–1446, setting aside and remanding to the FAA the Final Rule issued on August 13, 2001 under Section 45301(b)(1)(B) because the Court concluded that, as a result of the generic savings provision set forth in Section 141 of the ATSA, Section 119(d) of ATSA did not apply to this Final Rule since it was the subject of the foreign air carriers' pending challenge at the time the ATSA was enacted. It was never the intention of Congress that the savings provision set forth in Section 141 was to have this effect, and this amendment clarifies that fact by retroactively applying Section 119(d) to both the Interim Final Rule issued on May 30, 2000 as well as the Final Rule issued on August 13, 2001.

Also, to clarify that the FAA has complied with its statutory mandate regarding overflight fees in the Interim Final Rule and Final Rule and to ensure the fees can be collected in the future, the language and authority approved by the Court of Appeals for the District of Columbia Circuit in *Thomas* v. *Network Solutions, Inc.*, 176 F. 3d 500 (D.C. Cir 1999) is adopted hereto retroactively, as well as prospectively, to legalize and ratify both the Interim Final Rule and the Final Rule, effective as of the dates those rules were originally issued by the FAA.

Although the Court of Appeals has never found a violation of international law in the overflight fee rulemakings, there have been complaints that international law has not been complied with by the FAA. To ensure compliance, the Administrator is directed to consult and confer on the concerns of foreign governments and users that the fees established by this section conform to the international obligations of the United States and the Administrator is authorized to adjust the fees, if necessary, to conform to the obligations of the United States under international law.

112. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS

House bill

This section requires FAA to update the curriculum for training aircraft mechanics to reflect current technology and maintenance practices. Maintains requirement for 1900 hours of training.

Senate amendment

No provision.

Conference substitute

House bill without specifically mentioning the 1900-hour minimum requirement.

113. AIR QUALITY IN AIRCRAFT CABINS

House bill

This section directs the FAA to undertake the studies and analysis called for in the National Academy of Sciences study on airline cabin air quality.

Senate amendment

Similar provision, but adds two requirements, to study air pressure and altitude and to establish an incident reporting system.

Conference substitute

Senate amendment.

114. RECOMMENDATIONS CONCERNING TRAVEL AGENTS

House bill

This section requires DOT to consider the recommendations of the National Commission to Ensure Consumer Information and Choice in the Airline Industry and to report to Congress on any actions that it believes should be taken.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

115. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES

House bill

This section authorizes $100 million to reimburse general aviation businesses that have incurred costs or lost money as a result of security restrictions. The businesses eligible for this reimbursement are the fixed based operator and any other general aviation businesses at Reagan National Airport that has been largely closed to general aviation since September 11, 2001, the 3 general aviation airports in the Washington, D.C. area that were closed after September 11th and are now operating under security restrictions, banner towers who have been prohibited from flying over stadiums, flight schools that have been unable to train foreign students, and any other general aviation business that is prohibited from operating due to similar restrictions.

Senate amendment

Similar provision but does not explicitly include banner towers or flight schools in each coverage. Definition of general aviation entity is slightly different.

Conference substitute

House bill, but narrows reimbursement eligibility to general aviation businesses that are specifically identified as having incurred costs or lost money as a result of the events of September 11, 2001.

116. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

House bill

This section requires the wage dispute between the FAA and the National Association of Air Traffic Specialists to be submitted to the Federal Services Impasse Panel if it has not been resolved within 30 days of enactment of this Act.

Senate amendment

No provision.

Conference substitute

No provision.

117. FAA INSPECTOR TRAINING

House bill

Directs GAO to undertake a study of the training of FAA's safety inspectors. Sense of the House that FAA safety inspectors should take the most up-to-date training at a location convenient to the inspector and that the training should have a direct relation to the inspector's job requirements. Directs the FAA to arrange for the National Academy of Sciences to study the staffing standards the FAA uses for its inspector workforce.

Senate amendment

No provision.

Conference substitute

House bill.

118. AIR TRAFFIC OVERSIGHT SYSTEM (ATOS)

House bill

No provision.

Senate amendment

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones, and addressing problems with ATOS identified by GAO and the IG. Sets forth the requirements for the action plan including extending ATOS beyond the 10 largest airlines.

Conference substitute

Senate amendment that within 90 days, the FAA shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that Administration-approved foreign repair stations are subject to an equivalent level of safety, oversight, and quality control as those located in the United States. This does not require, nor does it prevent, the FAA to perform the same number of inspections on foreign repair stations as domestic ones.

119. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION

House bill

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft. States that this prohibition does not apply to the functions performed at air traffic control towers that are operated by private entities under the FAA's contract tower program. This exemption covers the current air traffic control towers that are part of the FAA contract tower program and to non-towered airports and non-federal towers that would qualify for participation in this program.

Senate amendment

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft and the functions of those who maintain and certify those systems. Section shall not apply to an FAA tower operated under the contract tower program as of the date of enactment.

Conference substitute

Prohibits DOT from privatizing air traffic control functions associated with the separation and control of aircraft, but ensures that the current contract tower program can continue and be expanded to new towers and VFR towers. The prohibition sunsets after 4 years.

120. AIRFARES FOR MEMBERS OF THE ARMED FORCES

House bill

This is a sense of Congress urging airlines to provide low fares for Members of the Armed Forces of the United States. Also includes findings.

Senate amendment

Similar provision. No findings. Refers only to standby tickets.

Conference substitute

House bill.

121. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE

House bill

This section extends for 9 more months the requirement that airlines accommodate passengers whose flight is cancelled due to the bankruptcy of the carrier on which that passenger was ticketed.

Senate amendment

Same provision. Also requires DOT to consider waiving this requirement where other airlines operate flights over routes operated in isolated areas dependent on air transportation.

Conference substitute

House bill and Senate amendment but without the waiver in the Senate amendment.

122. INTERNATIONAL AIR SHOW

House bill

This section directs DOT, in consultation with the Secretary of Defense, to study the

feasibility of the United States hosting an international air show. A report is required by September 30, 2004.

Senate amendment

No provision.

Conference substitute

House bill to direct DOT to work with DOD on an international air show.

123. RETIREMENT BENEFITS OF AIR TRAFFIC CONTROLLERS

House bill

This section allows an air traffic controller who is promoted to a supervisory or managerial position to retain the same retirement benefits as one who was not so promoted. Amends the definition of an ''air traffic controller'' within the Civil Service Retirement System (CSRS) and Federal Employee Retirement System (FERS) to include second level air traffic controller supervisors. Clarifies that CSRS and FERS mandatory retirement provisions that apply to line air traffic controllers do not apply to second level supervisors. Specifies that this section shall take effect on the 60th day after the date of enactment. Allow current second level supervisors who have been promoted prior to enactment to retroactively pay into the higher CSRS accrual rate.

Senate amendment

No provision.

Conference substitute

The provision would ensure that former controllers could keep the retirement benefits they accrued as controllers. Also controllers who were promoted to first line supervisors as well as the supervisors of those first line supervisors would continue to accrue the retirement benefit of controllers. Others who are promoted to higher supervisory positions or who move out of the controller ranks would get controller retirement benefits only for the time they spent as controllers.

124. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE

House bill

If the FAA imposes flight restrictions in the Washington D.C. area, this section requires FAA to submit a report to Congress within 60 days explaining the need for such restrictions. If such restrictions are in effect on the date of enactment, this report must be filed within 30 days of the date of enactment.

Senate amendment

Same provision with some different wording.

Conference substitute

House bill.

125. INTERNATIONAL AIR TRANSPORTATION

House bill

This is a sense of Congress urging DOT to define ''fifth freedom'' and ''seventh freedom'' consistently for both scheduled and charter passenger and cargo traffic.

Senate amendment

No provision.

Conference substitute

House bill.

126. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

House bill

This section directs DOT, subject to the availability of funds, to reimburse U.S. airlines and airports for the security activities that they are still being required to perform. It also directs DOT to reimburse airports for the space being used to screen passengers if that space was being used or would have been used by concessionaires or other for revenue producing activities.

Senate amendment

No provision.

Conference substitute

House bill, but limited to reimbursement for the screening of catering supplies and checking documents at security checkpoints. The Department of Homeland Security, rather than DOT, would be responsible for implementing this provision to the extent funds are made available to them.

127. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

House bill

This is a sense of Congress that Reagan National Airport should be opened to general aviation flights as soon as possible.

Senate amendment

No provision.

Conference substitute

Requires the Secretary of Homeland Security to develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport. The Administrator of the Federal Aviation Administration is required to allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed by DHS due to national security concerns. Also requires a Report to Congress if a plan is suspended.

128. CHARTER AIRLINES

House bill

This section prohibits scheduled charter airlines from operating at Teterboro unless the Secretary finds that it is in the public interest.

Senate amendment

No provision.

Conference substitute

House bill.

129. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS

House bill

This section requires DOT to issue rule to implement Chapter 4 noise standards by July 1, 2004.

Senate amendment

No provision.

Conference substitute

House bill but the deadline for the final rule is April 1, 2005.

130. JACKSON HOLE

House bill

No provision.

Senate amendment

Permits Jackson Hole to prohibit operations by small stage 2 aircraft.

Conference substitute

Senate amendment, but permits a sponsor of a commercial service airport who does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) to impose restrictions on, or prohibit, the operation of small Stage 2 aircraft, in order to help meet the noise control plan contained within the lease agreement. The airport sponsor must give public notice and allow for public comment before imposing a restriction or prohibition.

131. CREW SECURITY TRAINING

House bill

Requires airlines to provide basic security training for flight attendants and sets forth the elements of that training. TSA shall establish minimum standards for that training within one year. Requires TSA to develop and provide advanced self-defense training for flight attendants and sets forth the elements of that training. This training is voluntary and flight attendants are not compensated for taking that training. They cannot be charged a fee. Exempts flight attendants from liability for using self-defense techniques in an actual terrorist situation.

Senate amendment

No provision.

Conference substitute

House bill. The provision requires the TSA to set the minimum standards to be included in the basic security training provided by each carrier to train flight and cabin crewmembers to prepare the crew members for potential threat conditions. This is intended to make sure that each carrier's training program includes the minimum standards that have been outlined by Congress and the TSA. The programs will be subject to approval of the TSA, who will also monitor and periodically review those programs to assure that the programs are adequately preparing crew members for potential threat situations.

132. STUDY OF TRANSPORTATION SECURITY

House bill

No provision.

Senate amendment

Requires DHS to report in 6 months on the effectiveness of aviation security.

Conference substitute

Senate amendment, but this report may be submitted in lieu of TSA's annual report required by section 44938 of current law.

133. LETTERS OF INTENT TO PAY FOR AIRPORT SECURITY PROJECTS

House bill

No provision, but section 1525 of H.R. 2144 establishes a grant program to airport sponsors for (1) projects to replace conveyers related to security, (2) projects to reconfigure baggage areas, (3) projects that enable EDS installation behind the ticket counters, in baggage sorting areas or as part of an in-line systems, and (4) other security improvement projects determined appropriate. Authorizes Under Secretary to issue letters of intent. Established the Federal share of projects to be 90% for large and medium hubs and 95% for smaller airports. Authorized $500M to be appropriated in each of FY04, FY05, FY06 and FY07 to be available until expended. Prohibits the collection of the security fees unless appropriations cover all outstanding LOI commitments in a given Fiscal year.

Senate amendment

Establishes Aviation Security Capital Fund to provide financial assistance to airport sponsors to defray capital investment in transportation security. Authorizes $500M for each of FY04, FY05, FY06, and FY07 to be derived from the passenger and air carrier security fees. Allocates funds 40% large hub, 20% medium hub, 15% small hub, and 25% discretionary. Amounts allocated to airports are apportioned based on passenger enplanements. Authorizes letters of intent. No provision on Federal share.

Conference substitute

Establishes within the Department of Homeland Security a grant program to airport sponsors for (1) projects to replace baggage conveyer systems related to aviation security; (2) projects to reconfigure terminal baggage areas as needed to install explosive detection systems; (3) projects to enable the Under Secretary for Border and Transportation Security to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or inline with the baggage handling system; and (4) other airport

security capital improvement projects. Authorizes Under Secretary to issue letters of intent. Establishes the Federal share of projects to be 90% for large and medium hubs and 95% for smaller projects. This applies to all grants made under letters of intent beginning in fiscal year 2004 even if the letter was issued in fiscal year 2003. The Under Secretary shall revise letters of intent issued before the date of enactment to reflect this cost share with respect to projects carried out after September 30, 2003. Requires $250 million annually from the existing aviation security fee that is paid by airline passengers to be deposited in an Aviation Security Capital Fund, and made available to finance this grant program. Of this $250 million, $125 million shall be allocated based on the following set-asides: 40% to large hub airports, 20% to medium hub airports, 15% to small and non-hub airports, and 25% to any size airport based on aviation security risks. The remaining $125 million shall be used to make discretionary grants, with priority given to fulfilling letters of intent. In addition to the amounts made available to the Aviation Security Capital Fund, there is authorized to be appropriated an additional $250 million to carry out this program. If additional amounts are appropriated pursuant to this authorization, 50% shall be used for discretionary grants, and 50% in accordance with the set-asides discussed above.

134. CHARTER SECURITY

House bill

No provision, but section 1503(1) of H.R. 2144 moves the provisions governing charters into title 49 and exempts military charters from the requirements that would otherwise apply. Also makes a technical change in the size of charter aircraft covered.

Senate amendment

Maintains as a freestanding provision but otherwise virtually the same. Section 406 makes the same technical change.

Conference substitute

Senate amendment, but includes the provision in U.S. Code, title 49.

135. COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM (CAPPS2)

House bill

No provision, but section 208 of H.R. 2144 requires TSA to certify that civil liberty and privacy issues have been addressed before implementing CAPPS 2 and requires GAO to assess TSA compliance one year after TSA makes the required certification.

Senate amendment

Requires DHS report in 90 days on privacy and civil liberties issues.

Conference substitute

House bill and Senate amendment, but requires the GAO report in the House bill to be submitted 3 months after TSA certification

136. ARMING CARGO PILOTS

House bill

No provision but section 1521 of H.R. 2144 allows cargo pilots to carry guns under the same program for pilots of passenger airlines. In addition, this provision revises the armed pilots program to do the following—

Make clear that pilot requalification to carry a gun can be done at either Federal or non-Federal facility

Establish a pilot program to provide firearms requalification training at various non-Federal facilities;

Permit an off-duty pilot to transport the gun in a lockbox in the passenger cabin rather than in the baggage hold; and

Permit flight engineers to participate in the Federal flight deck officer program.

Senate amendment

Similar provision but includes findings and sense of Congress and requires training of cargo pilots to begin in 90 days.

Conference substitute

Senate amendment, but instead of 90-day provision on training cargo pilots, Conferees included a provision that both passenger and cargo pilots should be treated equitably in their access to training.

137. TSA STAFFING LEVELS

House bill

No provision but section 206 of H.R. 2144 requires TSA to report to Congress in 30 days on its methodology for allocating screeners and equipment among airports.

Senate amendment

Section 409, eliminates the cap in the FY 03 Appropriations Act on the number of TSA screeners.

Conference substitute

Senate amendment.

138. FOREIGN REPAIR STATION SECURITY

House bill

No provision but section 1526 of H.R. 2144 requires security audits of all foreign repair stations within 1 year after TSA issues rules governing the audits. The rules must be issued within 180 days of enactment. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. TSA shall establish procedures for appealing such revocations. If the security audits are not completed within the required 1-year, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk.

Senate amendment

Defines domestic and foreign repair station. Within 180 days, FAA must issue rules to require foreign repair stations to meet the same level of safety as domestic repair stations. These rules shall require drug and alcohol testing and the same type and level of inspection as domestic repair stations.

Requires security audit within 180 days. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. If the security audits are not completed within the required 180 days, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk. Rules for security audits must be issued within 180 days. If they are not, no new foreign repair station can be certified and no existing one can have their certificate renewed until the rules are issued.

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones

Conference substitute

House bill except—Lengthened time to issue rule from 6 to 8 months. If TSA fails to meet this deadline, require a report within 30 days of the deadline explaining the reasons for failing to meet the deadline and the schedule for issuing the rule. Lengthened time for security audits from 12 to 18 months. Eliminated the provision that prohibits renewal of foreign repair station certificates if TSA has not met this 18-month deadline but keep provision that no new stations can be certificated.

139. FLIGHT TRAINING

House bill

No provision, but section 1539 of H.R. 2144 requires background checks on aliens seeking flight training in aircraft with more than 12,500 pounds. Makes TSA responsible for the background check. Specifies the information that can be collected from the alien. Continues the 45-day waiting period. Continues to require security awareness training for employees. Requires, within 90 days, TSA to establish an expedited process that limits the waiting period to 48 hours for individuals who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training. Exempts from the waiting period those seeking recurrent training or ground training. Doesn't provide for fees.

Senate amendment

Requires background checks on aliens seeking flight training in any sized aircraft. Makes TSA responsible for the background check. Doesn't specify the info that can be collected. Reduces the waiting period to 30 days. Continues to require security awareness training for employees. Establishes a notification process for aliens who holds a visa and holds a pilot license from a foreign country or has previously undergone a background check. Exempts from the waiting period classroom instruction Allows fees to be assessed for the background check. Fee cannot be more than $100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall provide fingerprint services to aliens. Report is required within 1 year

Conference substitute

For all training on small aircraft, includes a notification requirement but no waiting period. For training on larger aircraft, adopts the expedited procedure similar to the House bill if they already have training, a license, or a background check and adopts the 30-day waiting period as in the Senate bill for first-time training on large aircraft. Makes TSA responsible for the background check. The managers are disappointed in the amount of time that the Justice Department took to implement this program and on the burdensome requirements it has imposed. Therefore, the substitute specifies the information that can be collected from the alien. Reduces the waiting period to 30 days. Establishes a notification process for all aliens, even if they hold a visa, who seeks training on aircraft of 12,500 pounds or less. Requires, within 60 days, that TSA establish an expedited process that limits the waiting period to 5 days for aliens seeking training on aircraft of more than 12,500 pounds who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training.

Requires all others to go through the background check under the 30-day waiting period. Exempts from the process those seeking recurrent training or ground training or demonstration flights or classroom instruction as well as military trainees of the armed forces, including their contractors. Allows fees to be assessed for the background check. Fee cannot be more than $100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall

provide fingerprint services to aliens. A report is required within 1 year. Continues to require security awareness training for employees.

140. REVIEW OF COMPENSATION CRITERIA UNDER STABILIZATION ACT

House bill

This section requires GAO to review the way airlines were compensated after 9/11 to determine whether they should be compensated for the devaluation of their aircraft.

Senate amendment

No provision.

Conference substitute

House bill, however study is on DOT criteria and procedures used to compensate airlines.

141. AIRLINE FINANCIAL CONDITION AND EXECUTIVE COMPENSATION

House bill

No provision.

Senate amendment

Requires semiannual GAO report on measures being taken by airlines to reduce costs and improve earnings and on total compensation, including stock options paid to airline executives.

Conference substitute

Requires a report.

142. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA

House bill

This section requires FAA to report to Congress on whether flights in Alaska can be operated under Part 91 of FAA rules even if passengers pay for some of the costs of operating the aircraft.

Senate amendment

No provision.

Conference substitute

Conferees agreed that due to the demands of conducting business within and from the State of Alaska, the FAA shall permit, where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide carriage of officials, employees, guests, and property of the company, or its affiliate. The substitute sets forth specific limitations on the carriage that is allowed.

143. USING AIP FOR REPLACEMENT OF BAGGAGE CONVEYER SYSTEMS

House bill

This section states that an airport can only use its AIP entitlement funds for airport terminal modifications to accommodate explosive detection systems. AIP discretionary funds will not be available for this purpose.

Senate amendment

Prohibits the use of AIP for this purpose.

Conference substitute

House bill.

144. USING AIP OR PFC FOR SECURITY

House bill

No provision, but section 44901(d)(2)(D)(ii) of H.R. 2144 deletes the requirement that airports unable to make the checked baggage screening deadline give priority to using AIP and PFCs for security projects.

Senate amendment

Amends section 308 of the Federal Aviation Reauthorization Act of 1996 to allow AIP and PFCs to be used for safety and security only if the improvement or equipment will be owned by the airport.

Conference substitute

Repeals section 308 of the Federal Aviation Reauthorization Act of 1996.

145. SECURITY OPERATING COSTS AT SMALL AIRPORTS

House bill

This section allows small airports to use their AIP entitlement funds in fiscal dear 2004 to pay the operating costs required to meet new security requirements.

Senate amendment

No provision.

Conference substitute

No provision.

146. WITHHOLDING OF DISCRETIONARY GRANTS

House bill

If an AIP discretionary grant is withheld from an airport on the grounds that the airport has violated a grant assurance, this section requires that the airport be given the same right to a hearing that it would have if the FAA had withheld an entitlement grant. This section does not require the FAA to give a discretionary grant to any particular airport.

Senate amendment

No provision.

Conference substitute

No provision.

147. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES

House bill

Rather than depositing into the aviation trust fund the proceeds from the sale of land acquired as part of a noise compatibility program, this section allows an airport to retain those proceeds and use them to purchase non-residential property near residential property that was purchased as part of a noise compatibility program.

Senate amendment

No provision.

Conference substitute

House bill.

148. GRANT ASSURANCES

House bill

If an airport owner and an aircraft owner agree that an aircraft hangar can be constructed at the airport at the aircraft owner's expense, subsection (a) requires the airport owner to grant a long-term lease, or at least 50 years, to the aircraft owner for that hangar. The lease may be subject to such terms and conditions on the hangar as the airport may impose.

Senate amendment

No provision.

Conference substitute

House bill but does not specify 50 years.

149. STATUTE OF LIMITATION ON REIMBURSEMENT REQUEST

House bill

Makes a governmental entity subject to the 6–year statute of limitations on making requests for reimbursement from an airport. Currently, only the airport sponsor is subject to this statute of limitations.

Senate amendment

Subsection (d) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

150. SINGLE AUDIT ACT

House bill

Clarifies the review of revenue use through the annual audit activities under the Single Audit Act of Title 31.

Senate amendment

Subsection (e) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

151. AIP FOR PARKING LOTS

House bill

Permits AIP grants to be used to build or modify a revenue generating parking facility at an airport if it is needed to comply with a security directive.

Senate amendment

No provision.

Conference substitute

No provision.

152. ALLOWING AIP TO PAY INTEREST

House bill

Permits AIP grants to be used at small airports to pay the interest on a bond used to finance an airport project.

Senate amendment

No provision.

Conference substitute

House bill but included as one of the innovative financing techniques already in existing law.

153. ALLOWING AIP TO PAY TO MOVE BUILDINGS

House bill

Permits AIP grants to be used to pay the cost of moving a Federal building that is impeding an airport project to the extent the new building is similar to the old one

Senate amendment

No provision.

Conference substitute

House bill.

154. APPORTIONMENTS TO PRIMARY AIRPORTS

House bill

Lowers the entitlement for the largest airports by 5 cents for each passenger at that airport over 3.5 million in a year.

Senate amendment

No provision.

Conference substitute

No provision.

155. ENTITLEMENT FOR FORMER PRIMARY AIRPORTS

House bill

Allows airports that fell below the 10,000 passengers in 2002 or 2003 to continue to receive their primary airport entitlement for two years if the reason for the passenger decrease was the terrorist attacks of 9/11.

Senate amendment

Allows airports that fell below 10,000 passengers in 2002 to continue to receive their primary airport entitlement for one more year without regard to the reason for the decrease.

Conference substitute

House bill.

156. CARGO AIRPORTS

House bill

This section increases the entitlement for airports with air cargo service from 3% of total AIP to 3.5%.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

157. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS

House bill

This section restates the first five factors that FAA must consider in deciding whether to make a discretionary grant for a project to enhance capacity at an airport. The sixth consideration in current law is eliminated. This section also adds two additional factors for FAA to consider when making discretionary grants for all projects. One is where the project stands in the FAA's priority system. The second is whether work can begin on the project soon after the grant is made.

Senate amendment

Adds an additional consideration for cargo operations.

Conference substitute

House bill and Senate amendment.

158. FLEXIBLE FUNDING FOR AIP ENTITLEMENTS

House bill

Permits an airport sponsor to make AIP entitlement grants for one of its airports available to another one of its airports if that other airport is eligible to receive AIP grants. It also permits an airport to make an agreement with FAA to forego its entitlement if the FAA agrees to make the money foregone available for a grant to another airport in the same State or to an airport that the FAA determines is in the same geographical area.

Senate amendment

Same with respect to the second waiver dealing with the same State or geographical area.

Conference substitute

Senate amendment.

159. FLEXIBILITY FOR GENERAL AVIATION ENTITLEMENTS

House bill

Permits multiyear grants using the general aviation entitlement to the same extent that they are permitted using the primary airport entitlement. Permits retroactive use of the general aviation entitlement in the same way that the primary airport entitlement can be used. It also permits a general aviation airport to use its AIP entitlement for revenue producing facilities, such as building fuel farms and hangars, if the airport certifies that its airside needs are being met. Permits a general aviation airport to use its AIP entitlement for terminal development. Section 513. Use of apportioned amounts, subsection (a) allows general aviation airports to carry over their entitlements for 3 years rather than two.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

160. NOISE SET-ASIDE

House bill

Broadens the purposes for which noise set-aside funds may be used to include projects approved in an environmental Record of Decision and projects to reduce air emissions.

Senate amendment

Increases the percent for grants to 35%. Only allows for funding for noise mitigation committed to in ROD for National Capacity Projects, versus House that allows funding for mitigation in any ROD. Also, does not have funding for new land compatibility and CAA initiatives.

Conference substitute

House bill and Senate amendment with minor technical corrections.

161. PURCHASE OF AIRPORT DEVELOPMENT RIGHTS

House bill

No provision.

Senate amendment

Establishes a pilot program at 10 privately owned public use airports permitting the use of their entitlement to purchase development rights to ensure that the property will continue to be used as an airport.

Conference substitute

Senate amendment.

162. GARY, INDIANA

House bill

No provision.

Senate amendment

Requires FAA to give priority to request for a letter of intent for Gary.

Conference substitute

No provision. The Conferees are aware that there are numerous requests for LOI's and urges the FAA to respond as expeditiously as possible to such applications.

163. RELIEVER AIRPORTS SET-ASIDE

House bill

Eliminates the special set-aside for reliever airports.

Senate amendment

No provision.

Conference substitute

Senate amendment.

164. UNUSED AIP FUNDS

House bill

Allows AIP grant funds that are not spent by an airport to be recovered by the FAA and used for a grant to another airport notwithstanding any obligation limitation in an appropriations act.

Senate amendment

Subsection (b) of section 507 is the same provision worded somewhat differently.

Conference substitute

Senate amendment.

165. MILITARY AIRPORT PROGRAM

House bill

Increases from $7 million to $10 million the amount that an airport designated under the military airport program can use for terminal development, parking lots, fuel farms, or hangar construction. Allows an airport designated under the military airport program to use money it receives under that program or from its entitlement for reimbursement for construction of a terminal, parking lot, hangar, or fuel farm.

Senate amendment

No provision.

Conference substitute

House bill, but the allowable amount is increased to $10 million for only 2 years.

166. TERMINAL DEVELOPMENT COSTS

House bill

This section restates two provisions in current law that permits reimbursement for terminal development costs and adds a third provision. The third provision allows a small airport that is designated under the military airport program at which terminal development is carried out between January 2003 and August 2004 to use AIP money to repay money borrowed to build that terminal.

Senate amendment

Reduces the waiting period for an airport that has used AIP to repay the cost of terminal development from 3 years to l year before they can use AIP again for terminal development.

Conference substitute

House bill and Senate amendment.

167. AIRPORT SAFETY DATA COLLECTION

House bill

This section allows FAA to use AIP money to enter into a sole source contract with a private entity to collect airport safety data.

Senate amendment

Same provision.

Conference substitute

House bill.

168. AIRPORT PRIVATIZATION PILOT PROGRAM

House bill

Allows a proposed airport privatization to proceed if it is approved by 65% of the scheduled U.S. airlines serving the airport rather than by 65% of all scheduled and charter airlines serving the airport. With respect to a general aviation airport, approval must be by 65% of the owners of aircraft based at the airport, as determined by the Secretary. If an airline has not filed an objection within 60 days, it will be considered to have approved the proposed privatization.

Senate amendment

No provision.

Conference substitute

House bill, but applied only prospectively.

169. FEDERAL SHARE

House bill

Eliminates the provision that limits the Federal share of a discretionary grant for a privatized airport to 40%.

Senate amendment

Increases Federal share to 95% for AIP grants in 2004 to small airports. Allows a different Federal share for projects in State with a significant amount of public land.

Conference substitute

Senate amendment, but for 4 years. Increases the Federal share of a discretionary grant for a privatized airport to 70%.

170. INNOVATIVE FINANCING TECHNIQUES

House bill

This section allows 12 more grants for innovative financing techniques to be issued but eliminates payment of interest and commercial bond insurance as permitted techniques since those are now covered by section 508(b). It adds payment of interest for large airports as a permitted technique.

Senate amendment

No provision.

Conference substitute

Payment of interest for small airports is put back into the innovative financing section. Instead of allowing AIP to be used by large airports for payment of interest, the substitute allows PFCs to be used for this purpose.

171. AIRPORT SECURITY PROGRAM

House bill

This section directs the FAA to continue to administer the program to test and evaluate innovate aviation security systems and technologies at airports even though most security responsibilities have been transferred to the Department of Homeland Security.

Senate amendment

No provision.

Conference substitute

House bill.

172. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE

House bill

Requires DOT and EPA to ensure that an airport will receive appropriate emission credits for carrying out a project that will reduce emissions at that airport. Directs DOT to carry out a pilot program at no more than 10 airports under which an airport may use AIP grants of not more than $500 thousand to retrofit equipment used at the airport so that they produce lower emissions. Makes projects that will reduce emissions at airports eligible for AIP grants. States that with respect to low-emission equipment that is not already eligible to be purchased with AIP funds, the only portion of the cost that is eligible to be paid for with AIP funds is the portion that the FAA determines represents the increase in the cost of the low-emission equipment over a similar piece of equipment that is not low-emission. Defines low-emission equipment.

Senate amendment

Adds that the DOT and EPA shall issue guidance on eligible low-emission modifications and improvements and how sponsors will demonstrate benefits.

Conference substitute

House bill and Senate amendment.

173. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS

House bill

This section would allow the FAA to use AIP funds to make grants to States and localities for land use planning near airports so that the communities may make the use of land in their jurisdictions more compatible with aircraft operations. Conditions are imposed to avoid undermining the efforts of the airport. This provision expires in 4 years.

Senate amendment

Ties funding for land use planning to national capacity projects only, as opposed to a broader universe of large and medium hubs in House bill. No sunset provision. Would apply to airports even if they have a current Part 150 program.

Conference substitute

House provision with changes to ensure that an airport sponsor is involved in the compatible land use planning and compatible land use projects process. The Managers believe that it is essential that the airport sponsor have the ability to enter into an agreement with the State or local government to develop a land use compatibility plan and that the parties should jointly approve the compatible land use plan.

174. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION

House bill

This section requires FAA to pay rent for the space that it uses at airports. Exceptions are provided for agreements that might be negotiated with the airport and for land and facilities needed to House air traffic controllers. TSA covered by section 1527 of H.R. 2144.

Senate amendment

Similar provision but it also covers TSA use of airport space.

Conference substitute

No provision.

175. MIDWAY ISLAND AIRPORT

House bill

Finds that the airport on Midway Island is critical to the safety of flights over the Pacific Ocean. Directs DOT to enter into an MOU with other government agencies to facilitate the sale of fuel at the airport to help it become self-sufficient. Allows the airport to transfer its navigation aids to the FAA and requires the FAA to operate and maintain them. Makes aviation trust fund money available to the Interior Department for capital projects at the airport.

Senate amendment

Allows the Department of the Interior to act as a public agency for the purposes of sponsoring grants for an airport that is required to be maintained for safety at a remote location. Section 510(a) is similar to subsection (b) of the House bill. Section 510(b) is similar to subsection (c) of the House bill.

Conference substitute

House bill, with changes to how funding will be made available to the Secretary of the Interior. It will be done by a reimbursable agreement rather than a grant. Conferees feel strongly that all of the Federal agencies involved in the administration of Midway Island should work cooperatively to ensure there is a working airfield.

176. INTERMODAL PLANNING

House bill

Requires medium and large hub airports building a new airport, new runway, or runway extension to make available to any metropolitan planning organization (MPO) in the area a copy of the airport layout plan and airport master plan.

Senate amendment

No provision.

Conference substitute

House bill.

177. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT

House bill

Requires DOT to report within 6 months on whether the airport at the Marshall Islands should get a grant under the AIP.

Senate amendment

No provision.

Conference substitute

Makes the sponsors of airports located in the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau eligible for grants from the Airport Improvement Program Discretionary Fund and Small Airport Fund for fiscal years 2004 through 2007. Conferees have made the entities in section 188 eligible for AIP funding. The Conferees believe that FAA should strongly consider an application for AIP funds by any one of the entities.

178. REPORT ON WAIVER OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES

House bill

Requires DOT, within 90 days, to list all waivers granted from the Buy America Act since the date of enactment of that Act and the authority and rationale for that waiver.

Senate amendment

No provision.

Conference substitute

House bill but limited to waiver granted during the previous 2 years.

179. EXTENSION OF EXPENDITURE AUTHORITY

House bill

Allows grants to be made from the aviation trust fund for the purposes specified in this Act.

Senate amendment

Similar provision but adds a conforming amendment to section 9502(f).

CONFERENCE SUBSTITUTE

Senate amendment plus additional language making a technical correction to the domestic flight segment portion of the airline ticket tax. Beginning with calendar year 2003, the domestic flight segment portion of the airline ticket tax is adjusted for inflation annually. The technical correction clarifies that, in the case of amounts paid for transportation before the beginning of the year in which the transportation is to occur, the rate of tax is the rate in effect for the calendar year in which the amount is paid. The provision is effective for flight segments beginning after December 31, 2002.

The Managers strongly encourage the FAA and the Occupational Safety and Health Administration to continue to work under the framework established in the August 2000 Memorandum of Understanding and establish a coordination mechanism to determine which existing and future OSHA regulations can be applied to an aircraft in operation without compromising aviation safety.

The Managers are aware of concerns about the impact of aircraft noise on residential areas, including those surrounding the communities of the four airports of the Port Authority of New York and New Jersey (PANYNJ). Although the FAA determined that aircraft noise pollution was the strongest and most widespread concern raised by the public at its twenty-eight public scoping meetings in five states in 2001, the PANYNJ has not undertaken action to mitigating residential complaints in the neighborhoods surrounding its airports. Therefore, it is the hope of the Conference Committee that the PANYNJ will work in good faith with the New York and New Jersey Congressional delegations to address these issues, including undertaking a part 150 study to qualify for Federal residential soundproofing dollars or to begin undertaking residential soundproofing in the most affected areas in the footprint with particular focus on the neighborhoods surrounding LaGuardia Airport.

The Managers strongly encourage the FAA to work with state aviation agencies and universities to develop a national, innovative program that would offer practical training and information resources for those who operate, maintain, and administer public use airports across the nation on topics such as pavement maintenance, snow and ice control, project development and funding, wildlife control and safety and operations. To further this program, the Committee recommends that FAA consult with state aviation agencies and universities that have created similar programs for general aviation airports in their state.

The legislation includes a section that amends section 4(b) of the Rivers and Harbors Appropriations Act of 1884 to clarify that the restriction in that section with respect to taxes on vessels or other water craft does not apply to property taxes on vessels or water craft, other than vessels or water craft that are primarily engaged in foreign commerce, so long as those taxes are constitutionally permissible under long-standing judicial interpretations of the Commerce Clause. To assure the consistent application of legal principles concerning non-Federal taxation of interstate transportation equipment, the amendment in this section is effective as of November 25, 2002. Over the years, the U.S. Supreme Court has ruled on the constitutionality of property taxes on various forms of interstate and international transportation equipment in a number of cases, including but not limited to *Pullman's Palace Car Co.* v. *Pennsylvania*, 141 U.S. 18 (1891) (railroad rolling stock); *Ott* v. *Mississippi Valley Barge Line Co.*, 336 U.S. 169 (1949) (barges on inland waterways); and *BraniffAirways, Inc.* v. *Nebraska State Board of Equalization*, 347 U.S. 590 (1954) (domestic aircraft); *Complete Auto Transit, Inc.* v. *Brady*, 430 U.S. 274 (1977); and *Japan Line* v. *County of Los Angeles*, 441 U.S. 434 (1979). This line of decisions has sustained property taxes in interstate transportation cases when the tax is applied to an activity with a substantial nexus with the taxing entity, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the taxing entity. The exception for state and local taxes on vessels or watercraft that are primarily engaged in foreign commerce implements the holding of the Japan Line case. The committee notes that section 4(b) does not affect whether sales or income taxes are applicable with respect to vessels. The purpose of section 4(b) was to clarify existing law with respect to Constitutionally permitted fees and taxes on a vessel, but also to prohibit fees and taxes imposed on a vessel simply because that vessel sails through a given jurisdiction.

The Managers are aware of the concerns raised about the recent increase in shipment interruptions during the transportation of essential radiopharmaceuticals due to new air transportation security mandates. The

Committee recommends that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, review current procedures for shipment of radiopharmaceuticals and recommend actions to ensure the timely delivery of them. If the Secretary of DHS undertakes this study, the Secretary shall also submit recommendations to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the actions taken to ensure that timely delivery of these medical products by commercial aircraft no later than 180 days after the enactment of the Act.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN L. MICA,
VERNON J. EHLERS,
ROBIN HAYES,
DENNY REHBERG,
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
JOE BARTON,

From the Committee on Government Reform, for consideration of secs. 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of sec. 409 of the House bill, and modifications committee to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667 and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
DANA ROHRABACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
DAVE CAMP,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1435) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. SCOTT of Virginia. Mr. Speaker, reserving the right to object, and I will not object, however, I do want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the gentleman from North Carolina (Mr. COBLE), for their hard work in getting the bill to the floor, and especially to my good friend and colleague, the gentleman from Virginia (Mr. WOLF), for developing the bill and introducing it with me.

I should also thank the House leadership and Senators KENNEDY and SESSIONS whose bill we consider today.

Mr. Speaker, I want to first express my appreciation to Chairman SENSENBRENNER for the heavy lifting he did to get this bill before us today. Not only did he make it clear that this matter was of the highest priority to him, but he directed his staff to get with everybody necessary to expeditiously develop a bill that we all could support. A reflection of his commitment to expediting this legislation is his agreement, despite his reluctance, to take up the Senate bill for House Floor consideration instead of our Committee bill. So, I want to thank and commend you, Mr. Chairman for your commitment to this legislation and your excellent and expeditious stewardship of this matter to this point.

I would also like to thank my friend and our Ranking Member, JOHN CONYERS, the gentleman from Michigan, for his support and assistance on this bill. And the leadership and determination of my Subcommittee Chairman and good friend, HOWARD COBLE, the gentleman from North Carolina, must also be recognized. From the moment this matter hit the Subcommittee agenda, his strong and persuasive impact was felt in having it move forward. It was a pleasure to work with you on this, Howard. I must also thank Speaker HASTERT, Majority Leader TOM DELAY and Minority Leader NANCY PELOSI for their strong support and accommodations in assisting this legislation to this point.

Of course, the spirit, purpose, and soul of this bill is personified in the efforts of its chief sponsor in the House, my friend and colleague FRANK WOLF, the gentleman from Virginia. The passion and dedication he has given to this effort has fueled us all.

Prison rape has been shown to have a devastating impact on our prisons.

Not only does it cause severe physical and psychological trauma to its victims, but prison rape is recognized as a contributing factor to prison homicide, violence against staff, and institutional riots. Prison rape also increases the transmission of HIV/AIDS, other sexually transmitted diseases, tuberculosis, and hepatitis B and C—all of which exist at a very high rate within U.S. prisons and jails.

Prison rape is a problem of sizable scope. Of the 2 million people incarcerated today, it is estimated that one in ten, or roughly 200,000, are victims of prison rape. And youths in adult prisons are 5 times more likely to be raped than adults. Yet, because it occurs in prison, like most other aspects of prison life, prison rape is, essentially, ignored as a societal problem.

And society pays dearly for ignoring prison rape. Inmates, often non-violent first time offenders, come out of a prison rape experience severely traumatized and leave prison not only more likely to commit crimes, but far more likely to commit violent crimes than when they entered. And the high incidence of rape within prison which leads to the increased transmission of HIV, hepatitis and other diseases there, in turn, increases the incidences of these dreaded diseases and it imposes threats and costs to society at large.

Prison rape is a crime with constitutional implications. The Supreme Court held in Farmer v. Brennan that deliberate indifference to the risk of prison rape violates the Eighth and Fourteenth Amendments to the United States Constitution. While prison conditions may be ''restrictive and even harsh,'' prison and jail officials ''must take reasonable measures to guarantee the safety of the inmates.''.

The bill requires an annual statistical study of the incidence of rape in a significant number of federal, state and county prisons and jails, and public reviews of institutions where the rate of prison rape is 30% above the national average rate. It also establishes a clearinghouse for complaints of prison rape to assist prevention and prosecution, and provide training and assistance to prison and jail officials. Further, the bill establishes a program to provide grants, from a total authorization of $40 million each year, to state and local governments and institutions for the purpose of enhancing the prevention and punishment of prison rape.

The bill also provides for the establishment of a Commission to develop standards for addressing and eliminating prison rape, and finally, the bill requires prison accreditation organizations to examine prison rape prevention practices as a critical component of their accreditation reviews.

In the end, and perhaps most importantly, the effort to combat prison rape is a moral imperative. Prison rape is nothing short of prison torture—the infliction of severe emotional and physical pain as punishment and coercion. Long after bodies have healed, the emotional trauma, shame and stigma of brutal and repeated prison rape lasts and embitters.

Whatever their crimes and whatever the prescribed punishment for them, in a humane society prison rape should not be a part of it. Prison rape not only derails justice—it destroys human dignity.

Again, I would like to thank Chairman SENSENBRENNER, Chairman, COBLE, and Chairman WOLF, the chief Sponsor of the bill in the House, for their dedication and diligent work on this issue. I would also like to thank Senator TED KENNEDY and Senator JEFF SESSIONS, the chief sponsors of the Senate bill. A reflection of the work they have done on this issue over the past 2 Congresses is the fact that it passed the Senate unanimously and in record time.

Further, I must thank the originators of this effort—Michael Horowitz of the Hudson Institute and Vinnie Schraldi of the Justice Policy Institute, for their vision, leadership and dedication in bringing this matter to the forefront

and keeping it going. They developed and led the amazingly diverse coalition supporting this bill, that is listed at the end of these remarks for the record. And I thank our staff—Katy Crooks, Bobby Vassar and Chief Counsel Jay Apperson of the Subcommittee, Robert Toone of Senator KENNEDY's office and Andrea Sanders of Senator SESSIONS office, Nathaniel Zylstrap of Hudson Institute, and, of course, Committee Chief Counsel, Phil Kiko, whose heavy hand directed the staff effort, for their yeoman-like work on this bill.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this bill.

This bill is about changing attitudes in America's prisons and in America as a whole. In our country, prison rape occurs frequently, but unfortunately it is often viewed as a fact of prison life. We know these crimes are occurring, but most people would really rather not discuss this unpleasant topic.

Unpleasant as it may be, prison rape is a serious problem that harms prisoners and also effects our communities. This problem is brought to bear on our communities through higher health costs for increased HIV and tuberculosis in prisons. It is brought to bear on our communities by the emotional and psychological problems it creates in the prisoners who will one day be released back into society. This Congress has decided enough is enough. It is time for us to stop ignoring this problem.

S. 1435 as offered on the floor today represents a bipartisan effort to address this problem in a meaningful way and bring some accountability into America's prisons and jails. It is intended to make prevention and prosecution of sexual assault within correctional facilities a priority for Federal, State and local institutions and require the development of national standards for detection, prevention, reduction, and punishment of these incidents. S. 1435 will help to eliminate prison rape in a number of ways.

First, this legislation will require the Department of Justice, for the first time, to collect data and statistics on the incidence of prison rape. For the first time we will be collecting information on an annual basis to determine the extent of this problem. This is the first step in our effort to address this problem.

Additionally, the legislation requires the Attorney General to develop national standards on the prevention and prosecution of prison rape.

A state that receives Federal funds for prisons and jails will need to comply with these national standards or shift 5 percent of its funds from the Federal Government for its prisons to comply with the standards.

Finally, this legislation will establish a new grant program for the Attorney General to make one year grants to State and local governments to prevent, investigate, and punish prison rape or to help in addressing prisoner and community safety issues in states facing budget crises.

Before closing, I would note that this legislation is substantively identical to H.R. 1707, introduced by Congressman WOLF, and reported by the Judiciary Committee earlier this month. I believe this legislation will go a long way towards eliminating this very serious safety issue in our prisons and I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time under my reservation, I again want to thank the chairman of the committee, and I hereby submit for the RECORD a statement on the bill as well as a letter in support of the legislation from a long list of organizations.

APRIL 18, 2003.

DEAR MR. SPEAKER, SENATOR FRIST, SENATOR DASCHLE, MAJORITY LEADER DELAY, AND MINORITY LEADER PELOSI: We write to strongly urge your support for the Sessions-Kennedy-Wolf-Scott Prison Rape Reduction Act of 2003, H.R. 1707.

Those of us who have signed this letter have many disagreements on public policy matters, including a variety of issues relating to criminal law and punishment. But we are united in our unyielding determination to end the scourge of prison rape and to enact the Sessions-Kennedy-Wolf-Scott bill.

Of the 2 million prisoners in the U.S., a conservative estimate is that one in 10 has been raped—more than 200,000 inmates! Further conservative research indicates that inmates who are sexually assaulted are also victimized, on average, nine additional times during their incarceration. In addition, incarcerated youths are more likely to be raped than are adult inmates and, when they are, more likely to be acutely victimized and shattered.

The Sessions-Kennedy-Wolf-Scott bill is a moderate and necessary response to this crisis. It is designed to eliminate prison rape in a manner that is respectful of the primary role of States and local governments in administering correctional institutions and of the federal government's obligation not to impose unfunded mandates on them and to make the problem more fully visible to the American people and those who can combat it. Additionally, the legislation has been carefully drawn to ensure comprehensive study and reporting of prison rape, and to reverse perverse prison administration incentives that now often make it exceedingly difficult for prison officials to engage in priority efforts to abate prison rape.

The Sessions-Kennedy-Wolf-Scott bill is not only a means of protecting inmates. Society pays dearly for ignoring prison rape. Clearly, prison rape costs taxpayers greatly in recidivism and increased violent crime and thus negates federal programs designed to reduce the incidence of crime. Inmates, often non-violet first time offenders, come out of a prison rape experience severely traumatized and thus leave prison far more violent than when they entered. The high incidence of rape within prison also leads to the increased transmission of HIV, hepatitis and other diseases, which in turn imposes costs on all of society.

Fighting prison rape is also affirmatively mandated by the Constitution. As distinguished from federal programs designed to address problems ranging from teenage drinking to declining education standards, the Sessions-Kennedy-Wolf-Scott bill deals with plenary and constitutionally inescapable federal responsibilities—this in light of the determination of a near unanimous Supreme Court in Farmer v. Brennan that deliberate indifference to prison rape violates the 8th Amendment's cruel and unusual punishment provisions.

In the end, perhaps most importantly, the effort to combat prison rape is a moral imperative. Prison rape is nothing short of torture—the infliction of severe emotional and physical pain as punishment and coercion. And, long after bodies have healed, the emotional trauma, shame and stigma of brutal and repeated prison rape lasts and embitters. Thus, prison rape not only derails justice—it destroys human dignity.

The Sessions-Kennedy-Wolf-Scott bill offers great hope that the brutality of prison rape can be sharply curtailed, and our joint effort to enact it is thus a coalition of conscience rather than convenience. As such, we take heart from the Speaker's strong endorsement of the bill, and are determined to see its effective, moderate provisions rapidly brought into effect. As men and women of good will we will not rest while the violence of prison rape continues, and we strongly urge you to join us in an effort also certain to bring credit on the United States at a moment when America's need to show its commitment to democratic values has never been higher.

Working with the bill's sponsors, we stand ready to meet with you at your earliest convenience. If you would like additional information or have any questions please contact Marian Bell, National Policy Director for Prison Fellowship Ministries, at (703) 478–0100 ext. 3630 or Vincent Schiraldi, President, Justice Policy Institute, at (202) 363–7847.

Very truly yours,

American Values
Amnesty International USA
Center for Religious Freedom
Christian Coalition
Concerned Women of America
Focus on the Family
Human Rights and the Drug War
Human Rights Watch
Intitute on Religion and Democracy
Justice Policy Institute
Kids First Coalition
NAACP
National Association of Evangelicals
National Center for Neighborhood Enterprise
National Center on Institutions and Alternatives
National Council of La Raza
Open Society Policy Center
Prison Fellowship
Salvation Army
Southern Baptist Convention
Stop Prisoner Rape
The Sentencing Project
Tradition, Family, Property Inc.
Unitarian Universalists for Juvenile Justice
Youth Law Center
Federal CURE, Inc.
MALDEF
American Probation and Parole Association
Alliance for Children and Families
Religious Action Center of Reform Judaism
Physicians for Human Rights
National Association of Sentencing Advocates (NASA)
Penal Reform International
Aleph Institute
Presbyterian Church USA
Union of American Hebrew Congregations

Mr. WOLF. Mr. Speaker, I am pleased to rise in support of H.R. 1707, the Prison Rape Reduction Act of 2003 which I introduced with my Virginia colleague Representative BOBBY SCOTT. Similar legislation S. 1435, sponsored by Senator SESSIONS and Senator KENNEDY, passed the Senate earlier this week. I am encouraged that both the Senate and now the House have taken action on this bill and have moved a step closer to reducing sexual assault in prisons.

I want to thank the chairman of the Judiciary Committee, Representative JAMES SENSENBRENNER, for his assistance with this legislation. It is due largely to his efforts and interest in this bill that we are on the floor today to pass. This bill, which is essential to reversing the increasing numbers of prisoners who are sexually assaulted.

Not often discussed, prison rape is a cruel act which has been ignored for too long. Survivors of prison rape often bear physical and emotional scars from their experiences for their entire lives. Moreover, if we allow this problem to continue, we will be allowing increased recidivism, prison unrest, and the spread of disease—all byproducts of prison rape—to continue unabated. Reducing sexual assault in prison will reduce the numbers of prisoners who when released will go back into the community and commit crimes again.

Prison rape occurs every day, For example, just last month, a 19-year-old college student in Florida, in jail on marijuana charges, was raped by a cell mate who was being held on charges of sexual battery. This rape occurred within hours of the student being placed in his cell. There are thousands of other stories of prisoners being raped in prison.

The legislation before us today will facilitate the study of prison rape, allow hearings on the impact of prison rape on inmates and society, and create national standards for preventing prison rape.

It is important to be tough on crime, but turning a blind eye to prison rape has nothing to do with being tough on crime; it has everything to do with treating people humanely, reducing recidivism, and halting the spread of disease. Recently a number of prison rape survivors spoke her in Washington to explain how prison rape harmed them. These were gripping stories, and I have previously entered them into the RECORD. Today the House can pass legislation to help curb prison rape and reduce the needless suffering and additional punishment of prisoners. I urge my colleagues to support this legislation.

There have been many individuals responsible for moving this legislation through Congress. I wish to thank Rep. BOBBY SCOTT of Virginia, who co-sponsored this legislation, and Bobby Vassar of his staff. Senator KENNEDY and Senator SESSIONS were the Senate co-sponsors of this bill and their leadership is greatly appreciated, along with the hard work of their staffers, Robert Toone and Andrea Sanders respectively. Representative HOWARD COBLE, chairman of the Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security, and his counsel, Katy Crooks who helped guide this legislation through their subcommittee, and Phil Kiko, Jay Apperson, and Joseph Gibson on the full committee, were very supportive along with Chairman JAMES SENSENBRENNER.

The Speaker of the House, J. DENNIS HASTERT, and Margaret Peterlin in the Speaker's office have been of great assistance in moving this bill. Majority Leader TOM DELAY, and his staffer, Carl Thorsen have been invaluable in getting this bill through the final hurdles and onto the floor of the House.

There are others who need to be thanked. First and foremost, I must thank Michael Horowitz of the Hudson Institute has been the guiding force behind this legislation; his foresight and dedication to this issue are incomparable. Nathaniel Zylstra, Mr. Horowitz's assistant, has also provided valuable help. There are others outside Capitol Hill who played a role in this legislation. They are: Vince Schiraldi, Justice Policy Institute; Mariam Bell, Prison Fellowship; Mike Thompson, Council on State Governments; Paul Rosenzweig, Heritage Foundation, principal drafter of the bill; Ed Haden, formerly of Senator SESSIONS' office; Gene Guerrero, Open Society Institute; Marian Zapata-Rossa, National Council of La Raza; Ben Jealous, Amnesty International; Hilary Shelton, NAACP; Linda Chavez, Center for Equal Opportunity, who first came up with the concept for this bill; John Kaneb, private businessman and a passionate backer of our efforts; David Saperstein, the Religious Action Center; Wendy Patten, Human Rights Watch; Prison Fellowship, specifically Mark Earley, Kate Fowler and Chuck Colson; Pat Nolan, Justice Fellowship; Rich Cizik, National Association of Evangelicals; Barrett Duke and Shannon Royce, Southern Baptist Convention; Salvation Army, specifically Richard Land, George Hood, Todd Bassett; Rich Lowry, National Review; Jennie Osmer, Cal Skinner, former State Senator in Illinois; Micah Solomon, Virginia businessman; Charles Sullivan, Citizens United for Alternatives to the Death Penalty; David Whettstone, Mennonite Central Committee; Cindy Struckman-Johnson, University of South Dakota; Bob Dumond, licensed clinical mental health counselor, Frank Hall, who headed six prison systems; Tom Cahill, co-founder, and Lara Stemple, Stop Prison Rape.

Finally, I wish to thank John Martens of the House Appropriations subcommittee on Commerce-Justice-State; Daniel Scandling, my chief of staff; Janet Shaffron, my legislative director; Neil Siefring, my legislative assistant for Judiciary issues; and Chris Santora, a former legislative assistant in my office who worked hard on this issue in the early days of the bill's history.

Mr. SCOTT of Virginia. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1435

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Prison Rape Elimination Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. National prison rape statistics, data, and research.
Sec. 5. Prison rape prevention and prosecution.
Sec. 6. Grants to protect inmates and safeguard communities.
Sec. 7. National Prison Rape Reduction Commission.
Sec. 8. Adoption and effect of national standards.
Sec. 9. Requirement that accreditation organizations adopt accreditation standards.
Sec. 10. Definitions.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in state prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In Farmer v. Brennan, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic

steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these Federally funded grant programs are compromised by the failure of State officials to adopt policies and procedure that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;

(4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

(9) reduce the costs that prison rape imposes on interstate commerce.

SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA, AND RESEARCH.

(a) ANNUAL COMPREHENSIVE STATISTICAL REVIEW.—

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the ''Bureau'') shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

(A) both victims and perpetrators of prison rape; and

(B) prisons and prison systems with a high incidence of prison rape.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider—

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) SOLICITATION OF VIEWS.—The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) SAMPLING TECHNIQUES.—The review and analysis under paragraph (1) shall be based on a random sample, or other scientifically appropriate sample, of not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any year shall not preclude its selection for sampling in any subsequent year.

(5) SURVEYS.—In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) PARTICIPATION IN SURVEY.—Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) REVIEW PANEL ON PRISON RAPE.—

(1) ESTABLISHMENT.—To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the ''Panel'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) QUALIFICATIONS.—Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) PUBLIC HEARINGS.—

(A) IN GENERAL.—The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.

(B) TESTIMONY AT HEARINGS.—

(i) PUBLIC OFFICIALS.—In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) VICTIMS.—The Panel may request the testimony of prison rape victims, organizations representing such victims, and other appropriate individuals and organizations.

(C) SUBPOENAS.—

(i) ISSUANCE.—The Panel may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(ii) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) REPORTS.—

(1) IN GENERAL.—Not later than June 30 of each year, the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to—

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape—

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4) and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) DATA ADJUSTMENTS.—In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) CATEGORIZATION OF PRISONS.—The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) CONTRACTS AND GRANTS.—In carrying out its duties under this section, the Attorney General may—

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION.

(a) INFORMATION AND ASSISTANCE.—

(1) NATIONAL CLEARINGHOUSE.—There is established within the National Institute of Corrections a national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(2) TRAINING AND EDUCATION.—The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(b) REPORTS.—

(1) IN GENERAL.—Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) CONTENTS.—The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.

(a) GRANTS AUTHORIZED.—From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

(b) USE OF GRANT AMOUNTS.—Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) PROTECTING INMATES.—Protecting inmates by—

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) SAFEGUARDING COMMUNITIES.—Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) GRANT REQUIREMENTS.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 2 years.

(2) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(3) MATCHING.—The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) CONTENTS.—Each application required by paragraph (1) shall—

(A) include the certification of the chief executive that the State receiving such grant—

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ii) will consider adopting all national prison rape standards that are promulgated under this Act after such date;

(B) specify with particularity the preventative, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) REPORTS BY GRANTEE.—

(1) IN GENERAL.—The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) DISSEMINATION.—The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) STATE DEFINED.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for grants under this section $40,000,000 for each of fiscal years 2004 through 2010.

(2) LIMITATION.—Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the ''Commission'').

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive legal and factual study of the penalogical, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidivism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.—

(A) DISTRIBUTION.—Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) the President;

(ii) the Congress;

(iii) the Attorney General;

(iv) the Secretary of Health and Human Services;

(v) the Director of the Federal Bureau of Prisons;

(vi) the chief executive of each State; and

(vii) the head of the department of corrections of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) recommended national standards for reducing prison rape;

(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to—

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to—

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim;

(E) referrals for long-term continuity of care for rape victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases;

(H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of—

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and

(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION.—The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(f) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.—In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United State Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their

homes or regular places of business in the performance of service for the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) SUBPOENAS.—

(1) ISSUANCE.—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.—Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of ⅔ of the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(m) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.

(n) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

(a) PUBLICATION OF PROPOSED STANDARDS.—

(1) FINAL RULE.—Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) INDEPENDENT JUDGMENT.—The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) LIMITATION.—The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) TRANSMISSION TO STATES.—Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operation in one or more prisons.

(b) APPLICABILITY TO FEDERAL BUREAU OF PRISONS.—The national standards referred to in subsection (a) shall apply to the Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) ELIGIBILITY FOR FEDERAL FUNDS.—

(1) COVERED PROGRAMS.—

(A) IN GENERAL.—For purposes of this subsection, a grant program is covered by this subsection if, and only if—

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) LIST.—For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) ADOPTION OF NATIONAL STANDARDS.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General—

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years.

(3) REPORT ON NONCOMPLIANCE.—Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) COOPERATION WITH SURVEY.—For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) REDISTRIBUTION OF AMOUNTS.—Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

(6) IMPLEMENTATION.—The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) EFFECTIVE DATE.—

(A) REQUIREMENT OF ADOPTION OF STANDARDS.—The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

(B) REQUIREMENT FOR COOPERATION.—The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS ADOPT ACCREDITATION STANDARDS.

(a) ELIGIBILITY FOR FEDERAL GRANTS.—Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) REQUIREMENTS.—To be eligible to receive Federal grants, an accreditation organization referred to in subsection (a) must meet the following requirements:

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

(2) At all times after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

SEC. 10. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CARNAL KNOWLEDGE.—The term ''carnal knowledge'' means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

(2) INMATE.—The term ''inmate'' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) JAIL.—The term ''jail'' means a confinement facility of a Federal, State, or local law enforcement agency to hold—

(A) persons pending adjudication of criminal charges; or

(B) persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

(4) HIV.—The term ''HIV'' means the human immunodeficiency virus.

(5) ORAL SODOMY.—The term ''oral sodomy'' means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) POLICE LOCKUP.—The term ''police lockup'' means a temporary holding facility of a Federal, State, or local law enforcement agency to hold—

(A) inmates pending bail or transport to jail;

(B) inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) PRISON.—The term ''prison'' means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes—

(A) any local jail or police lockup; and

(B) any juvenile facility used for the custody or care of juvenile inmates.

(8) PRISON RAPE.—The term ''prison rape'' includes the rape of an inmate in the actual or constructive control of prison officials.

(9) RAPE.—The term ''rape'' means—

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) SEXUAL ASSAULT WITH AN OBJECT.—The term ''sexual assault with an object'' means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) SEXUAL FONDLING.—The term ''sexual fondling'' means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) EXCLUSIONS.—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill S. 1435.

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

There was no objection.

BARBARA B. KENNELLY POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 2746) to designate the facilities of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building,'' and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2746

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

SECTION 1. BARBARA B. KENNELLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, shall be known and designated as the ''Barbara B. Kennelly Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barbara B. Kennelly Post Office Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MARINA DAY

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the resolution (H. Res. 323) supporting the goals and ideals of National Marina Day, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

Mr. THOMPSON of California. Mr. Speaker, reserving the right to object, and I do not intend to object, however, I would like to yield to the gentleman to explain his unanimous consent request.

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

Mr. THOMPSON of California. I yield to the gentleman from Nevada.

Mr. PORTER. Mr. Speaker, the resolution is referring to marinas across the United States of America and the impacts they have on the economy. We are having a day in Nevada, at Lake Mead, to honor the marinas on August 9, and I invite everyone to be in attendance.

Mr. THOMPSON of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 323

Whereas Americans place a high value on recreation time and the ability to access one of the United States' greatest natural resources, its waterways;

Whereas, in 1928, the word ''marina'' was adopted by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and their guests;

Whereas marinas help preserve their environments by protecting the surrounding waterways, permitting not only this generation but future generations to enjoy these precious natural resources;

Whereas the Nation's marinas provide their communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation;

Whereas more than 140,000 people are employed at marinas, which create jobs and generate tax revenues for their communities;

Whereas the Marina Operators Association of America has proclaimed August 9, 2003, to be National Marina Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Marina Day;

(2) recognizes America's marinas for their many contributions to their local communities; and

(3) urges all Americans to become more aware of the overall contributions marinas make to the well-being of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 2765, which shall proceed according to the following order:

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 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except section 119.

The amendment printed in House Report 108–230 may be offered only by the gentleman from Virginia (Mr. TOM DAVIS) and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable 40 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment are waived.

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. 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.

And, Mr. Speaker, I ask unanimous consent that House Resolution 334 be laid on the table.

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

There was no objection.

□ 1845

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 3, 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 3, 2003.

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

There was no objection.

CONDITIONAL ADJOURNMENT TO TUESDAY, JULY 29, 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

FAREWELL AND GODSPEED TO EVE BUTLER-GEE ON THE OCCASION OF HER RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to say good-bye to Eve Butler-Gee, the Chief Journal Clerk in the House, who will retire at the end of August after 20 years of service to the House of Representatives.

Eve began her professional career in the House. After an interlude working for a charitable foundation, she returned to the House in 1987 as the Minority Enrolling Clerk of the House. She served in that capacity for 8 years before her appointment as Chief Journal Clerk in 1995. With this appointment, Eve became the first woman in the history of the House of Representatives to serve as Chief Journal Clerk.

Eve and three assistant journal clerks are responsible for keeping the journal of the House proceedings in that big journal minute book which we see her with here every day at the rostrum and which we vote on half the time. According to House rules, the first order of business each day is the vote on the Chair's approval of the Journal of the last day's proceedings. The Journal Clerk's office also publishes the journal of each session of Congress for use as a reference by the House Parliamentarians, Members of Congress, regional libraries and State governments. Under Eve's direction the publication of the House Journal has been brought up to date and publication procedures modernized and refined.

Much has transpired during her service on the House rostrum staff. The House has voted on the Gulf War resolution, grieved a gunman's killing of two U.S. Capitol policemen, evacuated the House during the attacks of September 11, enacted counterterrorism measures, dealt with anthrax attacks and voted to authorize the use of force in Iraq. Eve has often said that she has been privileged to witness history every day in this Chamber.

Those who know Eve Butler-Gee know her faith life and her service in the Episcopal Church is also an important part of who she is. She serves as head verger at the Church of the Holy Comforter in Vienna, Virginia, where her husband, Tom Gee, also serves as director of lay liturgists. After her retirement, she plans to serve as a volunteer verger at the Washington National Cathedral. She and Tom plan to spend their time traveling and enjoying the comfort of friends and family, including Eve's daughter and son-in-law, Lora and John Williams, her grandson Evan, and Tom's son Sean Gee. Tom and Eve also eagerly await the birth of a new grandchild in December. Following a trip to Ireland in September, Eve hopes finally to have the free time to resume her lifelong interest in writing and community theater.

In closing, Mr. Speaker, I want to thank her for her faithful service to this body and wish her health and happiness in the years to come.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I just would like to say that it was exactly 15 hours and 47 minutes ago that I was standing at this exact spot, that means 3 a.m. this morning.

Mr. TOM DAVIS of Virginia. That is midnight California time.

Mr. DREIER. Exactly, I would say to my friend; it was exactly midnight in Los Angeles. At that point, we began our tribute to Eve and we are continuing it, 15 hours and 45 minutes later. I thank my friend for actually getting into greater detail than I did, but I want to join again. I am sandwiched between two Virginians and a Marylander here, so I am bringing some bicoastal balance to this effort to say how much we appreciate again your wonderful service to this institution.

Mr. TOM DAVIS of Virginia. I thank my friend for being part of this 15-hour celebration.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

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

Mr. WOLF. I certainly share the sentiments of my colleagues.

Mr. Speaker, if I can just read a brief thing. The gentleman from West Virginia (Mr. MOLLOHAN) wanted me to submit this and read this to you briefly. He had to run and catch a plane. I will not read the whole thing, but I want to read the beginning and the end.

''This House will suffer a true loss next month. Eve Butler-Gee, our Chief Journal Clerk, will be retiring at the end of August after 20 dedicated years. I want to join my colleagues today in recognizing her contributions to this Chamber.

''As we thank Eve for her dedication, we also wish her the very best for a happy retirement, with much time spent with her husband Tom; her daughter Lora and Lora's husband John Williams and their son Evan; and Tom's son Sean.

''I am proud to also note that Eve has a number of family connections to West Virginia, Mr. Chairman, and it is my hope that her travels will bring her to our State often.''

God bless. We wish you the best.

Mr. MOLLOHAN. Mr. Speaker, This House will suffer a true loss next month. Eve Butler-Gee, our Chief Journal Clerk, will be retiring at the end of August after 20 years of dedicated service. I want to join my colleagues today in recognizing her contributions to this chamber.

Eve began her career here in the House. She then went to work in the private sector. Fortunately for us she returned, and in 1987 was named as minority enrolling clerk of the House.

Eve served as an Assistant Enrolling Clerk for 8 years. Then, in 1995, she was appointed as Chief Journal Clerk. This institution has benefitted greatly from her knowledge, her talent and her commitment to the people's business.

Eve and her hard-working staff are responsible for memorializing the proceedings of this House; ensuring the accuracy and timeliness of the official record of each legislative day. It is a serious responsibility, and it is carried out with true professionalism by Eve and her team. We will miss her, and we will miss her outstanding work.

Mr. Speaker, as we thank Eve for her dedication, we also wish her the very best for a

happy retirement—with much time spent with her husband, Tom; her daughter Lora and Lora's husband John Williams and their son Evan; and Tom's son Sean.

I am proud to also note that Eve has a number of family connections to West Virginia, Mr. Speaker and it is my hope that her travels will bring her to our state often.

It is a pleasure to help recognize the career of one who has served this House so very well. Thank you, Eve, and all the best in the days to come.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Eve, I want to rise with my colleagues. I was here at 3 o'clock when DAVID DREIER gave that short, but very heartfelt thanks to you. I did not join him at that point in time; I thought that at 3 a.m. you might want to go home. But I do want to rise at this point in time.

Mr. Speaker, the Members of the House, the House as an institution, and this country are all blessed by having some extraordinarily dedicated, extraordinarily able people serving this body. Other than our terrific reading clerks, few of them get on camera, at least in terms of being identified. But without them, this House would not run nearly as well as it does. And to the extent that it does not run well, it is not for any lack of ability or dedication on their part but because the Members sometimes get out of hand.

But the staff that serves this House of Representatives, the people's House, is an extraordinary one. Each time we lose one of them by retirement or for any other reason, we are a lesser place. We will be a lesser place for some period of time because one cannot replace the 20 years of experience that Eve takes with her. But she takes with her the thanks and gratitude of all of us who are Members of this body. Whether brought in by the majority or the minority, Democrats or Republicans, matters not to any of our desk personnel or our Parliamentarian or our timekeepers or whatever their particular designation. They serve us well and they serve this country well.

Eve, I wish you and Tom the very best. You are still a very young person and you will have many years to enjoy service to church, service to God, but I know that you will continue in many ways to serve your country. I know you will take with you the deep affection and respect for this institution that you have served so well. Godspeed.

FAREWELL TO KIRK BOYLE

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

Mr. CANTOR. Mr. Speaker, it is my honor and privilege to be here today to salute an individual who has served this House for many years, who is also leaving us today. Kirk Boyle first started his career with this House with the former majority leader, Dick Armey. He served as Dick Armey's page in the House and later returned after schooling to be a floor assistant for Dick Armey. In the last year he has become part of the majority whip's team and has been on the floor with leadership, with the majority whip ROY BLUNT.

Anybody who knows Kirk knows he is a source of accurate information. He always knows what is going on. He has been a tremendous asset to all of us.

Lastly, I would just like to note that I think he will be best remembered as the cofounder and creator of the Boyle-Turton precedent which, as you know, contributes to the expeditious proceedings of this House.

Again, I salute Kirk Boyle and wish him well as he continues his life journey and development as an individual as he goes and moves on to Chicago to perform some mission work and to do good for the people of this great land.

Congratulations. We will miss you, Kirk.

APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 3, 2003

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

WASHINGTON, DC,
July 25, 2003.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 3, 2003.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT OF INSPECTOR GENERAL FOR HOUSE OF REPRESENTATIVES FOR 108TH CONGRESS

The SPEAKER pro tempore. Pursuant to clause 6 of rule II, and the order of the House of January 8, 2003, the Chair announces the joint appointment by the Speaker, majority leader and minority leader of Mr. Steven A. McNamara of Sterling, Virginia, to the position of Inspector General for the United States House of Representatives for the 108th Congress effective January 3, 2003.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island.

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Pursuant to 36 U.S.C. 2301, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS, California;
Mr. FROST, Texas.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. FILNER, California.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HORROR STORIES OF CASTRO'S JAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to the continued plight of political prisoners locked away in Cuban jails. In March of this year, Fidel Castro began a campaign against political opposition. Over the course of a few weeks, Castro's regime arrested an array of political opposition leaders, including signers and supporters of a joint statement from the Cuban dissident community to the European Union, promoters of the Varela Project, members of the independent press, owners of independent libraries and members of Cuba's independent civil society.

Inside of a month, the dissidents were arrested, arraigned, tried and sentenced, some receiving prison terms as long as 27 years. The prisoners were refused access to their wives and family, allowed little or no legal defense and were denied the ability to read the state's case against them. The Cuban Government provided no information

about the trials and barred access to international journalists. However, that was only the beginning of Castro's reign of terror.

Accounts of psychological torture, abuse and neglect have slowly begun to emerge from Cuba's prisons. Stories of rat- and bug-infested cells, beatings, solitary confinement and a lack of medical treatment seem to be the standard in Castro's prisons. The accounts are so horrible that they have led a spokesperson for the U.S. State Department to declare that ''the Cuban Government seems to be going out of its way to treat these prisoners inhumanely.''

The wife of journalist Hector Maseda, sentenced to 20 years, shared his accounts of bed bugs so rampant in one jail that prisoners cannot sleep. Family members of journalist Oscar Espinosa Chepe, who is suffering from liver disease and gastrointestinal bleeding, shared his stories of being denied medical care. His family fears he may die.

The wife of Juan Carlos Gonzalez Leyva, a blind dissident, recently presented one of his letters to the U.N. Human Rights Commission in Geneva. In the letter he talks of the daily ''sawdust shower'' that he has been subjected to by a fellow inmate. Gonzalez writes that the substance ''gives me the sensation of millions of bugs constantly running all over me.'' He continues, stating, ''I don't know if this is a biological substance or a chemical agent. But I know that it is not insects because when I touch my skin there are no actual bugs that I can feel.''

Other prisoners, Mr. Speaker, complain of leaking cells, no sheets, no pillows and no eating utensils.

Amnesty International recently declared the 75 dissidents and opposition leaders ''prisoners of conscience.'' These 75 convictions bring Cuba's total to 90 ''prisoners of conscience'' currently in Cuban prisons. This makes Cuba the country with the highest number of prisoners with that status in the Western Hemisphere. Various other organizations inside and outside Cuba place the number of political prisoners at more than 300.

However, these are the stories and prisoner accounts that have managed to be leaked to the public. There is no telling what evils lurk in Castro's jails and what stories and horrors have yet to see the light of day.

Mr. Speaker, I ask my colleagues to join with me and condemn Castro's incarceration and mistreatment of the 75 dissidents and all of its political prisoners. Congress must send a strong message to Castro that the abuse of Cuban political prisoners has not gone unnoticed and will not be allowed to continue.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1900

TIME FOR AN END TO THE ADMINISTRATION'S SECRECY

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, yesterday the special congressional panel looking into the September 11 attacks issued its report. It said the intelligence community could have done a much better job in protecting the American people. That truly is an understatement.

But what stands out is the fact that the Bush administration has taken secrecy to a new unacceptable level. The administration insists on keeping secret 28 pages of that report. It is widely believed that these 28 pages deal with the possible involvement of foreign governments in the 9/11 tragedy and specifically Saudi Arabia.

Mr. Speaker, the Bush administration clearly exaggerated the immediate threat to the United States posed by the regime of Saddam Hussein in order to justify the war in Iraq, and, indeed, I have supported the calls for an independent commission to get to the bottom of that deception.

The administration's credibility has been greatly damaged by the revelations about the manipulated statements in the President's State of the Union address. Now we have 28 pages of a report of a vitally important study that are being kept away from the American people.

Do the American people not deserve to know the truth, whole truth, the whole story about 9/11? Do the families of 9/11 not deserve to know? What is the Bush administration now hiding about Saudi Arabia's possible involvement? How can the Bush administration justify keeping this secret from the American people?

In an editorial entitled ''Deception and Denial,'' the London-based Financial Times this morning says the following about the Bush administration:

''The scale of the Bush administration's official obstruction is clear.'' And the article goes on to say '''The Bush administration has done everything they can do to make sure that's not the focus,' said William Wechsler, a former White House official who coauthored a recent report critical of the Saudi failure to cut off financing for terrorist troops.'' The Bush administration wants '''to talk about tactical breakdown, but they do not want to talk about the elephant in the room,''' i.e., specifically Saudi Arabia. According to the Financial Times, ''the tantalizing glimpses of the Saudi role that survived the censor's pencil are by far the report's most potentially explosive aspects.''

We know there were meetings between some of the hijackers and Omar al-Bayoumi, a Saudi citizen. What does that mean in the context of 9/11? There are reports that al-Bayoumi supplied at least some of the hijackers with cash. Is that true? Unless the Bush administration drops its insistence on secrecy, the American people and families of the victims of 9/11 might never know the truth.

The Bush administration says it cannot tell the American people the whole truth because of national security concerns. One should ask, is it national security that the Bush administration cares about or is it political security? Or could it be access to Saudi oil? As the Financial Times said this morning, ''It is hard to avoid suspicion that some of the coyness may have political origins.'' The decision to keep this information secret adds ''a new layer of haze over its credibility,'' says the Financial Times.

It is time for the Bush administration to tell the families and to tell the American people what it knows about the possible involvement of foreign governments or foreign nationals in the events of September 11, and no one should be exempt from that scrutiny. No country, no person. It is time for an end to the Bush administration's secrecy.

[From the Financial Times, July 25, 2003]

REPORT RAISES NEW QUESTIONS ON SAUDI ROLE IN 9/11 ATTACKS

(By Marianne Brun-Rovet and Edward Alden)

WASHINGTON.—The September 11 hijackers received foreign-government support while they were in the US plotting the attacks on New York and Washington, the leader of a congressional inquiry charged.

The conclusion, which is strongly hinted at in the declassified parts of the inquiry's 900-page report released yesterday, will raise new questions about the role of Saudi Arabia in particular. The Bush administration insisted on deleting a 28-page section of the report that focused on the link to foreign governments.

Senator Bob Graham, the former Democratic intelligence committee chairman who led the investigation, said the hijackers ''received, during most of this time [in the US], significant assistance from a foreign government which further facilitated their ability to be so lethal''. He would not identify the government.

But he charged the Bush administration with refusing to release the information ''to protect the country or countries . . . that were providing direct assistance to some of the hijackers''.

The report also contains new evidence that US intelligence agencies and the Federal Bureau of Investigation knew far more about some of the hijackers activities than has been revealed.

While the administration has insisted that the plot could not have been unraveled from the information available, a congressional official said: ''There was no smoking gun in the sense of all the details and the specifics in one piece of intelligence . . . But that is not the same as saying that this attack could not have been prevented.''

Despite the deletions demanded by the administration, which held up the report's release for nearly seven months, it contains new evidence that indicates the Saudis may

have had ties to supporters of the September 11 hijackers.

It focuses on the activities of Omar al-Bayoumi, who some in the FBI believed to be a Saudi intelligence agent, though the Saudi government has denied the allegation.

Mr. Bayoumi played a vital role in establishing Nawaf al-Hazmi and Khalid al-Mihdhar, two of the hijackers, when they arrived in the U.S. before the attacks. U.S. intelligence agencies knew as early as 1999 that the two were linked with al-Qaeda and that they had attended a CIA-monitored high-level meeting of the terror network's operatives in Malaysia in January 2000.

Mr. Bayoumi met the pair in Los Angeles shortly after he was observed entering and leaving a meeting at the Saudi consulate.

Prince Bandar bin Sultan, the Saudi ambassador to the U.S., said yesterday that the country was facing ''false accusations . . . made by some for political purposes'' despite its widespread co-operation with the U.S. in the war on terrorism. ''It is disappointing that despite everything we are doing, outrageous charges continue.''

The report also revealed another serious U.S. intelligence failure before the attacks, which represented ''perhaps the intelligence community's best chance to unravel the September 11 plot''. The FBI had recruited an informant in San Diego who met repeatedly with Mr. Hazmi and Mr. Mihdhar. However, the FBI did not act on his information because the CIA had not told the FBI of the pair's suspected links to al-Qaeda. The FBI agent handling the informant said ''we would have done everything'' had the CIA revealed what it knew.

[From the Financial Times, July 25, 2003]

DECEPTION AND DENIAL (PART TWO)—THE WHITE HOUSE'S INTELLIGENCE PROBLEMS GET BIGGER

It is often the case with lengthy inquiries into government failures that what gets left out of the final report is more interesting than what goes in it. Politicians are not unduly burdened by a capacity for self-criticism and if they can hide behind spurious claims of national security to avoid providing potentially damning evidence to hungry investigators, you can generally guarantee that they will.

The publication yesterday of the results of the congressional investigation into the performance of the US intelligence services in the run-up to the September 11 2001 terrorist attacks is a case in point.

We knew already that the White House had been most unhelpful in its dealings with the congressional investigators, failing to make available critical material such as presidential briefings on the scale of the al-Qaeda threat. Now, in the form of dozens of blank pages in the 900-page volume, the scale of official obstruction becomes clear.

Though the report still reaches some valid conclusions about the failures of the Federal Bureau of Investigation and the Central Intelligence Agency in acting on what they knew about the hijackers, the overall effect of the administration's behaviour is to produce more questions. Most disturbing is the White House's unwillingness to disclose important new information on Saudi Arabia's role in the terrorist plot.

The long list of errors by the FBI and the CIA remains the central finding. The fact that officials had opportunities to track the movements of at least two of the hijackers in the months before the attacks represents the largest single failing and highlights flaws in intelligence co-ordination that still need to be put right. In addition the lack of reliable intelligence overseas prevented either the Clinton or the Bush administration from taking preemptive action against al-Qaeda that might have scuppered the plot.

But the tantalising glimpses of the Saudi role that survived the censor's pencil are by far the report's most potentially explosive aspects. Meetings between some of the hijackers and Omar al-Bayoumi, a Saudi citizen, are well documented, as are indications that he supplied them with cash. But instead of detailed investigation of Mr. al-Bayoumi and his alleged links to the Saudi government, there are only blank spaces. The administration says it could not agree to publication of this and other material for national security reasons. That may be true. But it is hard to avoid suspicion that some of the coyness may have political origins. The Bush administration is already under fire for its dubious disclosures about Iraq's weapons of mass destruction. Now the White House has added a new layer of haze over its credibility.

In the end the congressional report is not so much an indictment of the intelligence agencies, though it clearly highlights their faults. It is an indictment of the needless obfuscation surrounding too much of this administration's national security policy.

[From the Financial Times, July 25, 2002]

SEPTEMBER 11 INVESTIGATION UNDERMINES BUSH'S CLAIMS

(By Edward Alden and Marianne Brun-Rovet)

For the past 18 months the administration of President George W. Bush has clung firmly to the argument that, while there were certainly intelligence failings, the September 11, 2001 attacks could not have been prevented.

The release yesterday of the declassified final report of the congressional investigation will make that argument much harder to sustain, and could ignite fresh controversy for an administration already under scrutiny for manipulating intelligence information before the war on Iraq.

The report contains few entirely new revelations about the missed opportunities to unravel the plot of the 19 hijackers. But the detailed evidence of how much the U.S. knew of their movements before the attacks belies the assertion made to the investigators last year by Robert Mueller, the Federal Bureau of Investigation's director, that ''as far as we know, they contacted no known terrorist sympathizers in the U.S.''.

The report points out that five of the hijackers had met a total of 14 people who had come to the FBI's attention as part of counter-terrorism investigations.

Four of those 14 were under active FBI investigation when the hijackers were in the U.S.

The hijackers who led the attacks were not isolated but instead were backed by what U.S. intelligence knew to be ''a radical Islamic network in the U.S. that could support al-Qaeda and other terrorist operatives.''

As early as June 2001 the CIA had learned that senior al-Qaeda planner Khalid Sheikh Mohammed was recruiting people for operations in the U.S.

The report also revealed that an informant for the FBI had numerous meetings with two of the hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, when they were living in San Diego. But the San Diego FBI was unaware that the Central Intelligence Agency had in 2000 identified the two men as al-Qaeda operatives, so never acted on the information.

The FBI had also opened in 1998 a counter-terrorism investigation of Omar al-Bayoumi, a Saudi who co-signed the lease on an apartment in San Diego rented by the two hijackers, paid the first month's rent and organised a party to welcome them into the community.

Mr. Bayoumi became the subject of attention late last year after it was revealed that the wife of Prince Bandar, the Saudi ambassador to the U.S., had indirectly deposited tens of thousands of dollars into an account held by Mr. Bayoumi's wife. The Saudis have said they had no knowledge that the money, which was part of a charitable contribution, had ended up in her accounts.

The report says that although Mr. Bayoumi was a student, he ''had access to seemingly unlimited funding from Saudi Arabia'', and at one time made a $400,000 donation to a Kurdish mosque in San Diego. It adds: ''One of the FBI's best sources in San Diego informed the FBI that he thought that Mr. Bayoumi must be an intelligence officer for Saudi Arabia or another foreign power.''

The Saudi government denies the charge, saying he has no connection to the Saudi government.

The most controversial element of the report will be what it does not contain. At the insistence of the Bush administration, 28 pages discussing evidence of foreign government support for the hijackers was deleted from the declassified version.

''The Bush administration has done everything they can do to make sure that's not the focus,'' said William Wechsler, a former White House official who co-authored a recent report critical of the Saudi failure to cut off financing for terrorist groups.

''They want to talk about tactical breakdown but they don't want to talk about the elephant in the room.''

U.S. officials note that Saudi co-operation in counter-terrorism investigations has improved markedly, particularly following al-Qaeda attack's in Riyadh in May that left more than 30 people dead. The Saudis responded angrily yesterday that ''we cannot respond to blank pages''.

But the investigation showed that even well after the September 11 attacks, Saudi Arabia continued to impede U.S. efforts in areas such as shutting down financing for terrorism.

While the congressional investigation was a bipartisan undertaking, its conclusions will fuel a partisan battle over whether the Bush administration has responded fully to the lessons of September 11.

Democrats have homed in on intelligence failures, both in the war on terrorism and before the war on Iraq, as the vulnerable spot for an administration that has been widely trusted by Americans on national security since the attacks.

The report challenges whether the administration has yet made sufficient efforts to improve intelligence gathering and sharing in response to the serious breakdowns uncovered by the investigation.

On foreign support for terrorists, the report says ''only recently'', and in part due to the pressure from the congressional inquiry, had the agencies tried to determine the extent of the problem. ''This gap in US intelligence coverage is unacceptable, given the magnitude and immediacy of the potential risk to US national security,'' it says.

Democratic hopefuls for the next presidential election, including Senator Bob Graham, the former intelligence committee chairman, are already seizing on the problems identified by the inquiry to criticise the administration's actions since September 11.

The controversy over what is missing in the report will only deepen those charges. Senator Joseph Lieberman, another Democratic candidate, said yesterday that the administration ''has, even today, failed to demand a full accounting of intelligence failures, in order to ensure that they have been corrected''.

THE CALL FOR AN INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 165 years ago the late 1830s, Congress passed a rule prohibiting the use of the word ''slavery'' in the Chamber of this House, prohibiting debate about the Nation's largest blemish, the Nation's largest embarrassment, the institution of slavery. For some years Members of Congress, because of this House gag rule, could not even debate the issue of slavery in this body.

Mr. Speaker, in those days Congressman John Quincy Adams, former President, elected to Congress after he left the White House, was particularly outraged by that gag rule, and he came to the floor of the House, to the Chamber of this House of Representatives, week after week, day after day in many cases, reading letters from his constituents about the issue of slavery. Since he was prohibited from the debating the issue, he served as the megaphone, and he let his constituents speak about slavery.

Today, we face a similar situation in which the leaders of this Congress have refused to discuss some of the issues about the President's behavior in Iraq, about who knew what when, and as a result, a group called MoveOn.org, a national Internet organization, a group of about 1.4 million citizens, circulated a petition, and the petition said ''We believe Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program.''

Several hundred thousand people signed the petition, tens of thousands of people actually wrote letters about this petition, about this issue. And I would just like to serve as the mouthpiece for those Ohioans who are concerned about what we need as a Nation to find out about the reasons that we actually went to war, whether the President told us the truth.

Ms. Durkin of Cincinnati wrote: ''The possibility that the administration may have misled America (Congress and the American people) is a matter not of politics but of integrity.''

Chris Bache of Poland, Ohio wrote: ''The distortion of intelligence concerning Iraq . . . is a gross violation of the duties of public office.''

Jim Waldfogle from Cincinnati wrote: ''Even if well-intentioned, distortions of the truth can only hurt the credibility of government in the long run. If this has taken place, it needs to be brought as soon as possible by Congress, to restore the public's faith that Washington will not tolerate abuses of the system.''

From Akron, Ohio, Mary Benzie writes: ''Was our son in the Army Reserves sent to Iraq for a cause based on, at best, inaccuracies, at worst, a deliberate deception? How do you think we will feel the next time?''

Timothy A. Bennett of Springfield writes: ''This is an extremely urgent issue which requires investigation. Failure to do so would undermine the public's faith in our democratic institutions. Please support an investigation.''

Constance Bouchard from Wooster, Ohio, writes: ''We seem to have three choices about the missing weapons of mass destruction, none of them good. One, our intelligence is deeply flawed or two, our intelligence was deliberately distorted by the administration, or, three, the weapons have left Iraq and are now in terrorist hands.''

Suzanne Seals of Worthington, Ohio writes: ''I am very frightened for the freedom and welfare of our country when the administration can bully the evidence and distort the truth to a naive public without any accountability. When this behavior is used to wage war, I become even more concerned about the policies of our administration.''

Deborah Steytler of Mentor, Ohio writes: ''Please support appropriate investigations into the methods of warmaking and intelligence-gathering.''

Victoria Kelsey of West Chester writes: ''I feel that the exaggerations employed by politicians to push their agendas have overstepped all boundaries in this case and cannot condone it by my silence on this important issue.''

From Kingsville, Ohio, William Venable writes: ''We need to know the truth without spin, without obfuscation, and without prevarication.''

Paul Burnam of Westerville, Ohio writes: ''I am indeed troubled by, at best, the use of outdated and inaccurate evidence to make the case to invade Iraq. The Bush administration needs to be held to account for the which it 'marketed' (I am using presidential Chief of Staff Andrew Card's word) the war.''

Elmer Fischesser of Cincinnati writes: ''Because individuals are still losing their lives, we have a right to know, as a matter of justice, what was known and how the information was acted upon.''

From Canfield, Ohio, Marcia Malmer writes: ''This cannot be a government by the people if we are given misleading and/or false information on which to base our decisions.''

Mr. Speaker, these are all important letters and important concerns. We do in fact need an investigation to set the public's mind at rest.

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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

(Ms. SCHAKOWSKY 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 gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE 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 gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today after 6 p.m. on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 62. Concurrent resolution honoring the service and sacrifice of Korean War veterans; to the Committee on Veteran Affairs; 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.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 7 o'clock and 10 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m., Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 259.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3495. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Low Pathogenic Avian Influenza; Payment of Indemnity [Docket No. 02-048-2] (RIN: 0579-AB46) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3496. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02-130-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3497. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State Designations; New Mexico [Docket No. 03-044-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Extensions of Payments of Principal and Interest (RIN: 0572-AB79) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3500. A letter from the Congressional Review Coordinator, APHIS, Department of Transportation, transmitting the Department's final rule — Sapote Fruit Fly; Removal of Quarantined Area in Texas [Docket No. 03-032-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3501. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; 3-pyridinecarboxamide, 2-chloro-N-(4'chloro[1,1'-biphenyl]-2-yl); Pesticide Tolerance [OPP-2003-0246; FRL-7319-6] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3502. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of the Navy, transmitting Notice of decision to convert any commercial- or industrial-type function from performance by DOD civilian personnel to private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3503. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph W. Wehrle, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3504. A letter from the Inspector General, Department of Defense, transmitting a report entitled ''Acquisition: Summary Report on the Joint Review of Selected DoD Purchase Card Transactions (D-2003-109)'' as pursuant to Public Law 107-314 section 1007, pursuant to Public Law 107—314 section 1007; to the Committee on Armed Services.

3505. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John H. Campbell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3506. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation ''To authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development''; to the Committee on Financial Services.

3507. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7811] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3508. A letter from the Secretary, Department of Housing and Urban Development, transmitting a draft of proposed legislation concerning the Emergency Food and Shelter Program and its National Board appointed positions; to the Committee on Financial Services.

3509. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Community Food and Nutrition Program for Fiscal Year 2000; to the Committee on Education and the Workforce.

3510. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation concerning waste materials stored in silos at the Department of Energy uranium processing facility at Fernald, Ohio; to the Committee on Energy and Commerce.

3511. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Breath Nitric Oxide Test System [Docket No. 2003D-0209] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3512. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen From Cement Kilns [TX-164-1-7602a; FRL-7536-8] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3513. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion [SW-FRL-7537-5] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3514. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards [RCRA-1998-0015; FRL-7537-4] (RIN: 2050-AF07) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3515. A letter from the AMD-PERM, OMD, FCC, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2003 [MD Docket No. 03-83] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3516. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3517. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad (Transmittal No. DDTC 060-03) received July 24, 2003, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Turkey (Transmittal No. DDTC 070-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3519. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil, Russia, Ukraine, and Norway (Transmittal No. DDTC 068-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3520. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil (Transmittal No. DDTC 058-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3521. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel, Singapore (Transmittal No. DDTC 059-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 071-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3523. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 057-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3524. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece (Transmittal No. DDTC 074-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 073-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pacific Ocean/International Waters or Kourou, French Guiana (Transmittal No. DDTC 050-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3527. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters, Pacific Ocean (Transmittal No. DDTC 075-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to United Kingdom (Transmittal No. DDTC 062-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Taiwan [Transmittal No. DDTC 083-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 080-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DTC 079-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3532. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 072-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3533. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Turkey [Transmittal No. DDTC 061-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3534. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to India [Transmittal No. DDTC 021-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to Japan [Transmittal No. DDTC 077-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3536. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifth of six annual reports on enforcement and monitoring of the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

3537. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued by GAO during each calendar month and cumulative list of preceding 12 months(FY 2002), pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3538. A letter from the Director, Office of Government Ethics, transmitting the Office's draft bill, ''to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes''; to the Committee on Government Reform.

3539. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a draft of proposed legislation entitled ''Records Retention Facilitation Act of 2003''; to the Committee on Government Reform.

3540. A letter from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a copy of a draft bill to ''Resolve Certain Trust Fund Accounting Discrepancies within the Individual Indian Money Investment Pool''; to the Committee on Resources.

3541. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon (RIN: 1018-AI26) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3542. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting the activities of the Northwest Atlantic Fisheries Organization for 2002; to the Committee on Resources.

3543. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076-AE41) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3544. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 021209300-3048-02; I.D. 071103A] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3545. 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 38 to the Northeast Multispecies Fishery Management Plan [Docket No. 030514123-3162-02; I.D. 041003B] (RIN: 0648-AQ78) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3546. A letter from the Director, Regulations and Forms Services Division, Department of Homeland Security, transmitting the Department's final rule — Certificates for Certain Health Care Workers [CIS No. 2080-00] (RIN: 1615-AA10) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3547. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Release Gratuities, Transportation and Clothing: Aliens [BOP-1097-F] (RIN: 1120-AA93) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3548. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal entitled the ''Department of Justice Appropriations Authorization Act, Fiscal Years 2004 and 2005''; to the Committee on the Judiciary.

3549. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's concerns and objections regarding the amendment offered to H.R. 2799, the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2004''; to the Committee on the Judiciary.

3550. A letter from the Chief, Regulations and Administrative Law, USCG, Department for Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Apalachicola River, River Junction, FL [CGD08-03-007] (RIN: 1625-AA09) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Facility Security [USCG-2003-14732] (RIN: 1625-AA43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Chief, Regulations and Administrative Law, USCG,, Department of Homeland Security, transmitting the Department's final rule — Automatic Identification System; Vessel Carriage Requirement [USCG-2003-14757] (RIN: 1625-AA67) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Chief, Regulations and Administrative Law, USCG,, Department of Homeland Security, transmitting the Department's final rule — Outer Continental Shelf Facility Security [USCG-2003-14759] (RIN: 1625-AA68) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Tampa, Tampa Florida [COTP TAMPA 03-043] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, Oakland Estuary, California [COTP San Francisco Bay 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Diego Bay, CA [COTP San Diego 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Savannah River, Savannah, GA [COTP Savannah 03-042] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03--021] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Juan, Puerto Rico [COTP San Juan 03-052] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ponce, Puerto Rico [COTP San Juan 03-026] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mardi Gras Fireworks Display, Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 119.0 to 119.8, Natrium, West Virginia [COTP Pittsburgh-02-019] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, Pennsylvania [COTP Pittsburgh-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-013] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Cape May Harbor/Inlet [COTP Philadelphia 03-012] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Delaware River, Salem River, Christina River, and the Schuylkill River [COTP Philadelphia 03-011] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-010] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-009] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacony Palmyra Bridge, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-008] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, PA [COTP PHILADELPHIA 03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Packer Avenue Marine Terminal, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware Bay and River [COTP PHILADELPHIA 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting Ahe Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-005] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Above Head of Passes, LA [COTP New Orleans-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0 Above Head of Passes, New Orleans, LA [COTP New Orleans-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway (ICW), Miles 20.0 to 15.0, Barataria, LA [COTP New Orleans-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Treasure Chest Casino, Lake Pontchartrain,

Kenner, LA [COTP New Orleans-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atchafalaya River, Eugene Island Sea Buoy to MM 119.8(AR), Berwick, LA [COTP Morgan City-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula Ship Channel, Pascagoula, MS [COTP Mobile-03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport Ship Channel, Gulfport, MS [COTP Mobile-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boggy Bayou, Niceville, Florida [COTP MOBILE-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile, Alabama [COTP Mobile-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E airspace; Brookfield, MO [Docket No. FAA-2003-14656; Airspace Docket No. 03-ACE-25] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2003-14932; Airspace Docket No. 03-ACE-35] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pratt, KS [Docket No. FAA-2003-14933; Airspace Docket No. 03-ACE-36] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muscatine, IA [Docket No. FAA-2003-14936; Airspace Docket No. 03-ACE-39] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA [Docket No. FAA-2003-14934; Airspace Docket No. 03-ACE-37] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ottumwa, IA [Docket No. FAA-2003-14938; Airspace Docket No. 03-ACE-41] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting — received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3599. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation relating to amending title 38 of the United States Code to modify and improve authorities relating to former prisoners of war; to the Committee on Veterans' Affairs.

3600. A letter from the Secretary, Department of the Treasury, transmitting a draft bill designed to restore the HI Trust Fund to its correct financial position; to the Committee on Ways and Means.

3601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Services's final rule — BLS Department Store Indexes for March 2003 (Announcement 2003-44) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Pre-Filing Agreements (Announcement 2003-43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations — received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Cost-Sharing Payments (Rev. Rul. 2003-59) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compliance initiative for nonresident aliens and foreign corporations (Notice 2003-38) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest deduction in general (Rev. Rul. 2003-97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3607. A letter from the Secretary, Department of Health and Human Services, transmitting Report and study regarding state licensure and certification standards and respiratory therapy competency examinations, pursuant to Public Law 106—113, section 107 (113 Stat. 1501A—328); jointly to the Committees on Energy and Commerce and Ways and Means.

3608. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to amend title 5, United States Codes, to establish a Human Capital Performance Fund, to better relate Senior Executive Service pay to performance, and other purposes; jointly to the Committees on Government Reform and the Judiciary.

3609. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled ''Fishery Conservation and Management Amendments of 2003'' and a section-by-section analysis of the proposed legislation; jointly to the Committees on Resources and the Judiciary.

3610. A letter from the Secretary, Department of Commerce, transmitting a draft bill entitled the ''Department of Commerce 21st Century Innovation Act of 2003''; jointly to the Committees on Science and Energy and Commerce.

3611. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill ''To amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists, to authorize alternate work schedules and executive pay for nurses''; jointly to the Committees on Veterans' Affairs and Government Reform.

3612. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Third Party Liability Insurance Regulations [CMS-1475-FC] (RIN: 0938-AM65) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3613. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to support a proposal in the President's FY 2004 Budget regarding direct funding for operation and maintenance of hydropower facilities at Army Corps of Engineers dams and revenues from the sale of power and related services by the Department of Energy's Power Marketing Administrations; jointly to the Committees on Transportation and Infrastructure, Resources, and the Budget.

3614. A letter from the Secretary, Department of Transportation, transmitting a bill entitled the ''Federal Railroad Safety Improvement Act''; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

3615. A letter from the Secretary, Department of Transportation, transmitting a draft

of proposed legislation entitled ''To authorize appropriations for Fiscal Year 2004 for certain maritime programs of the Department of Transportation, and for other purposes''; jointly to the Committees on Armed Services, Ways and Means, Transportation and Infrastructure, and Resources.

3616. A letter from the Deputy Secretary, Department of State, transmitting a draft of proposed legislation entitled ''Compact of Free Association Amendments Act of 2003''; jointly to the Committees on International Relations, Resources, Agriculture, Armed Services, Energy and Commerce, Financial Services, Government Reform, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 13003. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference; with an amendment (Rept. 108–239). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–240). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; with an amendment (Rept. 108–241). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Budget, Ways and Means and Government Reform discharged from further consideration of H.R. 180.

Pursuant to clause 2 of rule XII the Committees on Armed Services, Science and Ways and Means discharged, from further consideration. H.R. 1836 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration of H.R. 1837.

TIME LIMITATION OF REFERRED BILL

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

H.R. 180. Referral to the Committees on Ways and Means and Government Reform extended for a period ending not later than July 25, 2003. Referral to the Committee on Rules extended for a period ending not later than October 3, 2003.

H.R. 1837. Referral to the Committee on the Judiciary extended for a period ending not later than September 3, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 2896. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Mr. CONYERS, Mr. KUCINICH, Ms. LEE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. SANDERS, Mr. WEXLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. REYES, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. MAJETTE, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. PAYNE, Mr. MCDERMOTT, Mr. CAPUANO, Mr. WEINER, Ms. MCCOLLUM, and Mr. EMANUEL):

H.R. 2897. A bill to end homelessness in the United States; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, Education and the Workforce, Government Reform, Veterans' Affairs, 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. SHIMKUS (for himself, Ms. ESHOO, Mr. UPTON, Mr. MARKEY, Mr. DINGELL, Mr. TERRY, Mr. TOWNS, Mr. PICKERING, Mr. GILLMOR, Mrs. BONO, Mr. WHITFIELD, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. KIND, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. GRIJALVA, Mr. FROST, Mr. RUPPERSBERGER, Mr. GORDON, Mr. ENGEL, Mr. PETERSON of Pennsylvania, and Mr. STUPAK):

H.R. 2898. A bill to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE (for himself and Mr. FLAKE):

H.R. 2899. A bill to establish two new categories of nonimmigrant workers, 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 Mr. HAYWORTH (for himself, Mr. JEFFERSON, Mr. FOLEY, Mr. RAMSTAD, Mr. CANTOR, Mr. HOUGHTON, Mr. HAYES, Mr. FEENEY, Mr. ROGERS of Alabama, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, and Mr. CAMP):

H.R. 2900. A bill to amend the Internal Revenue Code of 1986 to provide for a 7-year recovery period for motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2901. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2902. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, 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. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2903. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington:

H.R. 2904. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2905. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. OTTER, Mr. MILLER of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. PAUL, Mr. SESSIONS, Mr. VITTER, Mr. BARTLETT of Maryland, and Mr. HALL):

H.R. 2906. A bill to clarify that federally licensed firerarms dealers may transfer firearms to other federally licensed firearms dealers at places other than the business premises specified on the license of the transferor dealer; to the Committee on the Judiciary.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 2907. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself, Mr. HONDA, Mr. CARDOZA, and Mr. EHLERS):

H.R. 2908. A bill to establish the position of Under Secretary of Commerce for Manufacturing and Technology, require the establishment of a research and implementation program on manufacturing, and promote manufacturing education; to the Committee on Science.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; to the Committee on Resources.

By Mr. TIBERI:

H.R. 2910. A bill to amend the Employee Retirement Income Security Act of 1974, the

Internal Revenue Code of 1986, and the Labor Management Relations Act, 1947 to provide special rules for Teamster plans relating to termination and funding; to the Committee on Education and the Workforce, 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 Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. OWENS, Mr. EMANUEL, Mrs. DAVIS of California, Mr. LYNCH, Mr. PAYNE, Ms. NORTON, Mr. SCHIFF, Mr. ROSS, Mr. BAIRD, Ms. CARSON of Indiana, and Mr. MORAN of Virginia):

H.R. 2911. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUCAS of Oklahoma:

H.R. 2912. A bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. KILDEE):

H.R. 2913. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Education and the Workforce.

By Ms. CARSON of Indiana (for herself, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. RANGEL, Mr. GRIJALVA, Mr. HONDA, Mr. CAPUANO, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. FILNER, and Mr. BOSWELL):

H.R. 2914. A bill to amend title 49, United States Code, to provide for the establishment of a flexibility incentive grant program; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GREENWOOD, Mr. NUSSLE, Mr. ENGLISH, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, and Mr. BURGESS):

H.R. 2915. A bill to provide for a National Health Information Infrastructure and data and communication standards for health Information system interoperability; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Mr. DEFAZIO, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. BROWN of Ohio, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. KLECZKA):

H.R. 2916. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, 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. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2917. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY, and Mr. ACEVEDO-VILA):

H.R. 2918. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2919. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2920. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, 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. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2921. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, and for other purposes; to the Committee on Agriculture.

By Mr. ACEVEDO-VILA:

H.R. 2922. A bill to amend the Small Business Act to provide additional grants to small business development centers located in high unemployment districts; to the Committee on Small Business.

By Mr. ACKERMAN:

H.R. 2923. A bill to amend title 23, United States Code, to require periodic testing of the competency of drivers over age 79, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BAKER (for himself, Mr. JOHN, Mr. VITTER, and Mr. POMEROY):

H.R. 2924. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BALLANCE:

H.R. 2925. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northeastern North Carolina Heritage Area in North Carolina, and for other purposes; to the Committee on Resources.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Mr. PORTER):

H.R. 2926. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 2927. A bill to amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Ms. MILLENDER-MCDONALD, Mr. DUNCAN, Mr. PASCRELL, Ms. LOFGREN, Mr. COBLE, and Mr. MICHAUD):

H.R. 2928. A bill to amend title 49, United States Code, relating to improved consumer protection regulation of the household goods transportation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BONO (for herself and Mr. TOWNS):

H.R. 2929. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO:

H.R. 2930. A bill to authorize the disinterment from the American Ardennes Cemetery at Neuville-en-Condroz, Belgium of the remains of Sergeant Roaul R. Prieto, who died in combat in April 1945, and to authorize the transfer of his remains to his next of kin; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself and Mr. MATSUI):

H.R. 2931. A bill to provide for the expansion of human clinical trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. GILCHREST, Ms. SLAUGHTER, Mr. WAXMAN, and Mr. ALLEN):

H.R. 2932. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. DOOLEY of California, Mr. CARSON of Oklahoma, Mr. NUNES, Mr. BACA, Mr. STENHOLM, Mr. HALL, Mr. BERRY, Mr. ROSS, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mr. PETERSON of Minnesota, Mr. ALEXANDER, Mr. ORTIZ, Mr. HUNTER, Mr. CALVERT, and Mr. YOUNG of Alaska):

H.R. 2933. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; to the Committee on Resources.

By Mr. CARTER:

H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 2935. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. DEUTSCH (for himself and Mr. SHAW):

H.R. 2936. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mrs. LOWEY, and Mrs. KELLY):

H.R. 2937. A bill to designate the facility of the United States Postal Service located at 48 South Broadway in Nyack, New York, as the ''John G. Dow Post Office Building''; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. DAVIS of Alabama):

H.R. 2938. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 2939. A bill to strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 2940. A bill to amend titles 23 and 49, United States Code, to promote the integration of local land use planning and transportation planning; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, and Mr. PASTOR):

H.R. 2941. A bill to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2942. A bill to establish a national clearinghouse for information on incidents of environmental terrorism and to establish a program to reduce environmental terrorism; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 2943. A bill to waive, for grants awarded in fiscal years 2004 and 2005, certain restrictions on the hiring or rehiring of career law enforcement officers under the COPS grant program under Part Q of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 2944. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following death; to the Committee on Armed Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. POMEROY, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. DELAURO, Mr. GRIJALVA, Mr. PAYNE, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. SERRANO, Ms. KILPATRICK, Ms. LEE, Mr. TOWNS, Mr. RYAN of Ohio, Ms. MAJETTE, Mr. DAVIS of Florida, Ms. LINDA T. SANCHEZ of California, Ms. CARSON of Indiana, Mr. STARK, Mr. DAVIS of Illinois, and Mr. HOLT):

H.R. 2945. A bill to condition the implementation of assessment procedures in connection with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. MEEHAN):

H.R. 2946. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself, Mr. CROWLEY, Ms. NORTON, Ms. LEE, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. MURTHA, and Mr. FROST):

H.R. 2947. A bill to establish a demonstration grant program to assist States in providing subsidies for group health insurance premiums for low-income, Medicaid-eligible individuals; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. BAIRD, Mr. BEREUTER, Mr. KENNEDY of Rhode Island, Mr. WYNN, and Mr. CROWLEY):

H.R. 2948. A bill to direct the Comptroller General to enter into arrangements with the National Academy of Sciences and the Librarian of Congress for conducting a study on the feasibility and costs of implementing an emergency electronic communications system for Congress to ensure the continuity of the operations of Congress during an emergency, and for other purposes; to the Committee on House Administration.

By Mr. LARSEN of Washington (for himself, Mr. KIRK, and Mr. INSLEE):

H.R. 2949. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes; to the Committee on the Judiciary, 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 Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. FLETCHER, Mr. LUCAS of Kentucky, Mr. HAYWORTH, Mr. COX, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. CUNNINGHAM, Mr. PAUL, Mr. ROYCE, Mr. SIMMONS, Mr. CRANE, Mr. POMEROY, Mr. HASTINGS of Washington, Mr. DOOLITTLE, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. JENKINS, Mr. TIBERI, Mr. TOWNS, Ms. DUNN, Mr. JOHN, Mr. STEARNS, Mr. STUPAK, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. REYNOLDS, Mr. CARDOZA, Mr. MCCRERY, Mr. BOSWELL, Mr. FOLEY, Mr. COBLE, and Mr. CAMP):

H.R. 2950. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. HINCHEY, and Mr. ENGEL):

H.R. 2951. A bill to prohibit the operation of nuclear power plants unless there exists a State and county certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. GREENWOOD, Ms. PELOSI, Mr. SHAYS, Mrs. MALONEY, Mr. MORAN of Virginia, Mr. HOLT, Ms. WOOLSEY, Mr. ENGEL, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. DELAHUNT, Mr. ANDREWS, Ms. SOLIS, Ms. DEGETTE, Mr. OLVER, Mr. HOEFFEL, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. MCGOVERN, Mr. MATSUI, Ms. BERKLEY, Ms. LEE, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. LOFGREN, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of California, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. SCHIFF, Ms. NORTON, Ms. SCHAKOWSKY, Mr. FROST, Mr. BERMAN, Mr. BACA, Ms. VELAZQUEZ, Mr. BAIRD, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. KIRK, Mrs. DAVIS of California, Mr. SIMMONS, Mr. LEVIN, Mr. VAN HOLLEN, and Mr. WEXLER):

H.R. 2952. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, and Mr. LANTOS):

H.R. 2953. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself and Ms. ROS-LEHTINEN):

H.R. 2954. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. MCINNIS (for himself, Mr. TANCREDO, and Mr. HEFLEY):

H.R. 2955. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself, Mr. EMANUEL, Mr. BOEHNER, Mr. KILDEE, Mr. PETRI, Ms. WOOLSEY, Mr. KELLER, Mr. TIERNEY, Mr. GREENWOOD, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. KUCINICH, Mr. OSBORNE, Mr. HOLT, Mr. DAVIS of Illinois, Mr. ISAKSON, Mr. BALLENGER, Mr. SOUDER, Mr. CUNNINGHAM, Mr. UPTON, Mr. BLUNT, and Mr. EHLERS):

H.R. 2956. A bill to begin the process of simplifying the Federal student financial aid process, making it easier and more understandable for students and families to participate in Federal student financial aid programs; to the Committee on Education and the Workforce.

By Mr. GARY G. MILLER of California (for himself, Mr. PORTMAN, Mr. FOLEY, Mr. SESSIONS, Mr. TANCREDO, Mr. TERRY, and Mr. FORBES):

H.R. 2957. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2958. A bill to amend title 31, United States Code, to allow certain State and local tax debt to be collected through the reduction of Federal tax refunds; to the Committee on Government Reform, 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. NETHERCUTT:

H.R. 2959. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 2960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mrs. EMERSON, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. WELDON of Pennsylvania, Mr. CAPUANO, Mr. HOLDEN, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. EMANUEL, Mr. COOPER, Mr. STENHOLM, Mr. OWENS, and Ms. WOOLSEY):

H.R. 2961. A bill to provide mortgage assistance to firefighters; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. TERRY, Mr. PALLONE, Mr. ETHERIDGE, and Mr. CAPUANO):

H.R. 2962. A bill to prevent the abuse of the illegal drug commonly called ecstasy; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. DOOLITTLE, Mr. FILNER, Mr. HONDA, Mr. DEFAZIO, Mr. UDALL of Colorado, Mr. OSE, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. FARR, Mr. OTTER, Mr. SIMPSON, and Mr. MCINNIS):

H.R. 2963. A bill to amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes; to the Committee on Government Reform.

By Mr. PORTMAN (for himself and Mr. MATSUI):

H.R. 2964. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. POMEROY):

H.R. 2965. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. OTTER, Mr. DOOLITTLE, Mr. HEFLEY, Mr. HERGER, Mr. REHBERG, and Mr. COLLINS):

H.R. 2966. A bill to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2967. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. REYNOLDS (for himself, Mr. CANTOR, Mr. MATSUI, Mr. CARDIN, and Mr. HOLT):

H.R. 2968. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. ROHRABACHER, Mrs. MALONEY, Mr. MANZULLO, Mr. MICHAUD, Mr. GOODE, Mr. LIPINSKI, Ms. LEE, Mr. RYAN of Ohio, Mr. LANTOS, Mr. ANDREWS, Mr. SERRANO, Mr. GRIJALVA, Mr. OWENS, Ms. KILPATRICK, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H.R. 2969. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Financial Services.

By Mr. SANDERS:

H.R. 2970. A bill to authorize the disinterment from the Lorraine American Cemetery in St. Avold, France, of the remains of Private First Class Alfred J. Laitres, of Island Pond, Vermont, who died in combat in France on December 25, 1944, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. KLECZKA, Mr. BRADY of Texas, Mr. BECERRA, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. BEREUTER, Mrs. CAPPS, Mr. COSTELLO, Mr. DUNCAN, Mr. FILNER, Mr. FROST, Ms. HART, Mr. HINCHEY, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SAXTON, and Mr. WOLF):

H.R. 2971. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and 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. SHUSTER:

H.R. 2972. A bill to amend the Internal Revenue Code of 1986 to provide incentives for rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Ms. DELAURO, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. DELAHUNT, Mr. GILCHREST, Mr. MICHAUD, Mr. ALLEN, Mr. LOBIONDO, Mr. PALLONE, Mr. BISHOP of New York, Mr. ISAKSON, Mr. PAUL, Mr. SANDERS, Mr. MCDERMOTT, Mr. GREEN of Wisconsin, and Mr. PASCRELL):

H.R. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 2974. A bill to prohibit the Secretary of Defense and the Secretary of Homeland Security from purchasing equipment containing electronic components that are not manufactured in the United States; to the Committee on Armed Services.

By Mr. STRICKLAND (for himself and Mr. SHIMKUS):

H.R. 2975. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 2976. A bill to direct the Secretary of Agriculture to transfer certain land within the Ottawa National Forest to the Lac Vieux Desert Band of Lake Superior Chippewa Indians, and for other purposes; to the Committee on Agriculture.

By Mr. STUPAK:

H.R. 2977. A bill to amend title 23, United States Code, to provide for the installation of baby changing stations at public rest areas along Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself and Mr. POMEROY):

H.R. 2978. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. OWENS, Mr. NADLER, Ms. NORTON, Mr. CONYERS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. STARK, Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. EVANS, Ms. WATERS, Ms. BALDWIN, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. LEE, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. WEINER, Mr. LANTOS, Mr. PAYNE, Ms. CARSON of Indiana, Mr. FILNER, Mr. MEEHAN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. FATTAH, and Mrs. JONES of Ohio):

H.R. 2979. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mr. UPTON):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; 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. UDALL of Colorado (for himself and Mr. RAHALL):

H.R. 2981. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2982. A bill to amend the Flood Control Act of 1948 with respect to the Middle Rio Grande Project to authorize programs for water conservation, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2983. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mr. WALDEN of Oregon (for himself, Mr. HASTINGS of Washington, Mr. NETHERCUTT, and Mr. LARSEN of Washington):

H.R. 2984. A bill to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears; to the Committee on Agriculture.

By Ms. WATERS:

H.R. 2985. A bill to direct the Secretary of Homeland Security to conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WICKER (for himself, Mr. HOYER, Mr. BLUNT, Mrs. CAPPS, Mr. TAYLOR of Mississippi, Ms. CORRINE BROWN of Florida, Mr. WAMP, Ms. DELAURO, Mr. CUNNINGHAM, Mr. GOODE, Ms. NORTON, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. RAHALL, and Mr. KING of New York):

H.R. 2986. A bill to provide for the expansion and coordination of activities of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to research and programs on cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 2987. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Education and the Workforce.

By Mr. DELAY:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess ofthe two Houses; considered and agreed to.

By Mrs. BONO (for herself, Mr. CALVERT, Mr. LEWIS of California, Mr. SHADEGG, Mr. ISAKSON, Mr. WAMP, Mr. DEMINT, Mr. BILIRAKIS, and Mr. BROWN of South Carolina):

H. Con. Res. 260. Concurrent resolution recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Illinois:

H. Con. Res. 261. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. RUPPERSBERGER):

H. Con. Res. 262. Concurrent resolution expressing the sense of the Congress in support of the National Anthem ''SingAmerica'' project; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself and Mr. BURTON of Indiana):

H. Con. Res. 263. Concurrent resolution calling for an expedited resolution of all existing child custody cases in which Saudi Arabian subjects are holding United States citizens who are minors in the Kingdom of Saudi Arabia without regard for United States law and calling for the establishment of a permanent treaty or other agreement to govern future child custody disputes between the two countries; to the Committee on International Relations.

By Mr. MICA (for himself, Mr. ISRAEL, Mr. FOSSELLA, Mr. CAPUANO, Mr. FERGUSON, Mr. OBERSTAR, Mr. LAMPSON, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. MCDERMOTT, Mr. LOBIONDO, Mr. PASCRELL, Mr. MANZULLO, Ms. DELAURO, Mr. TANCREDO, and Mr. RENZI):

H. Con. Res. 264. Concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. GREENWOOD, Mr. MARKEY, Mr. STRICKLAND, Mr. KENNEDY of Rhode Island, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. JEFFERSON, Mr. ROSS, Mr. WAMP, Mr. WILSON of South Carolina, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. GOODE, Mr. HOLDEN, Mr. DOYLE, Mr. PALLONE, Mr. LIPINSKI, Mr. BERRY, Mr. STUPAK, Mr. SNYDER, Mr. SPRATT, and Mr. PAYNE):

H. Con. Res. 265. Concurrent resolution expressing the need for enhanced public awareness of Traumatic Brain Injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. STRICKLAND, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. WALSH, Ms. CORRINE BROWN of Florida, Mr. COLLINS, Mr. FROST, Mr. FILNER, Mrs. MILLER of Michigan, Mr. TOWNS, Mr. BARTLETT of Maryland, Ms. KAPTUR, Mr. OSE, Mr. JOHN, Mr. ENGLISH, Mr. PAYNE, Mr. PLATTS, Ms. JACKSON-LEE of Texas, Mr. HEFLEY, Mr. ETHERIDGE, Mr. WILSON of South Carolina, Mr. WYNN, Mr. BURNS, Mr. HOLT, Mr. BURGESS, Mr. LYNCH, Mr. MORAN of Virginia, Mr. GARRETT of New Jersey, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. ROSS, Mr. MCINTYRE, and Mr. BEREUTER):

H. Con. Res. 266. Concurrent resolution honoring veterans by requesting that television and radio stations provide a moment of silence or a public service announcement on November 11, at 11 a.m. each year; to the Committee on Veterans' Affairs.

By Mr. PAYNE:

H. Con. Res. 267. Concurrent resolution urging a full and impartial inquiry into the murder of attorney Pat Finucane in 1989 in Northern Ireland; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; to the Committee on Resources.

By Ms. WATERS:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress that the trade and economic development policies of the United States should respect and support the rights of African farmers with respect to their agricultural and biological resources, traditional knowledge, and technologies; to the Committee on International Relations, 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. EVANS (for himself, Mr. LAHOOD, Mr. SHIMKUS, Mr. LIPINSKI, Mr. RUSH, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. FROST, Mr. DAVIS of Illinois, and Mr. JOHNSON of Illinois):

H. Res. 342. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of Arizona (for himself and Mr. TOOMEY):

H. Res. 343. A resolution amending the Rules of the House of Representatives to limit service on the Committee on Appropriations to not more than three Congresses in a period of five successive Congresses; to the Committee on Rules.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. WEXLER, Mr. ENGEL, and Mr. CROWLEY):

H. Res. 344. A resolution expressing the sense of the House of Representatives that Syria, Lebanon and Iran should be held accountable for the well-being of abducted Israeli civilian Elchanan Tannenbaum, provide the International Committee of the Red Cross access to Elchanan Tannenbaum, and take all necessary measures to secure the release of Elchanan Tannenbaum; to the Committee on International Relations.

By Mr. MCDERMOTT (for himself, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, and Mr. FROST):

H. Res. 345. A resolution extending condolences to the family, friends, and loved ones of the late David Christopher Kelly, PhD; to the Committee on International Relations.

By Mr. MICHAUD (for himself, Mr. LANTOS, Mr. CROWLEY, Mr. ACEVEDO-VILA, Mr. GRIJALVA, Mr. OBERSTAR, and Mr. ALLEN):

H. Res. 346. A resolution expressing the sense of the House of Representatives that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. PENCE:

H. Res. 347. A resolution concerning United States assessed contributions to the United Nations; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself, Mr. TOWNS, Mr. KILDEE, Mr. ROSS, Mr. HINCHEY, Ms. WOOLSEY, and Mrs. CHRISTENSEN):

H. Res. 348. A resolution expressing the sense of the House of Representatives to

raise the awareness of alopecia areata; to the Committee on Government Reform.

By Mr. STARK (for himself, Ms. LEE, Mr. GEORGE MILLER of California, Mr. FARR, Mr. RANGEL, Mr. DOGGETT, Ms. WOOLSEY, Mr. MCGOVERN, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. GRIJALVA, Mr. KUCINICH, Mr. SABO, Mr. FILNER, and Ms. MILLENDER-MCDONALD):

H. Res. 349. A resolution encouraging the consumption of Fair Trade Certified coffee; to the Committee on Government Reform, and in addition to the Committee on House Administration, 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.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

166. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 320 the House of Representative of the Commonwealth of Pennsylvania urging the Congress of the United States to reauthorize the Carl D. Perkins Vocational and Technical Education Act; to the Committee on Education and the Workforce.

167. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 79 memorializing the United States Congress to allocate federal funds to ensure the continued operation of Detroit Receiving Hospital; to the Committee on Energy and Commerce.

168. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 urging the President of the United States and the USEPA Administrator to suspend implementation of modified regulations on new source review pending independent scientific review of their projected impact by the National Academy of Sciences; to the Committee on Energy and Commerce.

169. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 58 memorializing the United States Congress to enact the appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; to the Committee on Energy and Commerce.

170. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 186 memorializing the United States Congress to initiate whatever actions are needed to reopen La Linda Bridge as a border crossing; to the Committee on International Relations.

171. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 318 memorializing the Congress of the United States to enact legislation requiring the United States Postal Service to adopt increased security measures to ensure that change of address forms are not used in the commission of identification fraud; to the Committee on Government Reform.

172. Also, a memorial of the General Assembly of the Commonwealth of Kentucky, relative to Senate Joint Resolution No. 18, memorializing the United States Congress to propose an Amendment to the Constitution of the United States of America, for submission to the several States for ratification, to allow the people of the United States and the several States the freedom to exercise their religion in public places; to the Committee on the Judiciary.

173. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 156 memorializing the United States Congress to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; to the Committee on the Judiciary.

174. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 63 memorializing the United States Congress to increase efforts to preserve and protect Lake St. Clair; to the Committee on Transportation and Infrastructure.

175. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 33 memorializing the United States Congress to appropriate additional funds for road and bridge improvement projects; to the Committee on Transportation and Infrastructure.

176. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 82 memorializing the United States Congress to provide equity funding to Texas by increasing the state's highway program rate of return from the Highway Trust Fund to 95 percent of Texas' contributions to the fund; to the Committee on Transportation and Infrastructure.

177. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 312 urging Congress to enact the ''Veterans Health Care Funding Guarantee Act of 2003,'' and make veterans health care mandatory to ensure that veterans have access to timely, quality health care; to the Committee on Veterans' Affairs.

178. Also, a memorial of the Senate of the State of Oregon, relative to Senate Joint Memorial 6 urging the Congress of the United States to amend section 143(1)(4)(A) and (B) of the Internal Revenue Code to allow veterans who entered the Armed Forces of the United States after December 31, 1976, to become eligible for Oregon home loans for veterans using the proceeds of qualified veteran mortgage bonds; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Ways and Means.

180. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 161 memorializing the United States Congress to encact legislation to amend the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; to the Committee on Ways and Means.

181. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to broaden the scope and availability of the medical savings account program, remove its restrictions, and allow state governments to design such programs for their employees; to the Committee on Ways and Means.

182. Also, a memorial of the House of Representatives of the State of Florida, relative to House Resolution No. 9003-C memorializing the United States Congress to reinstate the federal income tax deduction for state and local sales tax paid; to the Committee on Ways and Means.

183. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 949 Joint Resolution memorializing the Congress of the United States to require the United States Department of Labor to examinie its methodology for calculating rates in the Woods Wage Survey, to establish heavy equipment operational rates and to remove barriers to the health and safety of persons harvesting forest products; jointly to the Committees on Education and the Workforce and Ways and Means.

184. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to enact the Child Modeling Exploitation Prevention Act of 2002; jointly to the Committees on Education and the Workforce and the Judiciary.

185. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 3 memorializing the United States Congress to urge maintenance of federal funding for the Low Income Home Energy Assistance Program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

186. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 204 memorializing the United States Congress to reinstate funding for the EPA Border Fund to $75 million for fiscal year 2004 and to appropriate sufficient funds in subsequent years to address environmental infrastructure needs in the border region; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

187. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 317 the House of Representative of the Commonwealth of Pennsylvania urging the Congress of the United States to create a Federal Medicare prescription drug benefit plan which works seamlessly with Pennsylvania's PACE and PACENET programs; jointly to the Committees on Ways and Means and Energy and Commerce.

188. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 101 memorializing the United States Congress to enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

189. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to enact the Protect Children From E-Mail Smut Act of 2001; jointly to the Committees on Energy and Commerce, the Judiciary, and Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. GRIJALVA introduced A bill (H.R. 2988) for the relief of Silvia Lorenia Parra; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII , sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. NUSSLE, Mr. RUSH, Mr. HILL, Mr. WEINER, Mr. MARKEY, Mr. MEEHAN, Mr. SCOTT of Georgia, Mr. SPRATT, and Mr. FRANK of Massachusetts.

H.R. 52: Ms. KILPATRICK.

H.R. 97: Mr. TAYLOR of North Carolina and Mr. BURR.

H.R. 135: Mr. SESSIONS.

H.R. 173: Mr. BURNS and Ms. HOOLEY of Oregon.

H.R. 206: Mr. PETERSON of Minnesota.

H.R. 218: Mr. NUSSLE.
H.R. 235: Mr. BOOZMAN, Mr. TIAHRT, and Mr. MCHUGH.
H.R. 236: Mr. TAYLOR of Mississippi and Ms. DEGETTE.
H.R. 262: Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, and Mr. VAN HOLLEN.
H.R. 284: Mr. STUPAK, Mr. WALDEN of Oregon, and Mr. BLUMENAUER.
H.R. 296: Mr. OWENS and Mr. CUMMINGS.
H.R. 299: Mr. ISRAEL.
H.R. 365: Mr. SNYDER and Mr. FROST.
H.R. 366: Mr. UDALL of Colorado.
H.R. 369: Mr. HOBSON.
H.R. 371: Mr. CROWLEY.
H.R. 375: Mr. GOODLATTE.
H.R. 422: Mr. JOHNSON of Illinois.
H.R. 466: Mr. FARR and Mr. DOYLE.
H.R. 476: Mr. TIERNEY.
H.R. 528: Mr. LYNCH.
H.R. 571: Mr. PLATTS, Mr. SHADEGG, and Mr. GONZALEZ.
H.R. 584: Mr. MILLER of North Carolina.
H.R. 594: Ms. KILPATRICK.
H.R. 632: Ms. HOOLEY of Oregon.
H.R. 687: Mr. GARRETT of New Jersey, Mr. MCINTYRE, Mr. HEFLEY, and Mr. MILLER of Michigan.
H.R. 707: Mr. TIERNEY.
H.R. 709: Mr. NEUGEBAUER and Mr. MORAN of Kansas.
H.R. 716: Ms. BALDWIN and Mr. DAVIS of Illinois.
H.R. 745: Mr. ROTHMAN.
H.R. 767: Mr. SIMPSON.
H.R. 775: Mr. OSBORNE.
H.R. 791: Mr. COBLE, Mr. OXLEY, Mr. FOSSELLA, Mr. POMEROY and Mr. BERRY.
H.R. 792: Mr. FLETCHER, Mr. LANTOS, Mrs. MILLER of Michigan, Mr. NUSSLE, and Mr. ADERHOLT.
H.R. 806: Mr. WELLER.
H.R. 813: Mr. OBEY.
H.R. 814: Ms. LOFGREN and Mr. LIPINSKI.
H.R. 829: Mr. CROWLEY.
H.R. 833: Mr. PETERSON of Minnesota and Mr. STENHOLM.
H.R. 839: Mr. GONZALEZ, Mrs. BONO, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. HONDA, Mr. DELAHUNT, Mr. WELDON of Pennsylvania, Mr. NUSSLE, Mr. HUNTER, Mr. FOSSELLA, Mr. HERGER, Ms. DEGETTE, Mr. OXLEY, Mr. BERRY, Mr. COX, and Mr. NEY.
H.R. 857: Ms. MCCARTHY of Missouri.
H.R. 870: Mr. RYAN of Wisconsin and Mr. BRADY of Texas.
H.R. 871: Mr. MARSHALL.
H.R. 882: Mr. HASTINGS of Washington.
H.R. 887: Mr. OLVER, Mr. LATOURETTE, Mr. TIERNEY, and Ms. HOOLEY of Oregon.
H.R. 898: Mr. BRADY of Texas and Mr. SMITH of Washington.
H.R. 918: Mr. WHITFIELD, Mr. KIND, Mr. GOSS, Mr. PETERSON of Minnesota, Mr. BOOZMAN, Mrs. MCCARTHY of New York, Mr. UPTON, Mr. BURNS, and Mr. KING of New York.
H.R. 943: Mr. OWENS.
H.R. 962: Mr. WEXLER and Mr. CARDIN.
H.R. 990: Mr. BOOZMAN, Mr. KINGSTON, and Mr. TOOMEY.
H.R. 1102: Mr. ALEXANDER.
H.R. 1105: Ms. KAPTUR, Mr. HOLDEN, and Mr. TAYLOR of Mississippi.
H.R. 1118: Mr. BOOZMAN, Ms. HARRIS, and Mr. BLUMENAUER.
H.R. 1125: Mr. LANTOS, Mr. MENENDEZ, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. HONDA, Mrs. MILLER of Michigan, Mr. EDWARDS, Mr. VITTER, Mr. PITTS, and Mr. ADERHOLT.
H.R. 1160: Mrs. MILLER of Michigan, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. NORWOOD, Mr. PASTOR, Mr. NADLER, and Mr. JENKINS.
H.R. 1210: Ms. LINDA T. SANCHEZ of California, and Mr. GRIJALVA.
H.R. 1214: Mr. PRICE of North Carolina.
H.R. 1225: Mr. WOLF.
H.R. 1258: Mrs. BIGGERT.
H.R. 1264: Ms. NORTON.
H.R. 1295: Ms. NORTON, Mr. SCHIFF, Ms. SLAUGHTER, and Mr. STUPAK.
H.R. 1305: Mr. ISSA.
H.R. 1316: Mr. MCHUGH.
H.R. 1322: Mr. CONYERS and Mr. WAXMAN.
H.R. 1340: Mr. TIERNEY and Mr. ALLEN.
H.R. 1353: Ms. LOFGREN.
H.R. 1372: Mr. BURGESS and Mr. GONZALEZ.
H.R. 1385: Ms. ESHOO and Mr. DINGELL.
H.R. 1406: Mr. GOODLATTE.
H.R. 1414: Ms. HOOLEY of Oregon.
H.R. 1422: Mrs. MCCARTHY of New York, Mr. LEWIS of Kentucky, Mr. FLETCHER, and Mr. DEAL of Georgia.
H.R. 1425: Ms. NORTON.
H.R. 1428: Mr. UDALL of New Mexico.
H.R. 1470: Mrs. JONES of Ohio and Ms. HOOLEY of Oregon.
H.R. 1482: Ms. MCCOLLUM.
H.R. 1502: Ms. HOOLEY of Oregon.
H.R. 1513: Mr. BERRY, Mr. BLUNT, Mr. COBLE, Mr. LAMPSON, and Mr. ROTHMAN.
H.R. 1535: Mr. COOPER, Mr. CROWLEY, and Mr. JEFFERSON.
H.R. 1605: Ms. DEGETTE.
H.R. 1622: Mr. SAXTON and Mr. BLUMENAUER.
H.R. 1626: Mr. LUCAS of Kentucky and Mr. ORTIZ.
H.R. 1633: Mr. STENHOLM.
H.R. 1684: Ms. MCCOLLUM.
H.R. 1692: Ms. HOOLEY of Oregon.
H.R. 1694: Mr. MCDERMOTT.
H.R. 1708: Mr. MICA.
H.R. 1713: Ms. HOOLEY of Oregon.
H.R. 1731: Mr. GOODE and Mr. FRANK of Massachusetts.
H.R. 1735: Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.
H.R. 1749: Mr. CRANE, Mr. THORNBERRY, Mr. VAN HOLLEN, Mr. BERRY, Mr. STARK, Mr. CLYBURN, Mr. SABO, Mr. HAYWORTH, Ms. NORTON, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. ANDREWS, Mr. GILCHREST, Mr. BURTON of Indiana, and Mr. NUSSLE.
H.R. 1751: Ms. HOOLEY of Oregon.
H.R. 1755: Mr. BARRETT of South Carolina and Mr. FOLEY.
H.R. 1767: Mr. BURNS and Mr. KNOLLENBERG.
H.R. 1769: Mr. SANDLIN and Mr. HOYER.
H.R. 1776: Mr. PUTNAM and Mr. BURTON of Indiana.
H.R. 1796: Mr. CASE.
H.R. 1819: Mr. ALLEN.
H.R. 1822: Mr. LEWIS of California, Mrs. DAVIS of California, Mr. BACA, Mr. MATSUI, Mr. STARK, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, and Mr. GEORGE MILLER of California.
H.R. 1824: Mr. LUCAS of Kentucky, Mr. INSLEE, and Mrs. KELLY.
H.R. 1828: Mr. GONZALEZ.
H.R. 1829: Mr. BARRETT of South Carolina and Mr. DOYLE.
H.R. 1862: Mr. WELDON of Pennsylvania.
H.R. 1873: Mr. BRADLEY of New Hampshire, Mr. VITTER, and Mr. WELDON of Florida.
H.R. 1886: Ms. HOOLEY of Oregon.
H.R. 1910: Mr. BLUMENAUER, Mr. BECERRA, Mr. CALVERT, Mr. LEWIS of Georgia, Mr. SABO, Mr. MURTHA, Mr. KIRK, and Mr. BACHUS.
H.R. 1914: Mr. BISHOP of Georgia, Mr. SULLIVAN, and Mr. RANGEL.
H.R. 1963: Mr. MARSHALL.
H.R. 1999: Mr. LATOURETTE, Mr. KLECZKA, and Mr. ACKERMAN.
H.R. 2008: Mr. MEEHAN.
H.R. 2038: Mr. HOYER.
H.R. 2042: Mr. ACKERMAN, Mrs. MALONEY, and Mr. HOEFFEL.
H.R. 2045: Mr. CALVERT, Mr. SHIMKUS, and Mr. PAUL.
H.R. 2081: Mr. DAVIS of Illinois.
H.R. 2096: Mr. ROGERS of Alabama, Mr. FLETCHER, Mr. CANTOR, Mr. KILDEE, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2125: Mr. GUTIERREZ.
H.R. 2154: Mr. BURGESS.
H.R. 2172: Mr. RYAN of Ohio, Mr. PASCRELL, and Mr. BARRETT of south Carolina.
H.R. 2208: Mrs. JO ANN DAVIS of Virginia.
H.R. 2218: Mr. GRIJALVA.
H.R. 2238: Mrs. BONO and Mr. NEUGEBAUER.
H.R. 2239: Ms. BALDWIN, Mr. KUCINICH, and Mr. HASTINGS of Florida.
H.R. 2240: Mr. WU and Mr. BLUMENAUER.
H.R. 2246: Mr. TIERNEY and Mr. HALL.
H.R. 2264: Mr. STRICKLAND.
H.R. 2292: Mr. CLYBURN.
H.R. 2300: Mr. GORDON, Mr. VAN HOLLEN, and Mr. UDALL of Colorado.
H.R. 2311: Mr. WEXLER.
H.R. 2314: Mr. PETERSON of Minnesota, Mr. KUCINICH, and Ms. SLAUGHTER.
H.R. 2318: Mr. MEEHAN.
H.R. 2323: Mr. DOYLE.
H.R. 2327: Mr. DOYLE.
H.R. 2329: Mr. WAXMAN and Mr. WEXLER.
H.R. 2349: Mr. DAVIS of Illinois.
H.R. 2353: Mr. GRIJALVA, Mr. DAVIS of Illinois, and Ms. MCCOLLUM.
H.R. 2361: Mr. SCHROCK.
H.R. 2365: Mrs. JONES of Ohio and Mr. RUPPERSBERGER.
H.R. 2379: Mr. DEMINT and Mr. NEUGEBAUER.
H.R. 2385: Mr. KIND.
H.R. 2418: Mr. DAVIS of Illinois.
H.R. 2435: Mrs. LOWEY, Mr. BACA, and Mr. GONZALEZ.
H.R. 2437: Mr. SANDERS and Mr. KUCINICH.
H.R. 2448: Mr. COBLE.
H.R. 2456: Ms. BALDWIN and Mrs. CHRISTENSEN.
H.R. 2462: Ms. MCCARTHY of Missouri, Mr. BALLANCE, Mr. ROTHMAN, Mr. TAYLOR of Mississippi, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2470: Mr. GRIJALVA, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.
H.R. 2504: Mrs. DAVIS of California.
H.R. 2505: Mr. STRICKLAND and Ms. SLAUGHTER.
H.R. 2515: Mr. TANCREDO.
H.R. 2517: Mr. FORBES.
H.R. 2536: Ms. KAPTUR and Mr. KUCINICH.
H.R. 2540: Mr. TERRY, Mr. BILIRAKIS, Mr. SPRATT, and Mr. STUPAK.
H.R. 2546: Mr. DAVIS of Illinois.
H.R. 2548: Mr. WAXMAN.
H.R. 2560: Mr. LINDER and Mr. GOODE.
H.R. 2582: Ms. ESHOO.
H.R. 2603: Mr. SHADEGG.
H.R. 2615: Mr. FROST, Mr. MARKEY, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. REYES, Mr. ETHERIDGE, Mr. DOYLE, and Mr. RANGEL.
H.R. 2616: Ms. WOOLSEY, Mr. DOGGETT, Mr. ALLEN, and Mr. MCGOVERN.
H.R. 2622: Mr. STRICKLAND, Mr. BURTON of Indiana, Mr. KIND, and Mr. DEAL of Georgia.
H.R. 2625: Mr. DELAHUNT, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. DOYLE, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. NORTON, Ms. KAPTUR, Mr. PASTOR, Ms. CARSON of Indiana, Mr. KILDEE, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. STUPAK, Mr. CONYERS, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. CARDIN, Mr. WU, Mr. GUTIERREZ, Ms. LINDA T. SANCHEZ of California, Mr. BALLANCE, Mr. WATT, Mr. MENENDEZ, Mr. CLYBURN, Mr. GONZALEZ, and Ms. MCCOLLUM.
H.R. 2626: Mr. LARSEN of Washington.
H.R. 2655: Mr. NADLER.
H.R. 2659: Mr. JONES of North Carolina, Mr. FOLEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICA.
H.R. 2662: Mr. ENGLISH.
H.R. 2665: Mr. OBERSTAR and Ms. MCCOLLUM.

H.R. 2668: Mr. WALSH.
H.R. 2671: Mr. JANKLOW.
H.R. 2678: Ms. SLAUGHTER.
H.R. 2679: Mr. ACKERMAN, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER.
H.R. 2682: Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. WALSH, and Mr. BLUMENAUER.
H.R. 2694: Mr. SIMMONS, Mr. PUTNAM, Mr. ROSS, Mr. SAXTON, Mr. HEFLEY, and Mr. HAYWORTH.
H.R. 2702: Mr. GILCHREST and Mr. DEAL of Georgia.
H.R. 2705: Mr. PETERSON of Minnesota and Mr. LIPINSKI.
H.R. 2706: Mr. TANNER, Mr. CAMP, Mr. PITTS, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. JEFFERSON, Mr. ALEXANDER, Mrs. JONES of Ohio, Mr. BRADY of Texas, and Mr. CRANE.
H.R. 2707: Mr. FILNER.
H.R. 2711: Ms. SLAUGHTER, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. PALLONE, Ms. NORTON, and Ms. HARMAN.
H.R. 2717: Ms. SLAUGHTER and Mr. RANGEL.
H.R. 2719: Mr. ENGLISH, Mr. UPTON, Mr. SHAW, Mr. FORD, and Mr. CANTOR.
H.R. 2720: Mr. STRICKLAND and Mrs. JONES of Ohio.
H.R. 2727: Mr. KUCINICH.
H.R. 2732: Mr. SHIMKUS, Mr. CANTOR, and Mr. SIMPSON.
H.R. 2735: Mr. MORAN of Virginia and Mr. LIPINSKI.
H.R. 2751: Mr. PUTNAM.
H.R. 2755: Mr. CUNNINGHAM.
H.R. 2760: Mr. ENGEL.
H.R. 2767: Ms. KILPATRICK and Mr. PAYNE.
H.R. 2768: Mr. FORBES, Mr. KNOLLENBERG, and Mr. PORTMAN.
H.R. 2788: Mr. KUCINICH.
H.R. 2801: Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. PAYNE, Mrs. NAPOLITANO, Mr. MENENDEZ, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. ROSS, Mr. CROWLEY, Mr. RODRIGUEZ, Mr. JEFFERSON, Mr. ETHERIDGE, Mr. ACEVEDO-VILA, Mr. GORDON, Mr. MARSHALL, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. MILLER of North Carolina, Mr. WELDON of Pennsylvania, Mr. HAYES, Mrs. JONES of Ohio, Mr. GILCHREST, and Mr. WICKER.
H.R. 2806: Mr. SNYDER, Mr. WOLF, Mr. TURNER of Texas, Mr. HEFLEY, Mr. WILSON of South Carolina, Mr. BAKER, Mr. BONNER, Mr. GOODE, and Mr. MCDERMOTT.
H.R. 2808: Mr. BAKER, Mr. BLUMENAUER, Ms. DEGETTE, Mr. ENGEL, Mr. ETHERIDGE, Mr. MCINTYRE, Mrs. MYRICK, and Mr. SHERMAN.
H.R. 2813: Mrs. BLACKBURN.
H.R. 2814: Mr. ENGLISH.
H.R. 2821: Mr. RAMSTAD.
H.R. 2825: Mr. WALDEN of Oregon, Mr. PITTS, and Mr. GILLMOR.
H.R. 2837: Mr. MCNULTY, Mr. GRIJALVA, Mr. JEFFERSON, and Mr. FROST.
H.R. 2839: Mr. FOLEY.
H.R. 2840: Mr. DAVIS of Illinois.
H.R. 2849: Mr. HOSTETTLER.
H.R. 2850: Mr. RODRIGUEZ.
H.R. 2851: Mr. HERGER.
H.R. 2856: Mr. PAYNE and Mr. HOLT.
H.R. 2871: Mr. CROWLEY, Mr. RUPPERSBERGER, and Ms. MCCOLLUM.
H.R. 2873: Ms. JACKSON-LEE of Texas and Mr. FARR.
H.R. 2876: Mr. DUNCAN, Mr. RUPPERSBERGER, and Mr. HOLT.
H.R. 2881: Mr. NEY.
H.R. 2883: Ms. BERKLEY.
H.R. 2885: Mr. SOUDER.
H. J. Res. 56: Mr. BALLENGER, Mrs. MYRICK, and Mr. TOOMEY.
H. Con. Res. 45: Ms. HOOLEY of Oregon.
H. Con. Res. 76: Mr. SCOTT of Georgia and Mr. OSBORNE.
H. Con. Res. 94: Mr. HAYWORTH, Mr. MARSHALL, Mr. DOOLITTLE, Mr. HINCHEY, and Mr. DOYLE.
H. Con. Res. 145: Ms. KAPTUR, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. UPTON, Mr. MCNULTY, and Ms. NORTON.
H. Con. Res. 154: Mr. DAVIS of Illinois.
H. Con. Res. 155: Mrs. JONES of Ohio.
H. Con. Res. 213: Mr. LARSEN of Washington.
H. Con. Res. 242: Mr. SHAW, Mr. WOLF, Mr. BURTON of Indiana, Mr. MCNULTY, Mrs. MALONEY, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.
H. Con. Res. 247: Ms. NORTON.
H. Con. Res. 252: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, and Mr. FORD.
H. Con. Res. 256: Mr. RANGEL.
H. Res. 32: Mr. ENGEL.
H. Res. 42: Mr. JANKLOW, Mr. FOLEY, Mrs. CHRISTENSEN, Mr. MCNULTY, Ms. SLAUGHTER, Mr. SNYDER, Ms. KAPTUR, and Mrs. JONES of Ohio.
H. Res. 45: Mr. HOLT.
H. Res. 65: Ms. LINDA T. SANCHEZ of California.
H. Res. 144: Mr. BISHOP of New York.
H. Res. 174: Ms. HOOLEY of Oregon.
H. Res. 261: Mr. SCHIFF, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Mr. PLATTS, and Ms. MCCOLLUM.
H. Res. 304: Mr. LIPINSKI and Mr. SCHIFF.
H. Res. 307: Mr. FRANK of Massachusetts.
H. Res. 313: Mr. CLYBURN.
H. Res. 325: Mr. WEXLER, Mr. MCNULTY, Mr. CHABOT, and Mr. SHAW.
H. Res. 327: Mrs. JONES of Ohio.

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. 2735: Mr. WEXLER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 295 of 2003 petitioning the United States Congress to adopt ''The Nationwide Health Tracking Act of 2002'' (Senate Law S. 2054 IS, HR 4061 IH); to the Committee on Energy and Commerce.

35. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 292 of 2003 petitioning the United States Congress to extend compensation and other benefits to their full time employees who are members of organized militia of any reserve force or reserve component of the armed forces unit of the United States called to active duty; to the Committee on Government Reform.

36. Also, a petition of City of Soldotna, Alaska, relative to Resolution No. 2003–52 petitioning the United States Congress to support the protection of the civil liberties as guaranteed in the U.S. Bill of Rights and support a revision of the ''Patriot Act'' to ensure civil liberties and protect the rightsof all citizens including residents of Soldotna; to the Committee on the Judiciary.

37. Also,a petition of the Legislature of Rockland County, New York, relative to Resolution No. 291 of 2003 petitioning the United States Congress to restore proposed cuts to veterans services provided through the United States Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names of the following discharge petitions:

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Chaka Fattah.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2861

OFFERED BY: MR. FATTAH

AMENDMENT NO. 19: In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)'', after the second dollar amount, insert the following: ''(increased by $4,500,000)''.

H.R. 2861

OFFERED BY: MR. INSLEE

AMENDMENT NO. 20: In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $5,400,000) (increased by $5,400,000)''.

H.R. 2861

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to carry out the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject ''Status of VHA Enrollment and Associated Issues''.

H.R. 2861

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 22:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, FRIDAY, JULY 25, 2003 No. 112

Senate

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning, the Senate will be led in prayer by the Reverend Campbell Gillon, Pastor Emeritus of the Georgetown Presbyterian Church.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God, before Whom the children of humanity rise and pass away, the living who seek Thee find a faithfulness that knows no end. Thy love transcends not only time and space, but human evil in its arrogance and cruelty, prejudice and pride. Teach us that we do not exist by ourselves, in ourselves and for ourselves, but only learn what life means when in a true relationship with others and with Thee. Teach us that our context is not an accidental cosmos but a purposeful Creator; our destiny no cosmic accident but a love-fashioned creation, and Thy self-revelation, O God, the key to our knowledge of the dust and the divine.

We mortals are made in Thine image, which is certainly not dust. If we deny or ignore the revelation of Thy Word, then we make the dust our final goal and our way to it paved, at best, with ephemeral success, or, at worst, with evil done and its sad harvest multiplied. Lord, we know that this need not be so. When we acknowledge that our destiny is in Thee then the past can be forgiven, the present empowered and the future unchecked by death. Increase this faith in all homes whose loved ones have died and in particular those whose beloved have been serving this Nation's present and future safety. Death is pointless especially to those for whom life is ultimately pointless, but when any life, long or short, is faithfully spent for the good of others and Thou, O God, art its goal, then powerless death is swallowed up in the victory of life eternal.

Grant to these Senators of this 108th Congress a daily awareness of this larger context, as they use talents entrusted and opportunities sent. Help them to match the one with the other as they strive for this peoples' long-term good and the human family's gain. And upon them individually and together we ask Thy blessing. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, this morning the Senate will resume consideration of S. 14, the Energy bill. Three fuel standard amendments were offered last night. Senators are encouraged to come to the floor during today's session to debate these pending amendments. Other amendments are expected during today's session with the hope of making further progress on the bill.

There will be no rollcall votes today. But it is still the expectation that Members will be available to debate the amendments.

Also, today it is expected that the Senate will debate the Free Trade Agreement relative to Chile and Singapore. Some Members have indicated that they desire to speak on these agreements today, and they will have that opportunity following the Energy bill.

Under an order from last night, the next rollcall vote will occur on Monday at 5 p.m. That vote will be the nomination of Earl Yeakel to be a United States District Judge for the Western District of Texas.

Following the 5 p.m. vote on Monday, the Senate will also vote in relation to any available amendments to the Energy bill, as well as the Chile and Singapore trade agreements.

Finally, a cloture motion will be filed today on Priscilla Owen's nomination to the United States Circuit for the Fifth Circuit. This will be the third cloture motion on this nomination. That vote will occur on Tuesday.

I thank Members for their attention.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed in morning business for no longer than 2 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

A TRIBUTE TO THE IDAHO FALLEN FIREFIGHTERS

Mr. CRAIG. Mr. President, the reason I ask for this privilege is to speak to my colleagues in the Senate about two families in Idaho who have just lost their sons fighting wildfires. My sympathy to the families of Jeff Allen of

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

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Salmon, ID, and Shane Heath of the Treasure Valley of Idaho. These brave men lost their lives while trying to save our public lands from a catastrophic wildfire in the Salmon-Challis National Forest, this past Tuesday, July 22. Both men were experienced firefighters of the Indianola Helitack Crew.

My heart and prayers are with the family and friends of these two firefighters and the Forest Service firefighting family.

Jeff Allen was 23 years old and had been a firefighter since 1999. He started working on the Salmon-Challis National Forest on a thinning crew on the Salmon-Cobalt District in 1998. He served successfully in fighting devastating fires on the Salmon-Challis National Forest during the 2000 fire season. Jeff was a marketing major at Boise State University.

Shane Heath was 22 years old and this was his fourth season with the Forest Service. He served on the Helitack crew as a certified sawyer and was also a student at Boise State University.

The tragic loss of these two men will be felt throughout their communities and their selfless acts of true bravery will not be forgotten. I commend the men and women who risk their lives every day by undertaking this terribly dangerous job with courage and professionalism.

Thousands of young men and women are on the fire fronts of the wildfires that are now sweeping across the West. As we enter the middle of fire season, with the devastating heat that we are having in the Great Basin, and the West, I hope that we do not lose another fire fighter to wildfire.

THANKING APPROPRIATIONS COMMITTEE STAFF FOR HOMELAND SECURITY APPROPRIATIONS BILL

Mr. COCHRAN. Mr. President, I take this opportunity to commend the hard-working members of the staff of the Appropriations Committee for assisting in the passage of the Homeland Security appropriations bill last night.

For over 3 days we were on the floor debating the bill and considering amendments. They did a masterful job helping guide those of us who were in charge of managing the bill along the path toward final passage.

I also thank the President pro tempore, the distinguished chairman of the Appropriations Committee, for his active involvement in helping to bring that bill to final passage. And my friend from West Virginia, the ranking minority member of the subcommittee, and his able staff all worked hard to help guide this bill through the subcommittee, the full committee, and then, even though we had disagreements on a number of subjects during the consideration of the bill on the floor, the Senate worked its will. We passed the bill, and I know we will go to conference with the House.

But those members of the subcommittee staff I particularly want to single out for praise and my expression of appreciation this morning are: Rebecca Davies, Carol Cribbs, James Hayes, Les Spivey, Rachelle Schroeder, Josh Manley, and our intern Ferriday Mansel. I am deeply grateful to them.

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 assistant legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Campbell amendment No. 886, to replace ''tribal consortia'' with ''tribal energy resource development organizations.''

Durbin amendment No. 1384, to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency.

Durbin modified amendment No. 1385, to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency.

Bond amendment No. 1386, to impose additional requirements for improving automobile fuel economy and reducing vehicle emissions.

Mr. CRAIG. Mr. President, Senator DOMENICI, chairman of the Energy and Natural Resources Committee, will be here soon to manage this bill for the remainder of the morning. But I want to say at the outset, we are now involved in a national energy policy debate that will run through the balance of next week.

I thank to Senator DOMENICI, as chairman of the Energy and Natural Resources Committee, for the way he has handled this critical issue for our Nation. He held thorough hearings on the importance of a balanced national energy policy for our country. Much of the lead was taken by our President when he took office over 2 years ago as he outlined this issue as one of the highest priorities for our country.

Senator DOMENICI then began to work with all of us on that committee, Democrats and Republicans, to craft a truly bipartisan and balanced piece of legislation. That is S. 14, the bill we have before us, a national energy policy for our country. When I say ''balanced,'' Mr. President, as you know, one of the true problems in our country today is the failure to keep our energy production levels up with the demands of a growing economy.

Largely through the decade of the 1990s, we lived off the surpluses we had generated by increased capacity being built in the decades of the 1960s and 1970s and 1980s. But that surplus ran out in the late 1990s. We began to see the blackouts and the brownouts in California. We began to see energy prices increase. Our dependency on oil from foreign nations progressively grew during the decade of the 1990s, from percentages in the low 40s to the 60s. And, of course, as the Presiding Officer knows, the senior Senator from Alaska, Alaska became during that period of several decades a prime producer of high-quality crude for this Nation, and still has tremendous oil reserves in Alaska that could be made available if the politics were allowed to let that happen. But that has not happened.

Senator DOMENICI recognizes that, and in the crafting of this bill did a combination of things, in cooperation with all of us, to recognize the need to get this country back into the production of energy while at the same time recognizing the importance of conservation, recognizing the importance of our environment, and that the energies we produce in the decade of 2000 to 2010 and beyond be clean sources of energy, and also recognizing the application of technology and the development of hydrogen fuel cells and wind and photovoltaic.

Also, the Senator from New Mexico and I have worked very closely over the last nearly two decades building a case for the return of the cleanest, most abundant source of energy for our country: electricity generated by the nuclear generation process and nuclear reactors.

There has been a schism or a belief in our country that somehow this was not a safe way to generate electricity, and that we could not manage the waste stream produced from nuclear reactors. Quite the opposite is now true. Not only have we moved significantly in the development of a clean waste stream, but this legislation also speaks to what we now call Generation IV or new passive reactors this legislation would authorize the design and development of for future generations. This is, without question—other than wind, solar, and hydro—the cleanest form of energy we have because it can produce energy at high, sustained levels to meet the demand of a high-tech economy and, at the same time, do it very cleanly.

This bill is a complete and balanced energy policy for our Nation. As I have said, it puts us back into the business of producing energy. It recognizes conservation. It recognizes technology. Our President has challenged us to develop hydrogen as a new source of transportation fuel for our country. This legislation deals with those issues, and I think it does so in not only a comprehensive and environmentally sensitive way, but it clearly recognizes that this economy runs on energy, period, end of statement.

Every one of us today started our day using energy. The clock that awakened us, the radio that turned on was turned on by energy. The cool room we slept in last night was cooled by energy. Many of you probably brushed your teeth with an electric toothbrush this morning fueled by energy. The water that surged out of the tap in your bathroom or from the nozzle of your shower

this morning—the pressure was produced by energy. And it goes on and on.

When you went into your kitchen and opened the refrigerator to get out a glass of orange juice, the refrigerator was cooled by energy. The orange juice was processed by energy—and so on.

Did you walk here this morning? If you did, you used your own energy, but it was generated by all those other sources of energy. But if you drove here, then you used the standard form of energy that has kept this economy so vibrant for so many decades. Without question, we are an energy-intensive, extensive, involved economy. Without an abundant, available source of energy in all forms, this economy does not function well or it becomes increasingly dependent on those nations that produce energy and sell it to us.

Senator DOMENICI, myself, and others serving on the Energy Committee have recognized that, I believe, in a responsible way in S. 14. Now we have the opportunity to complete the debate on this legislation. There are hundreds of amendments that have been filed, and we will work very hard to get through all of them. But then all of them are not intended ever to be offered. They are merely offered as placeholders or for the political statement one of our colleagues may want to make as it relates to a constituent or to his or her particular views on energy.

So we hope—and I think the Senator from New Mexico, who is now in the Chamber hopes—we can work our way through those amendments over the course of the next week as we move toward completion of this bill before the August recess.

This bill has already been on the floor for hours over the course of the last several months, and we have had a variety of amendments already. So for anyone who will stand and wring their hands and say it cannot be completed by next week, they are simply saying: I don't want to complete it by next week—for whatever political purpose that might serve the individual.

Our leader, Majority Leader FRIST, says we will start early and work late; and we are prepared to do just that, starting on Monday with votes on this legislation and working through the remainder of the week.

At this time I will yield the floor to the chairman of the Energy and Natural Resources Committee and, once again, recognize him for the phenomenally hard work he has put into building a balanced national energy policy, reflected in S. 14.

I hope by next Friday evening we will have finalized this bill, gone to final passage, and that this will be the year when we put on the desk of the President of the United States a futuristic program for the assurance of the development of energy for generations of Americans to come—that product which will fuel a vibrant economy for our country.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand we will have a number of amendments this morning. Yesterday we had two CAFE amendments. I understand there is a third—at least a third—that will be presented this morning. We are hoping that will be the extent of the CAFE amendments and that we will eventually vote on those and the Senate will work its will, as it has already in the past on CAFE standards. I understand there is a good chance there will be a number of amendments offered this morning.

There is no desire on my part to ask for votes today. Every effort will be made to work out with the minority a method of stacking them for Monday which would be far more accommodating to Senators.

While we wait to untangle some matters, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM H. PRYOR

Mr. SESSIONS. Mr. President, I wish to bring my colleagues up to speed on the nomination of Attorney General Bill Pryor from the State of Alabama for U.S. District Court for the Eleventh Circuit Court of Appeals.

Bill Pryor is an extraordinary nominee, one of the finest, most decent, most intelligent, and most ethical individuals I have ever had the pleasure of knowing. His reputation throughout the State of Alabama is extraordinary. His career as a lawyer is extraordinary. He would make a magnificent judge on the court of appeals.

Bill grew up in Mobile, AL. He attended the Catholic school there, McGill-Toolen. His father was band director there. They were active in their church. They are the kind of family we ought to emulate and lift up and be proud of. I have heard it said that Mr. Pryor was a John Kennedy Democrat in the 1960s. After some of the problems we have had, he probably has changed some of his views about his politics in the last few days. But he is a remarkable man, and his mother and family are remarkable.

Bill went to Tulane Law School, one of America's great law schools. He worked very hard. He finished at the top of his class. He was the editor in chief of the Tulane Law Review. The most prestigious position a graduating law senior can have is to be the editor of the law review for the law school. It is a quite an honor.

He clerked after that for Judge John Minor Wisdom, one of the great justices on the old Fifth Circuit Court of Appeals. Judge Wisdom has been known as a champion of civil rights in the South. He was one of those judges on the court of appeals during the time of the end of segregation and the movement toward integration. It was not easy. The court was constantly in the arena, whether they wanted to be there or not. Judge Wisdom has been recognized by all as being a champion in that area.

Bill Pryor is a man of religious faith. He attends church regularly. His wife and children do so. He is a Catholic, and he believes in the doctrine of the church. It seems that some of those beliefs he shares with millions of Americans and millions of people throughout the world have caused some of the difficulties he has had.

He helped me. When I was attorney general of Alabama, I put him in charge of appellate litigation and constitutional litigation. He wrote briefs to the court of appeals. He argued those cases personally. He had already been with two of Alabama's best law firms before he agreed to join me, giving up a very lucrative law career. The firms wanted him to stay. He was in a position to be partner and make a great deal of money. But he believed in public service. He and his wife talked about it. They agreed to come to work.

After I was elected to the Senate 2 years later, Governor James, then Republican Governor of Alabama, appointed Bill to be my successor as attorney general. In that position, he has stood courageously for the values he believes in. He has done so with clarity and conviction, winning the confidence and respect of people throughout the State, even those who are of a different political party and race.

For example, when he was sworn in, he said in his inaugural address: ''The constitution and laws of this State should have not one thing in them that would discriminate against a person because of their race.'' We had in our Alabama Constitution an old amendment that said interracial marriages were banned. That had been declared unconstitutional by the Supreme Court, but Bill thought it ought not to be in there. He joined with State Representative Alvin Holmes who worked on the team of Dr. Martin Luther King, Jr., during those very tough days of civil rights. Together they led the battle, and the people of Alabama removed that amendment from the constitution.

Alvin Holmes said: No other politician in Alabama, Republican or Democrat, White politician, supported me in that effort but Bill Pryor.

He wrote one of the most powerful, moving letters anybody would ever want to see explaining the character of Bill Pryor and why he should be a Federal judge.

Along that line, Mr. Joe Reed, Representative Joe Reed, Dr. Joe Reed,

who is the vice chairman of the Alabama teachers union, the AEA, a member of the Democratic National Committee, who has chaired for 30 years the Alabama Democratic Conference, a powerful force in Alabama—there is nobody who has run for the Democratic nomination for President in these United States who does not know Dr. Joe Reed. He is the first person they would want to talk to as they consider how to be involved in winning a primary in Alabama. Dr. Reed supports him strongly.

Congressman ARTUR DAVIS, a Harvard Law graduate, former assistant U.S. attorney, African American, supports Bill Pryor.

The former Democratic Governor of Alabama has spoken highly of him. He has that kind of reputation. His reputation is that Bill Pryor does what is right; he follows the law, whether it is popular or not.

One of the issues that was important politically in the State—and each State has issues that arise given time—was separation of church and state. The issue became very contentious. Our Republican Governor, Bob James, had a very strong view about it. He played football and he said he didn't see anything wrong with a coach leading the kids in prayer. Frankly, I don't either. But the Supreme Court has ruled to the contrary.

Governor James had other very strong views. He had just appointed Bill Pryor to the attorney general office to be one of the youngest attorneys general in America. He had this idea about how these issues ought to be argued in court. But under the Alabama Constitution, the attorney general speaks for the State of Alabama in court. So they had a conversation or two, and Attorney General Pryor had to reluctantly tell the man who just appointed him, in a very hot political deal, that your position will not hold up according to the law; I cannot support that.

The Governor took a very strong position on the right of school officials to speak on religious issues, and reluctantly the attorney general had to file a brief on the subject. The attorney general filed a brief and said flat out that the Governor's position did not state the legal position of the State of Alabama. He argued the case according to the precedent of the Supreme Court. He also, in that confused time, wrote a legal opinion, which he sent to every school official in the State, setting forth what children could do in the free exercise of their religious beliefs and what schools could and could not do. In fact, those rules that he sent out were adopted almost in toto by the Clinton Department of Education as their directives to policy concerning the separation of church and state in schools. He followed the law, even though it was very tough for him to do so.

They have expressed real reservation about Mr. Pryor. They say he has strongly held views, that he is extreme in his pro-life views, that he is very passionate, and that he would not follow the law, basically.

They have criticized him for his views on abortion. He didn't volunteer those views. But in the committee, one of the Senators looked right at him and asked him about that. He explained that he thought that taking an unborn life was immoral and that Roe v. Wade has led to the slaughter of millions of innocent unborn. You could have heard a pin drop. Nobody had really been asked that squarely. He answered it honestly. He said: But, Senator, I know the courts don't follow that view and it is not the law today, and I follow the law as it is written.

In fact, he had proof of it because, previously, when he was attorney general, Alabama passed a law to ban partial abortions. That law was a broad law. Under the Supreme Court rulings and other rulings, portions of that statute were not constitutional. Attorney General Pryor, as attorney general of Alabama, had to send a directive to all the district attorneys in Alabama directing them not to enforce portions of that law that violate the Constitution of the United States. So even though he thought, no doubt, partial-birth abortion was wrong—because he believes abortion is wrong, so he would certainly believe that horrible procedure would be wrong—he was a lawyer and he spoke up and he directed, as attorney general, every district attorney in the State to enforce that law, consistent with the Constitution. I think that demonstrates clearly his ability to understand and follow the law even if he does not agree with it.

The only other thing I know he has ever done with regard to abortion is to make clear that if there were a protest at an abortion clinic that violated the law and the right of people to attend that clinic, they would be prosecuted by him. He would enforce the constitutional right of people to go to clinics and have abortions under the laws of the United States.

Another issue we dealt with in the State was reapportionment. Most Republicans believed strongly that reapportionment had been very adverse to their ability to have a representative in the State legislature. As a whole, the State is a majority Republican State, with both Senators, the Governor, and five of the seven Congressmen being Republicans. But the legislature is about two-thirds Democrats.

A lawsuit was filed by the Republican groups to get the legislature reapportioned, hoping they would get a better shake in the numbers. It was a pretty legitimate suit. It had real merit to it. They wanted Bill Pryor to take the lead in it as attorney general. He was a Republican, after all. Some lawyers had known him for years and they had worked with him. Bill researched the law and said: You don't have standing, and this is not a legitimate lawsuit, and I cannot support it. They said: What do you mean? They called me saying I have to get Bill to change his idea and help them win. But I told them then that Bill follows the law. If you have the law, do it; if you don't, he will not help you. So he resisted their actions. He defended the Democratic position. He defended, particularly, the African-American position. He actually lost the case in the court of appeals and appealed it to the Supreme Court of the United States and won it. He was right all along.

So I can give many examples of this brilliant lawyer who has stood firm for what he believes is right, who gives bipartisan, biracial support to the people in Alabama, a man who would flourish as a court of appeals judge, a man who loves America. He has sincere and great religious faith. He understands the rule of law and places all that in proper context. I am just proud of him. I am glad the committee has moved him forward. I hope we will see him confirmed as a Federal judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

TRIBUTE TO COLIN MCMILLAN

Mr. BINGAMAN. Mr. President, I take a couple of minutes to speak about the tragic death of Colin McMillan, who was a very outstanding citizen of our State of New Mexico. He had distinguished himself as a businessman and also as a public servant in Roswell. In Santa Fe, he served in the State legislature, with a leadership position, and also here in Washington, where he served in the Department of Defense in the previous Bush administration. He was influential and effective in all of the positions he held. He was extremely well respected for his straight dealing and his integrity.

I met Colin first when I was in law practice in Santa Fe and he was in our State legislature. As I indicated, he had a very prominent position, a leadership position, in our State legislature back in the 1970s. Since then, our paths have crossed many times. Most recently, we spoke when he came to my office to discuss his nomination by President Bush to serve as the Secretary of the Navy.

This is a position I strongly supported him obtaining and I told him I was looking forward to him being back in Washington. I know he and his wife Kay were looking forward to returning to Washington. He spoke with great enthusiasm about his plans in that new position.

His death is a loss to us in New Mexico, and it is a loss to the country. We will be deprived of his leadership.

I know he was a very good friend of my colleague, Senator DOMENICI, for many years and a political ally in New Mexico for many years. His loss will be noted and regretted by all of us in New Mexico.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, last night I took a couple of minutes to tell the Senate that a good friend of mine, but also a great New Mexican, was dead, Colin McMillan. My friend and colleague, Senator BINGAMAN, just spoke of him.

It is remarkable that Senator BINGAMAN would speak of him with such glaring words when, as a matter of fact, they ran against each other in a statewide campaign.

The truth is, he was a truly outstanding man. His death is rather unexplainable. We still do not know enough about it, but we do know that he was too young to die and had succeeded at just about everything he tried in his life, starting out at the University of North Carolina where he was a Phi Beta Kappa in the college of engineering and became an enormously successful geological engineer. He was one of those who was first to grab on to the modern techniques of discerning what lies below the surface and, thus, became an expert and developed a successful company helping others locate oil and gas. He formed his own exploration company and became an oil and gas entrepreneur.

Along with that achievement, he had a western craving to own a ranch, and he had a beautiful ranch. I have been there many times. It is a great place to hunt quail. His ranch is renowned for quail. My son Peter and I and others in New Mexico have been there with him many times. It is rather ironic that he was found dead at the ranch yesterday some time during the day by the ranch hands.

When I spoke this morning with my oldest son, he used the word ''brutal.'' I use it today. It is truly brutal for those of us who knew him. All we can say is he succeeded at almost everything he wanted to do in life. Clearly, there are few in New Mexico who will achieve as much as he. He was really looking forward to becoming Secretary of the Navy, taking great pride in being a Marine officer for 3 years after completing his baccalaureate degree in North Carolina.

I and my wife Nancy clearly have had a very tough personal loss in his death, and there is not much more I can say other than he will be missed. We will all find out someday, perhaps in the hereafter, how all this happened. In the meantime, all we can say is we will miss him terribly, and we wish for all of his family an understanding beyond normal capacity to apprehend, that there will come upon them some understanding as to why all of this happened.

He had been sick. He had a recurrence of cancer that inflicted him some 2 years ago. Everybody thought he was recovered and recuperating quite well. At least we thought so and his family thought so, when this tragedy occurred.

I thank the Senate for the time.

Mr. President, before we call on Senators, we are expecting closure of between 5 and 10 amendments, which we will present jointly this morning on this Energy bill. The biggest issue everyone has asked so much about is the electricity title. It is a very complex title. We have tried to put together a major bipartisan amendment. It is in the hands of all the Senators and, as a result, because it is so important, it is in the hands of hundreds of experts and lobbyists and companies across this country.

By Monday, everybody should know what they want to do with it, to it, or for it. It will be offered Monday with the hope that we will begin serious debate on that amendment.

CAFE standards has been one of those issues of importance. We have two of the major CAFE standards amendments pending. They were offered last night. We will work out a time for voting on them on Monday. We expected another CAFE standards amendment this morning, but it has not materialized. Let's hope it does so we can get them all lined up to dispose of them Monday evening.

There are about five other major issues that are being worked on, and we hope we can prove that the Senate is capable of completing this bill in five additional working days, besides last night and today, and the previous time we spent on the bill.

Everyone should remember, the majority leader said we are going to finish this bill. We are scheduled for our August recess next Friday, but we have been told those recess days will not commence until we have finished this bill. I hope everybody understands that is not said in any way other than in a positive way. There is plenty of time so long as Senators do not desire an inordinate amount of time on any subject. We probably have one or two climate change amendments. We probably have, as I indicated, an additional CAFE amendment and many amendments on the electricity section. Plus, I am sure the minority leader has some amendments with reference to mandating the percentage of wind energy and solar energy that must be utilized by the utility companies. That will be thoroughly debated and voted on. There may be a couple other major issues, but I think that covers most of them—and I covered them last night reminding everybody to get ready. We always have the idea around here that we will get ready when the time is necessary.

People put off things until that ominous time. On Energy amendments, the time has come. The electricity amendment is in our hands. It is major legislation. We are going to proceed with dispatch, at least as much dispatch as the Senate will let us, and we will try to push that as nicely and calmly but as rigorously as we can for the next 5 or 6 days in an effort to complete this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 200

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 200 regarding the adoption of a conference agreement on the child tax credit; that the resolution and the preamble be agreed to; and that the motion to reconsider be laid on the table.

Mr. DOMENICI. I object.

Mr. JOHNSON. Mr. President, I call on Congress to pass the Lincoln bill which will provide immediate tax relief for 12 million children and our Nation's fighting men and women.

Millions of working American families with incomes between $10,000 and $26,000 will receive absolutely no benefit from the increase in the child credit that was signed into law by the President several weeks ago. Close to 200,000 military personnel have incomes in this range, and most will not qualify for the $1,000 child tax credit.

More then 300,000 military personnel are currently serving in combat zones around the world. In answering the call of duty, these young men and women were forced to leave their families behind as they headed to Iraq and Afghanistan to serve their country and to help create new democracies. Yet this Nation's laws have failed them. Under current law, the children of these families are truly left behind.

The Treasury Department will begin sending checks to taxpayers reflecting the increase in the child credit from $600 to $1,000 for 2003. Yet the Children's Defense Fund estimates that 1 million children in military families will not be eligible for the full child credit. This is roughly 1 out of every 8 children of military families.

For active duty military families, the numbers are even more staggering. Roughly 260,000 of the 1.4 million children of active duty military personnel, or nearly 1 of every 5, will not receive the $1,000 child credit.

Military personnel serving in combat zones in Iraq and Afghanistan would be particularly hard hit. Under current law, a family must make $10,500 to qualify for any portion of the child credit. Because combat zone pay does not count toward the income required, many military personnel who left their families behind to fight America's wars will themselves be left behind by this Congress.

Congress has failed its fighting men and women. It does not matter how many speeches we give thanking them for their service, and lionizing their courage, and acclaiming their patriotism.

The single mother whose husband has been deployed to the Middle East for the 50th week running cares a lot more about getting her $400 check than she does about hearing how much we appreciate her sacrifice.

Frankly, it is shameful that a body willing to send our young men and women to war would at the same time turn a blind eye and a deaf ear to their families.

The Lincoln bill, however, changes the law to ensure those military personnel fighting for our freedom will receive the child credit that is guaranteed to all other middle-income families. The Lincoln bill will ensure that military families get the child credit checks promised to our Nation's families.

In contrast, the House bill will leave these families behind. For example: Navy Petty Officer Second Class E–5, 4 years service, married with two children, stationed in Iraq from December 2002 until June 2003. He receives an annual salary of $22,842, and hazardous duty pay of $190 per month. Under current law, he will not see any of the increase in the child credit. Under the Lincoln bill, he will get the full $1,000 per child tax credit, an increase of $800, which his family will receive through a check in their mailbox.

The Senate bill also recognizes that the latest Bush tax cut failed to include millions of working families, families who have jobs and work hard to put food on the table for their children, and that they deserve tax relief as well.

Unless we pass the Lincoln bill, there is no check in the mail for over 6.5 million working families earning between $10,500 and $26,625; this means that over 12 million children will be left behind.

Not only do we help millions of children, but we pay for every penny by shutting down corporate tax loopholes.

For all these reasons, I call on the Senate to express its deep commitment to working together for this Nation's fighting men and women, this Nation's working men and women, and all of their children, and ask that: 1, the committee of conference between the Senate and House of Representatives on H.R. 1308 should agree to a conference report before the August recess; 2, any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the refundability of the child tax credit; 3, any conference report on H.R. 1308 should contain the provisions in the Senate amendment to H.R. 1308 concerning the availability of the child tax credit for military families; 4, any conference report on H.R. 1308 should contain the provision in the Armed Forces Tax Fairness Act of 2003; and 5, any conference report on H.R. 1308 should contain provisions to fully offset its cost.

It is my hope that this resolution will be taken up promptly and that we will emerge from conference with the House in a timely fashion so that we may honor the families of our fighting men and women in a very real way with more than platitudes, more than salutes, more than just honors, but by including their kids and their families in the same kind of tax credit that other American families receive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business on a subject of great urgency. I do not know how much time it will take. Senator BURNS will join me in a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. STEVENS. Mr. President, I have been informed that the House this evening will pass a bill for $989 million dealing with disaster relief. As my colleagues know, we received a supplemental request from the President for $1,550,000,000 for the Department of Homeland Security for disaster response. It is estimated that the disaster fund probably has already run out of money during this month of July. When the money runs out, when there are storms, tornados, whatever they have to deal with, they borrow from other accounts, which means as we get towards the end of this fiscal year those other accounts must come to an end. We have tried to meet the President's request by sending the supplemental as part of the legislative appropriations bill.

The House has refused to conference with us on that bill. Now they are going to send us a bill that is totally inadequate. If they leave this city without giving us a supplemental for fires, it is going to leave the West burning, and it is going to bring to a halt other functions of the Federal Government which must continue through this period until September 30. I cannot believe that they would do this.

The supplemental the President sent to us provided $50 million for NASA, the National Aeronautics and Space Administration, to cover unanticipated costs of the recovery and investigation of the Space Shuttle Columbia accident. I am informed that as far as NASA is concerned, the actual costs of the Columbia accident investigation board is about $150 million so far. That means NASA has to take that money out of their current accounts and the remainder of the year they, too, will be strapped and will not be doing the scientific investigations, not be doing the prevention that is necessary in order to get ready for another NASA shuttle flight.

We received the supplemental on July 8. We acted almost as quickly as possible. It is true, we put on that bill the money to save the program for education of young people, AmeriCorps. AmeriCorps is another subject, and I will get into that in a minute. But because we put AmeriCorps on that bill, the House refused to act.

We have offered a series of suggestions.

It is impossible to believe this message I received this morning. We are going to get a bill that has less than $1 billion in it, when the President asked for $1.550 billion for FEMA and he asked for NASA at the same time. He had money in there for firefighting. The President had $253 million for Forest Service and fire suppression. We added $36 million for the Bureau of Land Management.

This is a terrible fire season. I am informed Glacier Park is ready to be evacuated. We have to have some disaster money. When I checked on July 21, the disaster relief fund had $89 million in it. We are currently estimating an obligation rate of about $5.7 million a day on the fires that existed on July 21. There is a whole new series of fires just this week. I cannot believe this.

In addition, there is an obligation to rise to $6.3 million as the disaster activity in Texas ramps up due to Hurricane Claudette.

I hope others will also join to call on the House to give a bill that will meet the needs, particularly the needs of the West. These fires are primarily in the West. The need for FEMA is national. The firefighting conditions right now in the West could not be worse. There is enormous heat in the West, including my State of Alaska. Even with enactment of the supplemental, which we sent to the House, I am told the Forest Service projects will have a deficit of $167 million by September. That is, with all the money we provided for FEMA and for firefighting, the Forest Service alone will have a deficit of $167 million based on projections of July 14th. We have increased fires, particularly in the Park Service area. It is the park that is burning out there now. I cannot believe we cannot have a conference on the supplemental before the House leaves.

AmeriCorps is a problem, too. The Government, by mistake, enrolled 70,000 young people to enter school in September. The moneys that had been previously divided only covered 50,000 young people. The person who made that mistake is no longer with the Government. But the young people are out there now with their certificates. They are entitled to enter school, but the money will not be there. It is the worst situation I have faced as chairman of the Appropriations Committee. We have to have some action by the House before they leave tonight. If they leave tonight without giving us the money we need to meet these disaster needs, I think we are going to have a terrible September.

By the way, the House is going home tonight. They could have stayed another week and we could conference the bills. The bills have been sent to conference. When we come back in September we have to meet with the House in conference and at the same time try to pass the bills we could have passed and should have passed had they sent us the bills in time. They will send us a whole series of bills they are now passing as they leave town. The Appropriations Committee must conference those bills in September and at the same time we must pass the ones they have just passed.

We cannot be two places at one time. The scheduling of appropriations this

year is abominable. Someone mentioned the word ''tirade'' yesterday. This is a tirade, and it is time for a tirade. It is time to be strong in talking to our colleagues in the House. We must have that bill today that covers the disasters the President recognized back in July. They are worse now than when he sent the bill to us.

I hope others who have the knowledge will talk about the firefighting. In Alaska, we have fire conditions we have never faced before. One of the real problems is we have been unable to cut into the areas of the Forest Service and the Fish and Wildlife Service owned by the Federal Government that have beetle kill.

I read just last night, two young fishermen were out and they had an accident. They tried to set a fire to attract the attention of small planes flying in their area. The fire got out of control and burned 40,000 acres before we could even get to it. I don't know how many acres that will burn. But that is the condition that exists in the West today. They built a signal fire and that signal fire is totally out of control now.

We have to have funds to meet this condition this year. It is not satisfactory to say they can borrow money from other accounts. When they borrow money from other accounts, they shut down those activities that primarily exist in the West in July, August, and early September.

I call on the House: Do something; react. The President asked on July 8th. Give us the bill we need to meet the disasters that are occurring right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD TAX CREDIT

Mr. REED. Mr. President, I rise today to express my dismay about the failure to provide the child tax credit to millions of low-income Americans. In this regard, I join my colleague, Senator JOHNSON, and applaud his efforts to try today, through unanimous consent, to resolve that at least we will as a Congress commit ourselves to give the benefit to low-income families which many other families in America are about to enjoy.

Yesterday, the Internal Revenue Service began mailing out the first batch of advance $400 checks to middle and upper-income American families who are receiving the child tax credit. The President was at a mailing facility to get a visual of these checks going out. That is good news for these families. But certainly low-income Americans have the same needs; in fact, one might argue even more compelling needs for help and assistance to raise their children.

Mr. President, 6.5 million low-income families will not receive a check today. They will be left out. Even though this body acted prudently to give them the opportunity, the House, in May, dropped the provisions and did not respond with an appropriate bill.

On June 5, nearly 2 months ago, this Senate, in a bipartisan manner, passed legislation that would provide for the refundability of these tax credits and in effect give the credit to low-income families. I commend all of the individual Senators who have led the way both on the Finance Committee and, in particular, Senator LINCOLN of Arkansas, who has been advocating strenuously for this very fair and very prudent approach.

The House, on the other hand, passed an expansive $82 billion tax cut package surrounding this child tax care credit. As a result, they politicized and essentially frustrated the obvious and the compelling need to help these low-income families.

The President has called for the passage of this act, but frankly, other than appearing yesterday at a mailing facility, he has not done a great deal to force the House to pass this very simple, very necessary measure.

I hope we can make progress on this. This tax credit for child care is an important benefit for all of our families and, as I said before, very important for low-income Americans. They are struggling and with both parents working two jobs to make ends meet. These are the working Americans who are doing difficult work and working very hard. They deserve the same kind of assistance to raise their children we are providing for middle and upper-income Americans.

This is a question of fairness, certainly. It is unfair, in my view, that we would provide benefits for certain children—ironically, some of the most affluent children—and not provide similar benefits for low-income families with children. It is just patently unfair. Also, it is part of an emerging pattern of indifference, and worse, towards low-income Americans.

There is the issue of the Earned-Income Tax Credit. This has been an enormously successful program. It has, in my State of Rhode Island alone, provided $90 million to over 57,000 families in the year 2001, giving them additional help based upon their work. Recall now, this is the Earned-Income Tax Credit; you have to be working, you have to qualify by accumulating income to get the tax credit.

This is one of those very ingenious mechanisms which help lift families and children out of poverty, and it has done so with remarkable success. It has been a tax provision supported by both sides of the aisle enthusiastically for several decades. But now the IRS has announced its intention to require elaborate precertification for EITC eligibility for about 45,000, as they term it, high-risk households. Generally these are households in which grandparents or single fathers are raising children.

But perhaps of more concern to me is that there are plans to expand this precertification process to 2 million households in the year 2004 and to 5 million households within 3 years. This is a move that President Bush clearly supports, because he requested $100 million in additional funds for the fiscal year 2004 budget for this so-called compliance initiative.

If we were to propose an elaborate precertification for middle-income and upper-income tax advantages, there would be howls of protest. We would rush to this floor crying foul, accusing the IRS of overreaching and meddling with burdensome impacts upon taxpayers. But that is exactly what, in my view, is happening to low-income families in the budget proposal of the President for this precertification.

Again, I note the President has requested $100 million for additional funds to supposedly precertify families qualifying for a tax advantage under the Earned-Income Tax Credit. Just yesterday we couldn't afford, according to the vote, $100 million for improved transit security in the United States. That suggests to me the wrong, and perverse, if you will, priorities. If we are spending $100 million to try to force low-income families to come up with documentation to qualify for a tax cut but we can't find the money to protect the subways and the trains and the buses in the United States, that suggests something askew in our policies and our priorities.

I think what the pre-certification does, frankly, and maybe intentionally, will dissuade some individuals who qualify for the EITC from coming forward and applying for it. They might not understand the new precertification. They might have to pay for tax advice to do it appropriately. And one other point: the IRS has the authority to release all this documentation to the Department of Justice and other Federal agencies at their discretion, which might cause some people concerns about privacy.

This is something that, again, if we proposed it for middle- or upper-income Americans, you could not hear yourself think because of the howls of protest in this body. Indeed, back in 1998 we passed the Internal Revenue Service Restructuring and Reform Act because of supposed taxpayer harassment inflicted upon middle- and upper-income Americans by the IRS. It seems when it comes to low-income Americans who work and who qualify for the EITC, harassment isn't a problem when it comes to proposals by the administration.

I am also disappointed that in line with this attack against low-income Americans is the inability of this body and the other body to pass a long-term unemployment compensation benefit that will really take care of all the Americans who are suffering because of an economy that is functioning poorly—and that is being polite—at this

moment. Unemployment in June was up to 6.4 percent, and those numbers don't even include the 4.5 million underemployed individuals, those who are working part time, looking for full-time employment but struggling to get by on part-time jobs. At least 1.3 million of these 4.5 million are in that category of looking for long-term, full-time employment but having to settle for something part-time. Yet they are excluded from our unemployment compensation provisions.

In addition, we will shortly be looking at new rules by the Department of Labor with regard to the Fair Labor Standards Act that relax overtime protection. We are also encountering proposals to increase the TANF requirements from 30 hours to 40 hours per week. Here, at a time when there are so many Americans struggling to find a job, struggling to find a few hours of part-time work, we are proposing to increase the number of work hours under the TANF Program. I think this approach to TANF will be another impact on the low-income children of this country because it will necessarily require mothers to spend less time with their children. Again, this is another example of a policy that is not good for the economy and it is certainly not good for children.

Then we are looking at Head Start proposals and AmeriCorps proposals, as Senator STEVENS just indicated, that are shortchanging so many people, particularly young people in this country. Again, I hope we can very quickly resolve this issue with respect to the child tax credit, the underlying point of my remarks today. There are 6.5 million wage earners who are working, contributing to our economy, and trying with all their might to raise their children. Today we are ignoring the plight of all of those 6.5 million people. I hope our indifference will end very quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAL McCOY

Mr. DEWINE. Mr. President, I rise today to pay tribute to a truly remarkable Ohioan—a man who has covered Cincinnati Reds baseball for the Dayton Daily News for the last 31 years. This weekend, Hal McCoy will join many legendary baseball players and sports writers when he is inducted into the writers wing of the Major League Baseball Hall of Fame. This is a fitting and well-deserved tribute to a man who reminds all his readers everyday about why we love baseball.

I am a life-long fan of the Cincinnati Reds. For the last 31 years, I have counted on Hal McCoy for complete, detailed, objective coverage of their games. When I am back home in Ohio, the first thing I do when I pick up the Dayton Daily News in the morning is read Hal's reports. When I am in Washington, I read them off the Internet.

For more than 3 decades, Hal McCoy has brought to life in vivid detail thousands of Reds games. Through his words and insights, he has taken readers, like me, onto the field and into the clubhouse. With his stories, we have felt the players' pride in their wins and the pain in their losses. Hal McCoy has brought readers right to the game, giving us a real glimpse into the highs and lows of the Reds seasons.

One of the things I admire most about Hal is his incredible work ethic—unbelievable. Hal McCoy is, some people have said, almost a machine. I have always been amazed by his ability to crank out so much material and so many anecdotes and ''notes'' from the games. Nothing stops him.

You pick up the paper in the morning and you see the account of a game. Sometimes you will see a column to go along with that, you will see another story on the back page, and then you will see the notes of the game—sometimes three, sometimes even four stories just in one paper by one writer. That is Hal McCoy. He works and works and works and has an unending, unfettered enthusiasm, after all these years, for the game of baseball.

Hal McCoy is a very special man. I wish to take a few minutes today to tell my colleagues a little bit about his life and his career as a sports writer.

Hal was born and raised in Akron, OH. He played Little League baseball in Summit County and later graduated from Akron East High School. He then graduated from Kent State University in 1962, with a Bachelor of Fine Arts and a major in Journalism. Upon receiving his diploma, Hal immediately put his degree to good use when he started a job as a Dayton Journal Herald reporter, covering the Dayton Public prep league.

Hal first covered the Cincinnati Reds for the Dayton Daily News in 1973. No one knew at the time that Hal would be holding our Nation's longest-running tenure, covering one team continuously or that he would be recognized as one of the finest journalists in Ohio history, let alone one of the finest ever in his profession.

A few years ago, Hal suffered a stroke in his right optic nerve while covering a Reds game in St. Louis. He lost half of his vision as a result. While this would cause most people to slow down or stop, Hal could not be deterred. He overcame this adversity with grace and continued his post with the Reds.

Then, on January 23, 2003, Hal suffered a stroke in his other eye. Suddenly, legally blind, Hal was faced with a seemingly insurmountable obstacle—the eyes that he had been using for years to ''show'' the game to his readers essentially stopped working for him. But, Hal wouldn't let that stop him. He persevered. He never complained. And, when faced with the choice to retire, his resolve to write his legendary stories only became stronger.

Today, Hal continues to attend and report on Reds games using a special large-size scorebook that he designed. He says:

> I tell everybody I'm going to do this until my head hits the laptop, when I pass out in the press box. That's how much I love this job.

And let me tell you that Hal's fans couldn't be happier! Many, many Reds fans, like me, still can't wait to get up in the morning and read his stories. That is how much we enjoy his work and what he produces every day.

The publisher of the Dayton Daily News, Brad Tillson, has said this of Hal:

> I've been reading Hal McCoy's coverage of Major League Baseball and the Cincinnati Reds for more than 30 years, and I never cease to be amazed at his insight into the game and his ability to communicate it to the readers. He calls the games as he sees them with candor, integrity, and authority. Sometimes it's more illuminating to read Hal's account of the game than it is to watch it.

I must also add that the respect of the players Hal McCoy covers is also very illuminating. When Hal was faced with the loss of his sight, some of the players went to him and told him: You can't quit. You need to keep doing what you love to do.

He is held in respect by the people he covers. I think that says a lot about Hal McCoy.

Of course, if you ask Hal about the secret to his success, he would respond that it is ''the readers, the people.'' That connection with the people is very powerful. It is not at all surprising that Hal hasn't missed a road series in 30 years. Hal has said:

> When I sit down at my laptop, it is the readers I have in mind. What would they want to know? I've tried to inform them, entertain them, and tell them the truth to the best of my capacities . . . I can never thank all the readers who have been so supportive. You are what we are all about.

It is this humble spirit and gratitude for his readers that Hal's friends and readers love most.

As Hal takes his destined place in the writers wing of the Baseball Hall of Fame, I join many other proud Ohioans in saying thank you. Hal Mccoy is a terrific writer, a magnificent storyteller, and an exemplary and well-respected member of his community. My family—my dad and my children—extends its warmest congratulations and sincerest thanks to Hal for his wonderful writing and his dedication to continuing to do what he loves despite difficult challenges. We thank him for his service to the Dayton community, to the Miami Valley, to Ohio, and to our Nation.

I look forward to many more Cincinnati Reds seasons that Hal will cover and many more great stories.

Thanks Hal. We appreciate the great work you do.

I thank the Chair. I yield the floor.

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. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. BURNS. Mr. President, I appeal to my good friend from New Mexico who is managing this Energy bill and ask unanimous consent to proceed as in morning business.

Mr. DOMENICI. I have no objection.

Mr. BURNS. For less than 10 minutes.

Mr. DOMENICI. Whatever time the Senator desires. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I thank my good friend.

FIGHTING FOREST FIRES

Mr. BURNS. Mr. President, on the floor of the House of Representatives this morning, they are debating a supplemental appropriations bill that deals with some serious issues that are happening under the heading of disasters across this country. The appropriations bill does not designate any money for firefighting in the West. I have been told that right now the Forest Service currently has $352 million available for wildfire suppression, but that is only going to last the next 2 weeks. The latest projections, which are conservative, I am told, indicate the expected expenditure for fighting forest fires this year is $775 million.

We have a certain amount of money set aside for prevention; that is—if we didn't have this procedure called appeals—those accounts that are set aside for prevention will now be moved over to fire suppression. We are between a rock and a hard place.

It occurs to me that with the support of the White House, a clean supplemental for fire suppression, under emergency conditions, makes a lot of sense. We have to provide some money for fire suppression. The American people are turning on their television sets every night, and every night our forests are afire.

To give a rundown, they have evacuated all of Glacier National Park. Even some people they said would not have to evacuate—they are inholders in the park and have homes along Lake McDonald—they had to prepare their homes for fire prevention, and they left the park, for example, to get their groceries. Now they will not let those people back in. That is a local situation, and I am sure that is going to get ironed out.

That is how drastic this situation is. I call upon my friends in the House of Representatives: Do what is right to handle the emergencies we now have because, if we don't, when we start running out of money, then—due to this extended drought, with very hot conditions right now in the Rocky Mountain West—we are going to have these fires far into the month of September. It is just not right.

These fires are threatening our national treasures. McDonald Valley, Glacier National Park, is now on fire on both ends. Remember the book, ''The Perfect Storm,'' about two storms coming together at the right time, and they are only 10 miles apart, that is the ''perfect storm,'' and we could lose that entire forest.

I call upon my colleagues in the House to do the right thing now because we understand they are going to pass this bill and send it to the Senate. The Senate is in a vise. We either take it or we don't. If we don't, it will be zero dollars and the middle of September before any funds will flow into these areas that desperately need the money.

I don't know who is giving advice on this issue. I don't know who is doing the thinking on this issue. But I will tell you right now, it is wrong-headed to do it as the apparatus is set up to get it done now. It is just wrong-headed. I feel powerless to do anything, especially for the forests in my State of Montana, and that is not a very good feeling.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, I wish to make a comment.

First, I was present when Senator STEVENS, the chairman of the Appropriations Committee, spoke, which was prior to Senator BURNS. He heard him, he talked to him, and then he spoke.

I wish to talk a minute about an issue that is dear to the Senator and Senator BINGAMAN, who sits here, and myself. We continue to have meetings in our Committee on Energy and Natural Resources and the Agriculture Committee of the Senate trying to analyze why it is we are unable to address the issue of thinning our forests and getting rid of blighted areas in large manner rather than taking so long and sitting by and watching the forests of America deteriorate to the point that they become tinderboxes. They are so filled with overgrowth that fires are inevitable. And when fires happen, very big trees burn because the bottom is totally filled with too many trees, too much brush, too many of the branches and leaves that have fallen. Then thousands of acres are blighted and dried and nobody is doing anything about it.

Then comes a fire. Then we come along and we say: Let's put up extra money to put out these fires, so-called disaster money. Then groups across America begin to run advertisements, have meetings and say: What is the matter with Congress? We can't get our forests thinned. We can't get them fixed. We cannot get the kind of reform that will get work done.

We have arguments that break along environmental and nonenvironmental lines. We can solve those, perhaps, in the next month or two.

But let me say to the U.S. House, I submit to you the real problem we are having in getting any kind of real cleanup of the forests—that is, preventive work done on American forests, be it BLM forests that belong to Interior or forests that belong to the Department of Agriculture and the National Forest Service—is because there isn't any money to do it.

The question is, why isn't there any money? We are always appropriating money for it. And every year there will be a bill that comes through here, Interior appropriations, and you find money for that, a lot of money for that. But guess what happens. Very shortly as the year starts, we have to put out fires. And then what happens? There is no money to put out those fires.

The disaster money we are talking about today and that Senator STEVENS came to the floor and told the House about, the Departments of our Government say: Well, we have a disaster. We have to spend the money.

Surely, they do. What they do is, they take money from other aspects of the Government. What are those? Many of them are accounts which would be used for major prevention on the forests. If there isn't any money for that, the year will pass. The money will have been spent on the disaster, and we will be here talking about a supplemental that is too late and inadequate, and the prevention will not occur.

It is so desperate that in our Committee on Energy and Natural Resources, there have been suggestions to try to set this money aside, to set up a new fund, a whole new way so that the prevention money is prevention money and nothing else. The distinguished Senator, Mr. BINGAMAN, has suggested such an effort.

I am not sure it will work because obviously once you get a big forest fire going and you don't have any money to put out the fire, they are going to find the money somewhere within the Department, unless you took it out of Interior and put it in the Army and said: You can't get it because it isn't even there. They are going to have to use the money they have and make it fungible, take it away from prevention and use it for disaster.

Somehow or another we have to stop that. While I am not today able to say to the House what they are and aren't doing because I am not privy to what Chairman STEVENS is, it seems to me that something like this is occurring early in the season in this supplemental that the House is talking about. Before we even get seriously into the season, we are having more of this: Well, we are having to put out disasters. We will find the money. And if we didn't put up enough, use other money. And yes, there will be a whole

blighted area somewhere in Alaska or northern New Mexico that is supposed to get money for prevention and clean-up, and they will be out of money.

Essentially, this is not simple fun and games. This is serious business. We sit around and watch the forests of America change so that they no longer look like, behave like, or are like they used to be. Our people know it. We know it. They are filled to the brim with too much growth, too much underbrush. They are not even the forests of old. You can't take your children for a nice walk in the forest in most American forests because you can't even walk in them.

I went up into northern New Mexico to the Jemez area and surrounding where I remember, as a youngster, we used to go. There were huge cottonwood trees, wide open, full of pine needles. And believe it or not, it was filled with beautiful growth, such as mushrooms and things that are very pretty. You find you can't even walk, much less see if there is any vegetation, because we haven't had any prevention. We haven't had any maintenance on those forests.

That is minuscule, because we are minuscule in New Mexico compared to the West Coast—Oregon, Washington, and Idaho. I suspect we are talking about the wrong things in this bill over in the House. We are talking about putting money in the wrong place and not facing up to the reality that there are two very distinct needs. And you cannot continue to rob one to pay for the other unless you quickly meet up before the year is out and replenish all of the money in the Departments that are operational, that are ongoing maintenance and operation of the BLM and the Forest Service of America.

I urge the House to do that and be careful not to rob those accounts so much by not appropriating sufficient money for the disaster straight out and leave that other money to be used for what it is intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let my compliment my colleague on his statement and also our colleague from Montana.

This is a very serious issue, one we have had many hearings on, one very recently. The problem is just as Senator DOMENICI described it. We have sort of an annual event. Annually, we find out we haven't put enough money in these appropriations bills to fight fires. Accordingly, the agencies involved, in particular the Forest Service, understandably have to go somewhere to get that money. They go into these other accounts. These are the funds they should be using to do the forest thinning and forest health and restoration work we all know is essential.

Last Saturday, I went up to Taos in our home State to see the damage that was done in the Taos pueblo by the Encebado fire. That was a very substantial fire, burning close to 6,000 acres of land, right behind the Taos pueblo. We got a helicopter tour with the Governor and the war chief and the BIA officials and others to survey all the damage that had been done.

On our way back after we had surveyed the damage, which was extensive, we flew down what is called Lucero Canyon. That area was one that the Governor and the war chief pointed out and said: This is an area which is greatly overgrown and which we need to thin. We very much would like to get some Federal funds to help with this thinning activity because our next forest fire we fear is going to be in this canyon.

It is also part of the Taos pueblo land. It is clearly also in danger of burning. That is one area which is one of many areas in northern New Mexico and throughout the West that could be singled out for high risk of being subject to some kind of catastrophic fire.

As Senator DOMENICI said, there are two separate needs. One, we have to have money to fight fires when fires start. But a separate and equally important need is that we have to be able to use the funds we appropriate for thinning activities and for forest restoration activities. We have to be able to use that money for those purposes and not have it transferred for this other purpose. So I hope we can find a solution.

The proposal I have made is that we essentially give the Forest Service authority to go to Treasury and borrow money so they don't have to take it from their other accounts. To the extent there is a need to fight fires, let them go to Treasury and get that money and then have that money reimbursed by Congress in a supplemental later.

I don't think it is tenable for us to think each year, when we have the fire season, we are going to pass a new supplemental appropriations bill. We may have to do that this year. I am not arguing against doing that this year. But that is not a long-term solution to the problem. We need to recognize this problem is with us. Every year we have these fires and every year we come up short in funds to fight them.

I very much hope we can solve that problem and do it in a way that avoids the robbing of funds from the restoration accounts, which is what we have been doing each year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that we are on the Energy bill. My colleagues are speaking of forests. I come from a State ranked 50th among the 50 States in native forest land. So I am much less acquainted with the challenges of America's forests, forest fires, and other issues than are my two colleagues. I wanted to make a comment about the Energy bill.

I had come to the floor to speak about trade. My understanding from last evening is that we were going to be on the free trade agreement. My understanding is that perhaps we may still be on that later in the day, after the Energy bill is off the floor. Maybe that is not the case.

Let me just say, as a member of the Energy Committee, I feel very strongly that this country needs a new energy policy, an Energy bill. I think it is unlikely that we will be able to finish an Energy bill by the end of next week. There are very significant issues that remain.

Speaking for myself, I want this Senate to pass an Energy bill. I want it to be a good one, one that does all four things that are necessary in a good bill: One that promotes additional production of the sources of energy that we need; one that promotes increased conservation, which is a significant part of our energy needs; for a barrel of oil conserved is about the same as a barrel of oil produced. So we need production and conservation. We also need strong provisions dealing with efficiencies of all of the things we use day to day that use energy. Fourth, we need an opportunity in this legislation to aggressively pursue both renewable and limitless sources of energy. So production, conservation, efficiency, and renewable and limitless sources of energy are very important provisions.

I want to mention one point with respect to an Energy bill that would be a balanced bill, including those four pieces. In addition to that, we must deal with this question of consumer protection. The reason I say that is, having chaired hearings in the Commerce Committee on what happened in the State of California and in the entire set of Western States some while ago—a year and a half or so ago—it is quite clear to me that having chaired those hearings, we had wholesale cheating going on, and ratepayers from the Western United States were bilked of billions of dollars. I am saying this money was stolen and bilked from consumers. It happened because some companies decided to collude in ways that they were able to cheat the consumers.

Regarding Enron Corporation, for example, we unearthed memoranda that described strategies by which they were going to bilk consumers—Get Shorty, Fat Boy, Death Star. They sound like movies, but they are not; they are strategies by which one company decided to cheat west coast consumers. There are many other companies also.

The FERC, a regulatory agency, has been investigating this. They have come up with some hard words, tough words, but not quite as tough a set of actions as I would have liked. My point is, having learned what we did about what happened in the energy markets on the west coast, we need strong consumer protection provisions in the bill that is voted out of the full Senate to go to conference with the House. I feel

strongly that we need to pass a bill. We will head into the winter with severe dislocations between supply and demand of natural gas. Natural gas prices will increase dramatically. They are already on the rise. That is going to be exacerbated in the coming months. Coming from a northern State where natural gas is a pretty important commodity to us in the cold, with our hard winter climates, this will be a very important issue. We are not going to be able to fix that in the Energy bill in the short run. But we need to tell the American people we have set in place policies that help resolve these issues for the long term and intermediate term. I hope we are able to do that.

I ask the chairman, if I may, I had hoped to be able to make a presentation on the issue of trade. If there are others wishing to speak on energy, I will defer. If not, I would like to proceed perhaps to make the statement on trade, understanding that if Members with amendments are coming back to the floor, they could interrupt me, and I will relinquish the floor so they can clear the amendments. If that is satisfactory to the chairman, I will proceed in that manner.

Mr. DOMENICI. How long might the Senator speak on this issue?

Mr. DORGAN. About 20 minutes, I would guess.

Mr. DOMENICI. We are trying to work out about 5 or 10 amendments. If we get them ready, we will call it to his attention on the bill before us. In the meantime, I am going to have no objection to his proceeding to discuss trade as in morning business.

I ask the Senator if he would permit the distinguished Senator from Idaho, Mr. CRAIG, to speak for a couple of minutes on the issue we have just been speaking on, to wit, the House action with reference to the supplemental. When he yields, I will have no objection to the Senator from North Dakota following him, subject to the understanding that if we need to interrupt him, of course, doing it in an appropriate way, to bring in the amendments, the Senator will have no objection.

Mr. DORGAN. That will be fine. I will relinquish the floor to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank the Senator for giving me a moment of time to address the stopgap supplemental funding bill that has just come back from the House. I come to the floor as frustrated as the chairman of the Appropriations Committee, Senator STEVENS, who spoke to the issue a few moments ago. Senator DOMENICI spoke, as did Senator BURNS of Montana.

It was 100 degrees in Idaho yesterday. For Idaho, that is hot. It has been that way for 3 weeks. We have dried up. We now have forest fires burning, with literally thousands of acres ablaze. We just lost two people in a wildfire in the middle of the week. Idaho, Montana, Nevada, eastern Washington, Oregon—all of us are afire at this moment.

The supplemental money we put in for the Forest Service and for wildfires, which the House took out, was to replenish last year's accounts from which we had borrowed to fight last year's fires. The accounts we borrowed from were the very accounts that would allow people to go out on the ground for the purpose of rehabilitation, for doing the kinds of things necessary to begin to environmentally improve the land, the 7.5 million acres that burned last year in a phenomenal wildfire scenario.

We are deeply into that already this year. Fires have burned extensively in Arizona, and as the heat has moved up the Great Basin States, along the Rocky Mountain ridge, of course, these fires now continue.

Why the House has done this, I am not quite sure. They say there is plenty of money. There is not because the money was borrowed from the accounts of other areas within the Forest Service. That is a standard practice we have done in the past. But the problem is, by doing what the House did, we are not replenishing the accounts of last year that we borrowed from. We have always done that on a historical basis because one cannot measure or estimate how extensive a fire season will be, how many acres will burn, how many people will be employed. We have literally thousands of people in Idaho right now on the fire lines, as is true in other States in the West, and helicopters are flying, aerial bombers are flying, at this moment.

A phenomenally large number of people are employed to stop the fires, protect the environment, and try to save the habitat, the wildlife and, in many instances, houses, private property, homes that are built up and within the forests of our country, up to and within the forests of our country. We are obviously going to have to address this in an emergency environment.

I am extremely disappointed with what the House has done. I have talked with the Deputy Secretary of Agriculture who heads up the Forest Service, and the chief, and they are just a week away from having to again start borrowing out of the accounts that have not yet been replenished. So their capacity to pay back until we obviously appropriate is limited.

We will continue to fight the fires. The fires will be fought. It is the rehabilitation, it is the restoration, that is funded by other accounts that will largely be denied.

FREE TRADE

Mr. CRAIG. Turning to the Senator from North Dakota, I thank him for the time he has allotted me. I think he is going to be talking about trade and possibly the Singapore and the Chilean free-trade agreements. The Senator and I worked cooperatively together on a lot of trade issues, and cochair a caucus on the Hill.

The Senator who is in the chair at this moment is as frustrated as I am about these current free-trade agreements in front of us, because our trade ambassador has stepped into an arena that is frankly none of his business, if I can be so blunt, and that is immigration law. I think the Senator from North Dakota is as frustrated by that as I am. The Senator from Alabama, Mr. SESSIONS, has crafted a sense of the Senate I am looking at that will speak very boldly to the fact that if the trade ambassador wants to send up other free-trade agreements—Senator SESSIONS and I serve on the Judiciary Committee, we will be blunt about it—we are not going to let them out.

This ambassador is an appointed person, not an elected person. He does not have the right to go in and write immigration law. That is not his prerogative. If he has to discuss it, if he wants it to become a part of a trade agreement, then he must tell foreign countries he will offer legislation to Congress to review for the purposes of adjusting trade law, if necessary, where it fits and where a majority of the Congress can and will support it.

The two trade agreements that are in front of us are very frustrating to this Senator because I think we have a trade ambassador who has overstepped his authority and I think it is time we tell him that in as clear language as we possibly can.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

FREE TRADE IMBALANCES

Mr. DORGAN. Mr. President, my colleague from Idaho has described accurately the provision in the free-trade agreement dealing with immigration.

But I must say, and he will agree with me, I am sure, that a sense-of-the-Senate resolution that says, in effect, you better watch it, is the equivalent of hitting someone on the forehead with a feather.

The reason there has to be a sense-of-the-Senate resolution at the moment, if we are to express displeasure, is because we cannot offer any amendments to a free-trade agreement. It is brought to the floor under fast track. This Senate, in its wisdom—or in its lack of wisdom—said we agree to put our arms in a straitjacket so whatever the trade ambassador negotiates anywhere in the world, he can bring it back here and we agree to prevent ourselves from offering amendments. That is fast track.

I do not have any big issues with Chile or Singapore. The free-trade agreement coming to the Senate floor is not even a very big deal with respect to Chile and Singapore, the two countries with whom the agreements are made. The big deal to me is that we have made agreement after agreement in international trade. In each case, this country has lost, and lost big time.

We have lost jobs. We have lost economic strength. We have massive problems in previous trade agreements. None of them are being fixed. None of them get solved. What gets done? Well, new trade agreements seem to emerge on the Senate floor. Rather than fixing old trade agreements and beginning to support this country's interests, what we want to do, according to the trade ambassador, is bring new trade agreements so we can debate and vote on those.

What I want to do this morning is talk a little bit about some of those old trade agreements and talk about what ought to be done rather than debating new trade agreements at this point.

First, it is worth noting what our trade deficit is at this point. This is an article from the Washington Post. It shows the trade deficit the end of last year. It is the highest trade deficit in history. The trade deficit soared to $435 billion on an annual basis in 2002, and it is worse now, of course.

Nearly one-fourth of the year's deficit in goods trade was with China, which sold $103 billion more goods to the United States than it bought here.

I will talk about China. It is a story in itself. They ship us all their trinkets, trousers, shirts, and shoes, and they come into our K-Marts and our WalMarts and our grocery stores and we buy all of these things from China. Guess what. China's market is not very open to the products our employees and our businesses produce. They are not buying very much from us.

What does it mean to us? It means we do not have jobs. It means we have people today looking for work who cannot find a job in this country.

Now, it is interesting, there was a story recently about this being a jobless recovery. Of course, we do not have much of a recovery. It is pretty anemic at this point. We have very slow economic growth. So this economy is just sort of bumping along, just hiccuping from day to day, week to week, and month to month without much strength at all. So they say, this is a recovery that is jobless.

Well, they miss the point on that. Oh, there are jobs created by American enterprise. There are jobs created by ingenuity that comes from U.S. firms. It is just that the jobs that are being created are not being created in this country. This is a recovery, all right, an anemic recovery with jobs, but the jobs are not here. The jobs are overseas. More and more, we see jobs in factories that are moved overseas that used to be good American jobs.

So if in fact this is a jobless recovery, it is jobless only to the extent that it is jobless in the United States. We have millions of Americans who desperately want a job, they want to go to work, but there are not enough jobs available. Two-and-a-half million people who were working a couple of years ago now are not working because this economy is not producing the jobs here. Too many American corporations are producing the jobs in Asia and elsewhere. I want to talk a little about that.

Ambassador Zoellick is a perfectly nice person. He is our U.S. trade ambassador. Most people would not recognize his name from a cord of wood, but he serves in a pretty important role. He is the trade ambassador. He goes overseas with his staff and they negotiate trade agreements. These are the agreements by which we trade with other countries. They negotiate behind closed doors. We are not there. Our constituents are not there. These are trade negotiations behind closed doors in which they decide what kind of trade relationship we will have in the future. Then they come back to us with a trade agreement and they say, here is our agreement between our country and China, our country and Japan, our country and European countries.

Then they say to the Congress, because the Congress previously agreed: you cannot change the agreement. We negotiated it in secret, but you have a responsibility to vote on it, up or down, yes or no, with no changes, no amendments. And the Congress was foolish enough to agree.

Here we are. This morning we are talking about a sense-of-the-Senate resolution to say to the trade ambassador: Better watch it. Why? Because he went off to Singapore and negotiated a free-trade agreement with Singapore that said: By the way, in this free-trade agreement having nothing to do with trade, we will insist that a provision will allow 5,400 immigrants from Singapore into the United States under 1-year visas that will be renewed indefinitely.

What are they going to come here for? To work. Will they come to see movies, drive around on Sundays? No, they are coming here for a job, to work. We have millions and millions of Americans who need a job, who are out of work, who are struggling every single day. And this trade agreement says: What we would like to do, in addition to creating the trade circumstances that exist by this agreement with us and with Singapore, we agree 5,400 people from Singapore will come here to work.

Usually, if one disagrees with that—and I certainly do—we would offer an amendment to strip this from the trade agreement. But we cannot in this instance, because of the fast track authority we handed to the executive branch.

If ever you want a description of why it is ''dumb'' for the Congress to decide to put itself in a straitjacket, this is it. We are going to vote, probably Monday or Tuesday, on a free-trade agreement with Singapore. That free-trade agreement has a provision in it that will have 5,400 people from Singapore coming to this country to take jobs in this country, when we have 8 to 10 million Americans out of work; and we cannot do a thing about it—not a thing.

Frustrated? Sure, as I am sure are many others. Can you do anything? No, what we can do is say to Mr. Zoellick, the ambassador, with the sense-of-a-senate resolution: You better watch it.

I will vote for it, but it is like beating someone over the head with a feather. It does not mean anything.

Let me talk about what they should be doing instead of creating new fast-track agreements. Instead of rushing off to create new trade agreements, let me make a couple of suggestions.

I will vote against these trade agreements because we ought to be fixing old problems before we create new ones. That is not a judgment about Singapore or Chile. It is a judgment about what I think the obligation of our trade ambassador is. Under Republican and Democrat administrations, they have systematically failed in the obligation to correct trade problems. Let me mention a couple.

Japan has a very large trade surplus with us. We have a very large trade deficit with Japan. Each year, we have a $50, $60, $70 billion trade deficit. One of the products that we would like to export more of to Japan is beef. Fifteen years ago we reached a new beef agreement with Japan. We had negotiators over there negotiating, and they finally reached an agreement. It was front-page headlines in the American newspapers. You would have thought they won the Olympics. They were celebrating and rejoicing and feasting. Big beef agreement with Japan.

It is 15 years later. Where are we 15 years after a beef agreement with Japan, a country with whom we have a very large deficit? Every single pound of American beef going to Japan has a 38.5 percent tariff on it 15 years after the agreement. And that is set to snap back to a 50-percent tariff on every single pound of beef we send to Japan.

Does Japan need more T-bones? Of course. More hamburger? Of course. But every single pound has this extraordinary tariff on it. Why? Because the Japanese are trying to keep it out. They do not want as much as we should be sending at a time when we have a huge trade deficit with Japan.

It is unforgivable. Do you hear complaints from our country about it? No, no one is talking much about it. It is fine with most people around here to run a huge yearly trade deficit with Japan. It is not fine with me. The trade ambassador, it is fine with him. They are so busy negotiating new agreements with new countries that they cannot seem to resolve these issues. A country with whom we have a $60 to $70 billion trade deficit ought not apply 38.5 percent tariffs on the products our ranchers want to send to the dinner table in Tokyo.

What about wheat with China? We just did a trade agreement with the country of China, in order for China to join the WTO. China has a $103 billion trade deficit with us. They send us everything. They send us their trousers, trinkets, shirts, and shoes. They send us everything. Our marketplace absorbs it all. But the fact is, their marketplace is not open to us. What does

that mean? It means jobs move from this country to China. People here are unemployed, out of work, and we are running up this huge trade deficit with China.

Let me mention the agricultural side of trade with China because I care a lot about that. I come from a wheat-producing State. And our trade officials dealing in agriculture on our side recently stated that China has failed miserably to live up to the promises it made when it joined the WTO in 2001. In fact, before he resigned, the top U.S. trade official dealing with agriculture in China said we should file a trade complaint against China, but we are not doing so. Despite a recommendation that we should, we are not doing so for foreign policy reasons. We do not want to upset the Chinese. God forbid we should upset the Chinese.

So we have a $103 billion trade deficit with China and our jobs are evaporating in this country, moving to China for lower wages. And we do not want to upset them. We do not want to demand their market be open to our products.

Instead of having a trade ambassador working on that problem, we have new trade agreements. I do not understand that at all.

Automobiles and China has always been interesting. Our trade negotiators, a couple years ago, went to China regarding the bilateral trade agreement under a Democratic administration—all the Democrats and Republicans in the White House have the same trade view. But let me give you a description of the bilateral trade agreement on automobiles. China is a country of 1.3 billion people who want substantial additional growth. Our trade negotiators said we agree, after a phase-in, China can have a 25-percent tariff on any automobiles we send into China, and we will have a 2.5 percent tariff on any Chinese automobiles sent to our marketplace. Our negotiators said they agree to a tariff that is 10 times higher on U.S. cars being shipped to China than we would impose on a Chinese car coming to the United States.

Why on Earth, on a bilateral agreement in this sector, would our negotiators ever agree to something like that with a country with which we have a $100 billion trade deficit? I don't have the foggiest idea.

This is a 1.3 billion person country that will need automobiles at some point in the future, and we say: We will give you a deal. You have a huge surplus with us, or we have a big deficit with you. We will give you a deal. On automobile trade, we will agree you can have a tariff 10 times higher than ours to keep our cars out.

Unforgivably incompetent, I must say. I am not talking about people, I am talking about the policy.

Something also of interest to me—again, I mention China, but I will get to a couple of other countries—is movies. Our country is pretty good at making movies, the best in the world. Do you know that before China entered the WTO, China allowed 10 movies into the Chinese marketplace a year—just 10? Not 11, not 12—but 10. That was the limit.

But when they joined the WTO in 2001 there was this giant liberalization of trade by China. Do you know what they do now? They allow 20 movies into the Chinese marketplace. I guess that is all right with us. In fact, I had people in that industry say we have really made progress here, big advantages, double the movies into China—10 to 20. We have such low expectations of our trading partners it is incomprehensible to me.

Let me talk about beef with Europe, turning to Europe for just a moment. The occasions in which I have traveled to Europe and opened the pages of the European newspapers, I hear the concerns of the Europeans about growth hormones in American beef. Here is the way they picture American beef: Two-headed cow. Right? Growth hormones, God forbid you raise two-headed cows and you can't eat them because it will ruin your health.

Of course, none of that is true. But nonetheless they have effectively kept U.S. beef out of Europe.

So we filed a trade complaint and our trade complaint on European beef was upheld. And Europe is supposed to let our beef in. But they have not.

So we said: All right, Europe, you are not letting our beef into your marketplace and you should, the WTO says you must, we won the case, and since you are not going to abide by the decision, we will play hardball.

Do you know what we did? We said: All right, we are really going to whip you into shape, we are going to take tough, no-nonsense enforcement against you. We said: We are going to impose tariffs on your truffles, goose liver, and Roquefort cheese. That will scare the devil out of a country, won't it? Take action against truffles, goose liver, and Roquefort cheese. Is there a reason people think we are wimps in international trade? I think so. It is bizarre.

When the Europeans want to get tough with us, they pick sectors like steel and textiles. That sounds robust, doesn't it? But we are going to go at them on goose liver.

Shame on us. We ought as a country to decide we are going to protect our marketplace, not against competition, but against unfair competition, that we are going to demand of other countries, if our marketplace is open to them, their marketplace be open to us. I am not a protectionist. I don't believe we ought to put walls around our country. I believe our consumers are advantaged by expanded trade. But by the same token I believe very strongly that trade ought to be fair.

It is not fair trade with respect to the Chinese and the circumstances I mentioned. Let me mention Korea, just for a moment. I talked about China and Europe. Let me talk about automobiles in Korea.

Do you know in the last year we sent automobiles to Korea, about 680,000 Korean automobiles came into this country—Daiwoos, Hyundais—Korean automobiles. They are probably wonderful cars. I don't know, I have not driven them. But 680,000 Korean cars came into the United States.

Do you know how many U.S. cars we got to Korea? We sold 2,800 cars to Korea. They shipped us 680,000; we sent them 2,800. Do you know why? Because Korea doesn't want American cars in its marketplace and they put up barriers and impediments to keep them out.

What are we doing about that? Nothing. We don't do anything about anything. All we do is go negotiate a new agreement and bring it to the Senate and say, Oh, by the way, we have stuck some extraneous things in and if you don't like it, tough luck, because you can't offer amendments.

Does anyone care about the imbalance in Korean automobile trade? They sent us 680,000 cars and we only get 2,800 to Korea. Does anybody care about that?

There is an interesting example about the Dodge Dakota pickup, just recently. In February of this year, DaimlerChrysler started to sell the Dodge Dakota pickup in Korea. The pickup is made in Detroit, by the way. Korea doesn't manufacture pickups like the Dakota, so DaimlerChrysler thought it had pretty good potential in Korea and the company started marketing to small business owners. It was initially quite successful. It got orders for 60 pickup trucks in February and another 60 in March.

Guess what happened? In March an official with the Korean Ministry of Construction and Transportation decided Dodge Dakota pickup trucks represented a hazard. He said some people were even putting optional cargo covers on the vehicle and that might be dangerous if passengers rode in the back, so he announced that cargo covers on pickups on Dodge Dakotas were illegal, and drivers of the pickups would be fined if they put on a cargo cover. And the Korean newspapers had huge headlines: ''Government Ministry Finds Dodge Dakota Covers Illegal.'' Guess what happened. Korean consumers got the message. They canceled 55 out of the 60 orders they had placed for March.

The Korean Government has done this time and time and time again, to shut down our exports of automobiles to Korea.

On the subject of trade with Korea, I could tell you if you try to send potato flakes to Korea from this country you will find there is a 300 percent tariff on potato flakes used to make confection food.

I could go on for some length at the barriers we face sending America's products overseas into markets that ought to be open to us because our

markets are open to them. But we as a country don't seem to think too much about that, we are so busy doing new agreements.

I have a chart here that shows where we are with trade deficits. With almost every country in the world, we have very significant trade deficits. And ironically, the U.S. trade ambassador has been negotiating with the very few countries with which we have surpluses, like Singapore and Australia. I expect those will soon turn to deficits, given our proclivity to negotiate trade agreements that don't work for our country.

Let me talk just for a moment about Canada. We face wheat coming into this country from Canada, sold by an entity that would be illegal in this country, called the Canadian Wheat Board. It is a state-controlled monopoly that would be illegal in the United States. Yet every day we have Canadian wheat shipped into our country at what we allege are prices below the cost of acquisition, dumping in our country. It is unfair trade. It has been going on for a decade and you can't stop it. You just can't stop it. It is enormously frustrating for our farmers because it takes money right out of their pockets.

One day some while ago I went to the Canadian border with a man named Earl in a 12-year-old orange truck.

He and I went to the Canadian border with about 200 bushels of durum wheat. All the way to the Canadian border we met 18-wheel semi-trucks loaded with Canadian wheat being shipped into this country. When we got to the Canadian border, we couldn't take a small amount of durum wheat in a 12-year-old orange truck into Canada. They stopped us cold. We couldn't move. At the same time, we had all of these semi-trucks coming into this country loaded with wheat. Unfair? You are darned right it is. In fact, Canadian wheat is dumped into our country below the cost of production. Yet we are not able to get satisfaction.

Regrettably, the same is true in almost every circumstance. Instead of trying to resolve these issues for our producers, for our employers, and for our employees in this country, we have this free trade fever to negotiate all of these new agreements, and we are correcting none of the problems in previous agreements.

Those who speak as I do, we are often referred to as ''protectionists.'' The papers will not print op-ed pieces by someone like me on this subject. They will print reams extolling the virtues of this trade policy that comes from Republican and Democratic administrations, but they will never print an op-ed piece by someone who speaks as I do about the need to enforce trade laws.

The view of most around here is that there is a globalization going on and that there are some of us don't get it; we are the xenophobic, isolationist stooges who simply can't see over the horizon; that they know better; and, if we understood all of this, we wouldn't be critical of it.

But the question that is fundamental to me is this, Should we not require that trade be fair?

Let me give an example of what I mean by ''fair.''

Our trade relations are unfair in so many different ways. Is it fair, for example, for a worker in a manufacturing plant in the State of Georgia to compete against a 14-year-old young man or a 14-year-old young woman working 14 hours a day, being paid 14 cents an hour in a manufacturing plant in Bangladesh or Indonesia to produce a product that is then sent to our marketplace to sit on a store shelf in a small town in Georgia? Is that fair competition for the company in Georgia that makes the same product, that pays the minimum wage, that prevents the dumping of chemicals and sewage into the water and air, that makes sure they have a safe workplace because they understand those are requirements in this country, because there are prohibitions against child labor and prohibitions against working people 100 hours a week?

Is it fair competition to allow into that store and onto that store shelf for the consumer a product made by somebody who works 14 hours a day and is being paid 14 cents an hour?

This is a true story. A worker in Bangladesh is paid 1.6 cents for every baseball cap she sews, which is then sent to a store in this country to sit on the shelf and is sold for $17.

Is there a company in this country that can compete with that? I don't think so. Is it fair trade?

Let me give you an example, if I might. The story is entitled ''Worked Till They Drop.'' It tells of a woman named Li Chunmei. Unfortunately, it is not a very unusual story.

Li Chunmei was 19 years old. She worked in a toy factory in China. They made stuffed animals for the U.S. marketplace. Let me read from the article.

On the night she died, Li Chunmei must have been exhausted. Co-workers said she had been on her feet for nearly 16 hours, running back and forth inside the Bainan Toy Factory, carrying toy parts from machine to machine.

Long hours were mandatory, and at least two months had passed since Li and the other workers had enjoyed even a Sunday off.

It had been two months since she and other workers had a Sunday off.

The factory food was so bad, she said, she felt as if she had not eaten at all.

''I want to quit,'' one of her roommates, Huang Jiaqun, remembered her saying. ''I want to go home.''

Her roommates had already fallen asleep when Li started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.

The exact cause of Li's death remains unknown. But what happened to her last November in this industrial town in southeastern Guangdong province is described by family, friends and co-workers as an example of what China's more daring newspapers call guolaosi.

The phrase means ''over-work death,'' and usually applies to young workers who saddenly collapse and die after working exceedingly long hours, day after day.

Li worked for 16 hours, running back and forth on the factory floor, and had not had a Sunday off for 2 months—not even a Sunday off. I don't know the wages Li made, but I can tell you that I have gone to some of those places in the world. There are circumstances in which 12-year-old kids are working 16 hours a day and are being paid 14 cents an hour. It is not, in my judgment, fair trade. If they take the product of their work, send it to our store shelves, and tell American workers and businesses, Compete with this, it is not a standard with which we ought to aspire to compete.

We ought not be racing to the bottom on the question of workers' standards, on the question of child labor, and on the question of basic fairness and wages. We ought not be racing to the bottom. Yet that is what we are being set up to do with some of these trade agreements.

Let me say again that this trade ambassador and others have a responsibility to be solving trade problems created by past trade agreements and not presenting us with new trade problems in new agreements.

My main interest today is not Chile or Singapore. My interest is that this country has the largest trade deficit in human history, and this country is suffering a mass exodus of jobs that used to be held by Americans, which are now moved to plants and factories where they can pay pennies on the dollar for an hour's wages. My concern is that the rules of trade have not kept up with the galloping globalization of trade.

The winners are not, as some would have us believe, poor people in other countries who now have jobs. There are plenty of studies and evidence showing that in the last 20 years of globalization, the poor have not improved their lot in life.

These trade agreements are about raw profits. These profits have increased because those who produce those toys—in this case, from a toy factory in China—don't have to pay a decent wage. But it has not improved the lot and life of those who work 16 hours a day—teenage kids—and don't have a Sunday off for 2 months.

My question is very simple to this trade ambassador and others: Why will you not begin to solve some problems, demanding on behalf of the workers of this country and demanding on behalf of the businesses of this country—yes, from Japan, from China, from Korea, from Europe, and others—demanding fair trade rules and understanding there is an admission price to the American marketplace?

This marketplace of ours we fought for, for 100 years. When I say ''fought

for,'' there were men and women who died in the streets of this country fighting for the right to organize as workers. We have had major battles in this Chamber on the issue of child labor, on the issue of minimum wage, and on the issue of safe workplaces and polluting streams and the air shed. We fought those battles, and this country has come to grips with the understanding that you shouldn't put 12-year-old kids in factories and work them 16 hours a day and pay them 12 cents an hour. We don't do that because it is not right. It is not right either to ask American workers to compete with unfair trade practices.

Unless this country starts to stand up for its interests, we will not soon have a manufacturing base left and we will not have family farmers available in the future.

I know when I speak this way, there are those who take a look at it and say: Oh, again, another protectionist.

Again, I believe expanding trade is beneficial to this country, but only if it is done under circumstances in which the rules are fair to those of us in this country.

We ought never, ever be concerned about standing up for our interests. If we have trade agreements, trade ought to be mutually beneficial. Too often in the past our trade agreements, with country after country after country, have not been mutually beneficial.

We had a trade surplus with Mexico; did an agreement with Mexico, and turned it into a big deficit. We had a modest deficit with Canada; did an agreement with Canada, and turned it into a huge deficit. It has been the same with Europe, the same with the GATT legislation. All of it has been a colossal failure, in my judgment. The biggest trade deficit in human history: $1.5 billion every single day, 7 days a week. That is what we purchase from abroad more than we ship abroad. And it means we are moving America's jobs overseas at an accelerated rate.

The question is, who will be the consumers in the future? If Americans do not have access to good jobs, who will be the consumers in the future for these cheap imports into this country?

We better come to grips with these trade issues, and soon. I am going to come to the Chamber on Monday and speak more about trade when we have the vote on the Free Trade Agreement.

But let me again say, as I conclude, the reason we are having this vote this way is because this Congress, imprudently, in my judgment, decided to tie its hands with something called fast track. It says: Oh, yes, let's offer up our hands, put handcuffs on them so we cannot offer any amendments.

So now Ambassador Zoellick brings us the Singapore Free Trade Agreement, which says we will allow 5,400 citizens from Singapore to come to this country to take jobs. We have some folks who don't like that, so they are going to do a sense of the Senate resolution. Oh, my God, that is going to make Ambassador Zoellick shake in his boots. It is like hitting him in the forehead with a feather. Sense of Senate: You better not do that again.

The fact is, nobody in this Chamber can do a thing about it because this Chamber decided long ago it would not allow itself to offer an amendment. It is fundamentally at odds with our constitutional responsibilities, in my judgment. But enough Members of this Senate decided to embrace that foolishness and we are now stuck with a circumstance where this agreement will say 5,400 folks from Singapore can come here and take 5,400 American jobs, at a time when we have 8 to 10 million people who are looking for work. Boy, that doesn't add up, where I come from.

I intend to speak at greater length on Monday and try to get some of this trade frustration off of my chest, at least, and see if we can't try to push people—if not pull them—into beginning to stand up for this country's economic interests. No, we don't want an advantage, we just want to stand up for our economic interests and demand fair trade on behalf of American workers and American businesses.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS

Ms. MIKULSKI. Mr. President, I join with my colleague, Senator STEVENS, and other colleagues from the West to protest what the House is about to do in the urgent supplemental bill.

Mr. President and colleagues, and all Americans who are listening, you have to understand what is happening. The Senate passed an urgent supplemental bill to deal with shortfalls in funding where America is facing disasters.

No. 1, our Federal Emergency Management account, which responds to disasters such as hurricanes, earthquakes, and other natural disasters, and even a terrorist attack, is in danger of running out of funds within a matter of days. As of July, they were down to $89 million, and we acted swiftly to send a bill to the House that would include $1.6 billion to replenish the account.

Also, the West is enduring wildfires of unbelievable magnitude because of a combination of fire and drought. Again, as fellow Americans, we joined with our western Senators to put money in the Federal checkbook to deal with these wildfires.

We also included funds to deal with the shortfall in the committee that is investigating what went wrong in the Columbia disaster.

Guess what. We also added $100 million to deal with the shortfall in AmeriCorps that occurred because of bureaucratic mismanagement, so that volunteers would not be penalized and they could come into our school-based programs.

Well, guess what is happening now in the House. This very minute they are debating a rule that, No. 1, limits debate and prohibits amendments. If the rule passes, the House will take up a bill that will essentially strip-mine the urgent supplemental the Senate passed. The House only wants to pass almost half of what the President says he needs for FEMA, and take out all of the other programs.

My message to the House is: Don't do it. Don't pass that rule. It is an embarrassment to you and to the people in desperate need. If you pass the rule, for gosh sakes, don't pass the bill.

I cannot believe the House of Representatives will pass us a take-it-or-leave-it supplemental that takes out help for FEMA, takes out help for wildfires, will not let the NASA commission go on, and essentially pokes AmeriCorps volunteers in the eye, when we are ready to harvest their idealism and put them to work in Teach America and other education programs.

House of Representatives: Don't go out for a 5-week break without helping these desperate situations.

What is an urgent supplemental? An urgent supplemental says when the Federal Government runs out of funds in key programs, because of unintended consequences, we, somewhere in the spring, pass legislation to deal with that. That is what we are supposed to be dealing with now. It is urgent, it is supplemental, and it is desperately needed.

I express my disappointment that the House of Representatives has blocked emergency funding for disaster assistance for wildfire assistance, for AmeriCorps volunteers.

We saw this coming. Who spotted it? Our very able chairman of the Homeland Security Subcommittee on Appropriations, Senator COCHRAN, and Senator BYRD saw this emergency disaster coming. In April of this year, Senator COCHRAN and Senator BYRD asked President Bush to help with emergency funding for FEMA disaster relief. They rightly calculated FEMA would be down to $89 million at the end of July, just when we are heading into high hurricane season, and there would be the possibility of other natural disasters. And God forbid we have to have the money if there is another attack on the United States of America.

They asked for the money in April. Silence from the White House. Silence from the White House. Silence from OMB. Silence—where the clock was ticking, as the money dwindled down.

The President did send Congress a request on July 7. He did say FEMA would run out of money. So the Senate acted very quickly with the President's request, led by Senator STEVENS and Senator BYRD, the chairman and ranking member of the Appropriations

Committee. Expeditiously, within 48 hours of the President's request, the Appropriations Committee in the Senate acted. We approved money for disaster assistance. We approved $1.6 billion for disaster relief. We approved money to help with the Space Station Columbia. We approved money to help with the wildfires facing our Western States and possibly even Alaska itself, and much-needed help in mountain counties of West Virginia.

We helped with AmeriCorps. We did it. And I was a proud sponsor of adding $100 million for AmeriCorps. There were Senators who had disputes on this, so we had a separate vote on AmeriCorps, kind of the American way. I thought: majority ruled. I would have been disappointed if the Senate had defeated my amendment, but we followed usual and customary procedures, and the Senate sustained the AmeriCorps funding by a vote of 71–21.

Then we passed the urgent supplemental as part of the legislative branch appropriations 85 to 7. Again, majority ruled.

The Senate quickly appointed conferees. Remember, the Senate moved very quickly. The President made a request on the 7th. We went to committee on the 9th; to the Senate floor on the 11th. Isn't that just terrific. We knew we had to move fast because it is an urgent supplemental. Then we went to conference. Well, guess what. There was no conference. The House has delayed, delayed, delayed, delayed. And so now at the very last minute they want to leave town for a recess. They want to leave 1 week before we are. Well, they don't have to go this week. There is nothing that says the House has to evacuate Washington. They could stay another couple of days.

But all of last week, ever since we passed this bill on July 11—and it is now the July 25—for 14 days I have been waiting to go to conference to work on this supplemental. I was ready to go during the day. I was ready to go during the night. I was ready to go on weekends. I would have come here on my birthday. I was ready to stand up for America and to stand up for this supplemental assistance. But, no, now they are going to wait for the last minute, pull kind of a parliamentary shenanigan, take it or leave it.

What are they sending over? What an embarrassment. They are sending over $984 million for FEMA assistance, and that is it.

Not only are they taking out AmeriCorps, wildfire money, and NASA money to complete the investigation of what went wrong, they are reducing the FEMA account requested by the Senate by $700 million. We have never let FEMA fall to such a low level. I am sorry that the House is falling to such a low level as well.

We don't need low levels at FEMA. We don't need low levels from the House of Representatives.

I am concerned that the FEMA account is nearly bankrupt. It is unconscionable and irresponsible for we on the Atlantic and gulf coasts who are at the height of the hurricane season, and they know it.

When it comes to looking at the whole issue of wildfires, they know what the West is facing. It is not a TV item. It is brave people willing to put themselves on the line. States are at a financial crisis, and now they are facing the fire crisis. As an east coast Senator, my heart goes out to those in the West.

Then when we look at NASA—we went to the memorial. We said: A grateful nation will never forget. We are going to get to the bottom of this. We are going to fly again.

I hope we do. Hats off and salutes to the commission being led by Admiral Gayman. It is thorough, it is rigorous, it is leaving no stone unturned. We are going to get great results. But they need the money to finish the commission. And where will they get the money? Go back to NASA, take it out of the shuttle? Take it out of space science? It is a slap in the face for the families of those astronauts we promised we would get to the bottom of this. We have a great commission with an outstanding leader, and we should put the money in the Federal checkbook.

Then when we talk about AmeriCorps, 20,000 volunteers will lose their slots within a matter of days. Why? Because the mismanagement at headquarters overenrolled by 20,000 volunteers. We have discussed this. Why punish the volunteers and the community for headquarters? Headquarters is not going to lose their jobs, though I did call for new leadership, and the President has responded. Senator BOND is the one who has been a champion of fiscal reform. He has stood sentry over the issues related to AmeriCorps. The House was silent on it. And the uncovering of the debacle occurred in the Senate under Senator BOND's leadership with my assistance. The reform effort was led by Senator BOND for fiscal accountability and greater transparency, again with our assistance, on a bipartisan basis.

When we put $100 million in the committee, there was a vote on the Senate floor to take it out. Seventy-one Senators voted to keep it in. We have been working in such a bipartisan way. I am so agitated about what is going on in the House. We have had bipartisan cooperation to deal with the urgent supplemental. We have had bipartisan support to deal with the issues. We have conducted ourselves in a way that I thought was civilized and constructive.

I recall the evening where the junior Senator from Alabama rose and said he was going to oppose the $100 million. He had a markup on asbestos. We accommodated each other so the Senator could offer his debate; I could offer my rebuttal. The Senator wanted to return to the asbestos markup. We were crisp. We were cogent. We were civilized. We were collegial. We each had our day. Then the Senate, the next day, had a vote.

How unlike the House. They can't even offer an amendment. Then they didn't even have the backbone to face us in conference.

I don't know how they are going to go back and face their constituents with the fact that they have short-funded FEMA. They have taken out the wildfire money, which I cannot understand. Why punish the West that has been hit by drought, hit by wildfires, and hit by a budget crisis? I don't think Americans should do this to other Americans.

I have spoken about the NASA commission. When it comes to the AmeriCorps volunteers, let me tell you what is going to happen if we don't do this. On August 1, Wendy Kopp, one of the true leaders of America, is going to tell several thousand volunteers ready to go into classrooms: The U.S. Congress didn't think you were important enough or valued enough to put in the grant funds for you to go into those classrooms, authorize the working in PAL programs, literacy programs, all of the education stuff that needs to start in September. We didn't think it was urgent enough. We wanted to have a temper tantrum over a bureaucratic snafu, so we are not going to punish the bureaucrats. We are going to punish the volunteers. We are going to punish the programs that help on education, and we are going to punish our children.

I know one volunteer in education who came to Baltimore. And he went into a very tough school under Teach America. When he came in, the reading levels were 23 percent. When he walked out, after he had finished his AmeriCorps commitment, those kids were reading in the 71st percentile, a 50-percent improvement. That young man changed those kids' lives, but those kids changed that young man's life. He is now a regular teacher in the Baltimore City school system. This is what this is all about. This isn't rich kids singing ''Kumbaya.'' These are kids trying to earn a voucher to pay for the high cost of tuition, give practical experience to America. They help our communities, and then in turn the communities have a great impact on them. It is a modest public investment.

There was a bureaucratic snafu. It has been corrected thanks to the leadership of Senator BOND, with the cooperation of this side of the aisle. Why should we punish 20,000 volunteers who are already to go in September and won't be able to go because of what the House is going to do this afternoon? Shame on you, House leadership, for not at least giving them the vote. Shame on you for not voting sooner and bringing this to conference.

I am very disappointed. I thought in America the majority ruled. There is a very small minority that is blocking this urgent supplemental, blocking following the rules of procedure of the Senate. This isn't about rules. This is

about people. It is about people who could be hit by a hurricane, people who are already hit by a wildfire, volunteers who are ready to roll into our classrooms. ''Ready to roll,'' I use those words deliberately.

A promise made should be a promise kept for the families who lost their loved ones in the Columbia disaster. I really object to their sending back a conference report without these items in it. When this is raised, if this comes back under this draconian circumstance, I will object to it being brought up. I think we ought to send back to the House the Senate bill, which we agreed upon with an overwhelming majority of 80 to 20.

I thank the Chair for his very kind attention. I thank Senator STEVENS very much for his leadership on this issue, and the leadership provided by Senator BYRD, and for the collegiality in which we participated in our debate. My heart goes out to the Western Senators who are about to be nailed by this, and to the AmeriCorps volunteers. I think we need to stand up for America, and we ought to stand up for this urgent supplemental.

I yield the floor, but I will not yield my perspective on this supplemental.

ENERGY POLICY ACT OF 2003—Continued

AMENDMENTS NOS. 1390 THROUGH 1395, EN BLOC

Mr. DOMENICI. Mr. President, we have worked out 11 amendments we would like to dispose of today.

I send a series of amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 1390, 1391, 1392, 1393, 1394, and 1395, en bloc.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1390

(Purpose: To authorize grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration)

On page 52, after line 22, add the following:

SEC. 1___. RISK-BASED DATA MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Energy shall make grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

AMENDMENT NO. 1391

(Purpose: To encourage energy conservation through bicycling)

Page 209, after line 6, insert:

''SEC. 6__. CONSERVE BY BICYCLING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) The term 'program' means the Conserve by Bicycling Program established by subsection (b).

''(2) The term 'Secretary' means the Secretary of Transportation.

''(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the 'Conserve by Bicycling Program'.

''(c) PROJECTS.—

''(1) In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

''(A) dispersed geographically throughout the United States; and

''(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

''(2) A pilot project described in paragraph (1) shall—

''(A) use education and marketing to convert motor vehicle trips to bicycle trips;

''(B) document project results and energy savings (in estimated units of energy conserved);

''(C) facilitate partnerships among interested parties in at least 2 of the fields of transportation, law enforcement, education, public health, environment, and energy;

''(D) maximize bicycle facility investments;

''(E) demonstrate methods that may be used in other regions of the United States; and

''(F) facilitate the continuation of ongoing programs that are sustained by local resources.

''(3) At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

''(d) ENERGY AND BICYCLING RESEARCH STUDY.—

''(1) Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress, a report on a study on the feasibility of converting motor vehicle trips to bicycle trips.

''(2) The study shall—

''(A) document the results or progress of the pilot projects under subsection (c);

''(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as weather, land use and traffic patterns, the carrying capacity of bicycles, and bicycle infrastructure;

''(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

''(D) include a cost-benefit analysis of bicycle infrastructure investments; and

''(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

''(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

''(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

''(3) $750,000 shall be used to carry out subsection (d).''.

AMENDMENT NO. 1392

(Purpose: To provide for a renewable production of hydrogen demonstration and commercial application program)

On page 290, between lines 19 and 20, insert the following:

SEC. 8___. RENEWABLE PRODUCTION OF HYDROGEN DEMONSTRATION AND COMMERCIAL APPLICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to assist projects for the demonstration and commercial application of the production of hydrogen from renewable resources.

(b) SCOPE.—A project funded with assistance under this section may include an element other than production of hydrogen if the Secretary determines that the element contributes to the overall efficiency and commercial viability of the technology employed in the project, including—

(1) joint production of hydrogen and other commercial products from biomass; and

(2) renewable production of hydrogen and use of the hydrogen at a single farm location.

(c) COST SHARING; MERIT REVIEW.—A project carried out using funds made available under this section shall be subject to the cost sharing and merit review requirements under sections 982 and 983, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2004; and

(2) $25,000,000 for each of fiscal years 2005 through 2008.

AMENDMENT NO. 1393

(Purpose: To require the Secretary of Energy to transmit to Congress a plan for the transfer of title to the Western New York Service Center in West Valley, New York)

On page 150, after line 14, insert the following:

SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.

Not later than one year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

AMENDMENT NO. 1394

(Purpose: To provide for the preservation and archiving of geological and geophysical data through establishment of a data archive system and for other purposes)

Strike the text starting on page 43, line 19, through page 49, line 19, and insert the following:

''SEC. 112. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

''(a) SHORT TITLE.—This section may be cited as the 'National Geological and Geophysical Data Preservation Program Act of 2003'.

''(b) PROGRAM.—The Secretary of the Interior shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

''(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

''(2) to provide a national catalog of such archival material; and

''(3) to provide technical and financial assistance related to the archival material.

''(c) PLAN.—Within 1 year after the date of the enactment of this section, the Secretary shall develop and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the implementation of the Program.

''(d) DATA ARCHIVE SYSTEM.—

''(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system, which shall provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

''(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies which elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

''(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless it is the agency that acts as the geological survey in the State.

''(4) DATA FROM FEDERAL LANDS.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal lands—

''(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data was collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

''(e) NATIONAL CATALOG.—

''(1) IN GENERAL.—As soon as practicable after the date of the enactment of this section, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

''(A) data and samples available in the data archive system established under subsection (d);

''(B) the repository for particular material in such system; and

''(C) the means of accessing the material.

''(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the World Wide Web, consistent with all applicable requirements related to confidentiality and proprietary data.

''(f) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

''(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

''(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities in subsection (g)(1).

''(B) Review and critique the draft implementation plan prepared by the Secretary pursuant to subsection (c).

''(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

''(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

''(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

''(g) FINANCIAL ASSISTANCE.—

''(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2), for providing facilities to archive energy material.

''(2) STUDIES AND TECHNICAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

''(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be no more than 50 percent of the total cost of that activity.

''(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

''(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

''(1) a description of the status of the Program;

''(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

''(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

''(i) DEFINITIONS.—As used in this section:

''(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

''(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior acting through the Director of the United States Geological Survey.

''(3) PROGRAM.—The term ''Program'' means the National Geological and Geophysical Data Preservation Program carried out under this section.

''(4) SURVEY.—The term ''Survey'' means the United States Geological Survey.

''(j) MAINTENANCE OF STATE EFFORT.—It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of fiscal years 2004 through 2008 for carrying out this section.''.

AMENDMENT NO. 1395

On page 150, line 24, strike ''(tidal and thermal)'' and insert ''(wave, tidal, current, and thermal)''.

On page 156, line 4, strike ''(tidal and thermal)'' and insert ''(wave, tidal, current, and thermal)''.

Mr. DOMENICI. The amendments have been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to, en bloc.

The amendments were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EN BLOC AMENDMENTS NOS. 1396 THROUGH 1401

Mr. DOMENICI. Mr. President, I send a series of amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report. The amendments will be considered en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], proposes amendments numbered 1396, 1397, 1398, 1399, 1400 and 1401, en bloc.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1396

(Purpose: Provides authorization dates for Clean Coal program)

On page 90, line 24, strike ''2003 through 2011'' and insert ''2004 through 2012''.

AMENDMENT NO. 1397

(Purpose: To provide for the calculation of coastal impact assistance payments based on previous years' revenues)

On page 40, beginning with line 13, strike all through line 20 and insert:

''(4) For purposes of this subsection, calculations of payments shall be made using qualified Outer Continental Shelf revenues received during the previous fiscal year.

AMENDMENT NO. 1398

(Purpose: To remove requirement that Secretary must hold coastal impact assistance payments in escrow in certain circumstances)

On page 40, strike line 5 and all that follows through line 12, and insert:

''shall not disburse such an amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section or so long as the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.''

AMENDMENT NO. 1399

(Purpose: To clarify that certain hydrgen demonstration programs include the entire National Park System)

On page 286, strike line 10 and all that follows through page 287, line 21, and insert:

''SEC. 814. HYDROGEN DEMONSTRATION PROGRAMS IN NATIONAL PARKS

''(a) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior and the Secretary of Energy shall jointly study and report to Congress on—

''(1) the energy needs and uses in units of the National Park System; and

''(2) the potential for fuel cell and other hydrogen-based technologies to meet such energy needs in—

''(A) stationary applications, including power generation, combined heat and power for buildings and campsites, and standby and backup power systems; and

''(B) transportation-related applications, including support vehicles, passenger vehicles and heavy-duty trucks and buses.

''(b) PILOT PROJECTS.—Based on the results of the study, the Secretary of the Interior shall fund not fewer than 3 pilot projects in units of the National Park System for demonstration of fuel cells or other hydrogen-based technologies in those applications where the greatest potential for such use has been identified. Such pilot projects shall be geographically distributed throughout the United States.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated to the Secretary of the Interior $1,000,000 for fiscal year 2004, and $15,000,000 for fiscal year 2005, to remain available until expended.''.

AMENDMENT NO. 1400

(Purpose: Modifies definition of research in regards to the Next Generation Lighting Initiative)

On page 305, line 23, strike the word ''basic''.

AMENDMENT NO. 1401

(Purpose: Makes technical change to Sec. 111)

On page 37, line 23, strike ''year. Where'' and insert ''year, except that where''.

Mr. DOMENICI. The amendments have been cleared on both sides. These are clarifying and technical amendments, agreed to by Senator BINGAMAN and myself as the managers of the bill. I request these amendments not be counted against any reservations on the finite list of amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendments? Without objection, the amendments are agreed to en bloc.

The amendments were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the Chair and yield the floor.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SINGAPORE AND CHILE TRADE AGREEMENT

Mrs. FEINSTEIN. Mr. President, I come to the floor to make some comments on the Singapore and Chile trade agreements. Let me begin by saying I think it is really a shame that an otherwise good trade agreement with both Singapore and Chile, which I would otherwise support, I cannot support because immigration provisions were added to the bill, I believe contrary to the plenary powers of this Congress.

But before I discuss the trade agreement, I would like to say at the outset that, as I see it, the fast-track process is a real problem. Under fast-track rules, there is limited debate, expedited procedures, deadlines, and no amendments. Congress can only vote up or down.

While the fast-track procedures provide for consultations with Congress, there is really no guarantee that the President or the U.S. Trade Representative will ultimately respect the opinions and advice of Senators and House Members. In other words, we lose all ability to influence the content of a trade agreement negotiated under the fast-track procedures.

For me, from California, a place that has 36 million people and is either the fifth or sixth largest economic engine on Earth, trade agreements have major implications.

I have always had a relationship with the USTR that apparently I do not have with this USTR, because of the size of California economically, and the interests internationally, that at least I be consulted in a meaningful way. In this case, consultation, as I understand it, constituted staff briefings.

I wish to say, my staff does not cast a vote. I cast the vote. So if anyone is going to consult with the senior Senator from California, it ought to be with the senior Senator from California. None of those consultations took place.

Not only that, I have sat on the Immigration Subcommittee for 10 years now and you, Mr. President, are the new chair of that subcommittee. To the best of my knowledge, that subcommittee as a whole—maybe individual members have been able to have an impact, but as a whole, the subcommittee has not been able to have an impact. So any hearing we might have is de minimis in impact because the decision is already made. I am told by my staff that by the time any meaningful briefing took place, the agreement had been signed and sent over here. That is not the way to do business with somebody like me, who has 36 million people, a huge economy, and all kinds of issues in virtually any trade agreement.

Fast track really provides a disadvantage for the people of California. When I was lobbied to vote yes on fast track, I said to virtually every industry in California: Do you realize that if a President or a USTR negotiates an agreement, they can negotiate an agreement and let California suffer all kinds of repercussions and there is nothing your elected representative can do about it? That is fast track. When you have the fifth or sixth largest economy on Earth, it means a great deal.

But, having said that, let me go to the immigration provisions of this free-trade agreement. The administration again insists it has had a number of discussions on these. Perhaps, again, they have with certain Members. They certainly have not with me. But immigration policy has long been well within the purview of Congress, and I believe it should stay there. Indeed, the Constitution gives Congress this power, and I do not think it is wise to give up that power to another branch of Government in this trade agreement or in any other.

These agreements, as I read them, would create sweeping and permanent new categories of visas, regardless of whether Congress would deem these new entries valid or beneficial to our Nation's economy and welfare. Even more important, regardless of whether Congress might want to change these new categories at some later date, we cannot do it.

Specifically, I oppose these agreements because they would create entirely new categories of nonimmigrant visas for free-trade professionals, thus permitting the admission of up to 5,400 professionals from Singapore and up to 1,400 professionals from Chile each year.

They would permit an indefinite extension of these visas.

They would require the entry of spouses and children accompanying or following to join these professionals without limitation. So any number of family members can come in.

They would require, without numerical limit, the entry of business persons under categories that parallel three other current visa categories. In other words, require their entry under other categories, the B–1 business visitor visa, the E–1 treaty trader or investor visa, and the L–1 intracompany transfer visa.

These agreements would permit but not require the United States to deny the entry of a free-trade professional if his or her entry would adversely affect the settlement of a labor dispute.

They would require that the United States submit disputes about whether it should grant certain individuals entry to an international tribunal. So if there was a pattern in our entry practice, we would have to submit that to an international tribunal, and a international tribunal would decide a sovereign right of the United States of America. That, to me, is unacceptable.

These agreements are troubling in their permanence, their inflexibility, and their lack of congressional participation or oversight. The fact is, current law already permits foreign nationals to do all the things specified under the trade agreement. In fact, several thousand nationals from Chile and Singapore enter the United States each year. To the extent that changes need to be made, Congress can choose to make them.

So this raises the question, Why, then, do these provisions need to be in a trade agreement? Perhaps the answer can be found by taking a closer look at these trade agreements, and more specifically at how exactly the agreements differ from current law.

There are no numerical limits for any of the visa categories except the new H–1B(1) visa. There are no labor certifications under this bill. This is very significant. The United States can impose no prior approval procedures, petitions, labor certification tests, or other procedures of similar effect.

Under the visitor visa provisions:

> A party shall normally accept an oral declaration as to the principal place of business and the actual place of accrual of profits.

Where the party requires further proof, a letter from the employer attesting to these matters would serve as sufficient proof.

These are all contained in the trade agreements. Thus, the facts speak for themselves.

But behind the abstraction, the theories, and the statistics of the free-trade agreements we are considering today, there is one inescapable factor, and that is the working men and women of this country and what is going to happen to them.

As I said in the Judiciary Committee, I am not the Senator from Chile or Singapore. I am the Senator from California. The people of my State are working in produce-rich fields. They are building new technologies for tomorrow. They are fiber optic engineers, computer programers, and physical therapists tending to the needs of others, all of whom are going to be affected by the immigration provisions of this bill.

I know of engineers who have been out of work for more than a year who have sent out hundreds of resumes and are still looking for a job—machinists, carpenters, and engineers by the tens of thousands looking for work in my State. Let me give you a couple of cases.

Jenlih Hsieh is a 50-year-old U.S. citizen from Taiwan with a master's degree and more than 12 years of experience in Unix systems administration, filed a complaint with the Equal Employment Opportunity Commission, the U.S. Department of Justice and in Santa Clara County Superior Court. Hsieh alleges that SwitchOn Networks of Milpitas fired him after 6 months and replaced him with an H–1B worker. According to the complaint, the H–1B worker was earning $30,000 less a year, had only a bachelor's degree and much less experience.

Why is this important? It is important because this bill provides that the Labor Department cannot do an investigation to see if the complaint is correct. The Labor Department cannot make a certification that there is no replacement of an American worker. If the administration chose to add this, the message it should send to each and every one of us is the administration fully contemplates that American workers are going to be replaced by the immigration provisions of this treaty and does not want their Department of Labor to be able to check that out and keep records to see if these are, in fact, sustainable complaints.

Bob Simoni, 39, lost his consulting job at Toshiba American Electronics Components in Irvine in March 2002. Simoni, who has an MBA from the University of California-Los Angeles, had worked at Toshiba as a contract engineer for 2 years installing software. He came to work in February to find everyone packing their boxes. Toshiba was outsourcing the division to an India-based technology services company, Infosys, which employs H–1B workers in the United States. Simoni said Toshiba asked him to stay for 3 weeks to do ''knowledge transfer'' with Infosys employee Rakesh Gollapalli, who told him he had an H–1B visa. It hurt to be training someone who for all practical purposes was replacing him, and it felt wrong, Simoni said.

You and I, Mr. President, are allowing this to happen with the H–1B visa being so extensively used in the United States, and we need to change that.

The Boston Globe published an article June 3, 2003 that also reveals the fear many American workers have of losing their positions to H–1B and L–1 temporary workers. The story of John Malloy illustrates the experience of many Americans in the fields of technology, information, and engineering:

> Unix system administrator John Malloy used to work for NASA, but hasn't had a steady job in over 2 years. ''I'm 40 years old, and my life is ruined,'' he said. Malloy said his last job was at a local healthcare company, where he helped train two workers from India. He said the Indian workers are still on the job, but he was laid off. Mallory told the reporter: ''I'm an open, fair-minded world citizen who loves everybody . . . but I'm really starting to get frustrated.''

This trend prompted The San Francisco Chronicle to publish articles on the topic on both May 25 and June 2, 2003. The articles describe the confusion surrounding the use of L–1 visas, citing confusion among companies, labor lawyers, and government agencies as to what type of use of the visas is legal. They also show increasing hostility from American high-tech workers surrounding L–1 visas.

> One example is the case of the dozen computer programmers who were laid off from Siemens Information and Communication Networks in Lake Mary FL, and replaced with foreign workers using the L–1 program. Michael Emmons left Siemens last fall just before his job there was to end. Emmons had worked as a contract computer programmer for the company for 6 years, first in San Jose, CA, and then in Florida. He said, ''This is what they call outsourcing. I call it insourcing. Import foreign workers, mandate your American workers to train them, they lay off your Americans.''

This is what we are allowing to happen. My view is that it is not a problem during boom time because there are enough jobs for all. But what happens when we have these rich programs is that when tough times come, employers succumb to the lure of being able to save $30,000 or $40,000 a worker. We are passing this treaty in the middle of huge unemployment in our country. We are creating a sinecure for these workers from other countries. I think that is a mistaken priority.

Last week, I joined with my colleagues on the Judiciary Committee, Senators SESSIONS of Alabama and GRAHAM of South Carolina, urging the President and the U.S. Trade Representative to withdraw the legislation implementing the Free Trade Agreements with Chile and Singapore.

We also asked that the administration renegotiate or reconfigure the trade agreements without the immigration provisions and re-transmit a new version of the implementing legislation to Congress.

I am extremely trouble that despite these concerns, which were expressed by several members of both chambers of Congress, the President sent Congress implementing legislation that would effectively expand the temporary admissions program without the express consent to do so.

Let me say this: I very much doubt that the USTR is any kind of an expert on immigration. I must tell you that I have heard rumors that this was to be the precedent for some 50 other treaties to come after it. I think if this Senate and the House were to allow this to happen, we don't deserve to hold these jobs.

I don't believe that this Senate should relinquish its plenary power over immigration to any administration nor to any country that is party to a trade agreement. Trade agreements are simply not the appropriate vehicle for enacting immigration law. Such agreements are meant to have a permanent impact. They cannot be amended or modified by subsequent legislation should Congress need to alter these provisions. I am not saying we should capriciously alter these provisions. I am saying that if the economic conditions change, the United States needs to respond to those economic changes rather than to be frozen into a pattern of dozens of agreements which freeze for all time certain things that may be proved to be inimical to our national interests.

A recent commentary by Paul Magnusson in BusinessWeek asked the question I think we should all ask ourselves: ''Is a stealth immigration policy smart?'' Magnusson wrote:

> Complex trade agreements, which increasingly affect the entire U.S. economy and require changes in U.S. laws and social policies, should not be considered in secret, or in isolation from all other legislation.

That is exactly what happened with this agreement. The result of this kind of process is going to be an unwieldy patchwork of conflicting permanent law that will encumber an already overburdened immigration system, while exacerbating the growing backlogs of people already seeking to enter the United States.

Such legislation will ultimately tie our hands when the national interest demands an alteration in the immigration provisions on which we are about to vote. Establishing separate policies and laws for different countries makes the day-to-day implementation more complicated and susceptible to error and abuse. And that is exactly what this does. Every country will have its own set of immigration laws, which can last forever under the terms of the treaty. How can any INS ever administer that?

I have other concerns with the Trade Representative's decision to include so prescriptively the immigration provisions at hand. The Office of the U.S. Trade Representative has not demonstrated the need for negotiating these temporary entry provisions, nor does the office provide any evidence that current immigration law would be a barrier to meeting the United States obligation in furthering trade and goods and services. In fact, current law is sufficient to accommodate these obligations, as evidenced by the millions of temporary workers who enter the United States each year.

Just listen to the numbers: In just 2002, 4,376,935 foreign nationals entered

under the B–1 temporary business visitor visa; 171,368 entered under the E treaty-trader visa; and another 313,699 entered under the L intracompany transfer visa; and an additional 370,490 entered the United States under the H–1B professional visa.

If you add all of these up, we have over 5 million people just last year coming in under these temporary visas, of which probably half become permanent. And that is in addition to the regular immigration program.

In all, the United States admitted a total of 5,232,492 foreign nationals under the current temporary visa categories. Of these numbers, 40,461 temporary business professionals entered from Chile and 29,458 entered from Singapore.

What is my point? My point is, there already is enough room to absorb under present visa categories. Over 40,000 from Chile and 30,000 from Singapore came in last year alone under these visa categories. Yet the USTR saw fit to say: It isn't enough, Senate and House. We are going to impose another permanent program.

Free-trade visas should not be indefinitely renewable, and I am not going to vote for one that is. Under the trade agreements, the visas for temporary businesspersons entering under all the categories in the agreement are indefinitely renewable. So this is what transforms what, on paper, is a temporary visa-entry program into a permanent visa-entry program.

While the trade agreements require temporary professionals to come in under the overall cap imposed on the H–1B visa, each visa holder would be permitted to remain in the United States for an indefinite period of time. That means permanent. Thus, employers could renew their employees' visas each and every year under the agreement with no limits, while also bringing in new entrants to fill up the annual numerical limits for new visas. So the thing spirals and expands exponentially. This effectively would obliterate Congress' ability to limit the duration of such visas even when it is in the national interest to do so.

Thirdly, the agreement provides insufficient protection for workers, both domestic and foreign. Today, in our country, 15.3 million people are unemployed or underemployed in part-time jobs out of economic necessity or they have given up looking for work. Of that number, 9.4 million are considered officially unemployed.

These unemployment figures are the highest in a decade, and yet we are doing this program now. In California, 1.17 million people are out of work. In the San Francisco Bay area, the technology boom and subsequent bust has created a huge pool of unemployed skilled labor. In San Jose alone, 47,160 people—or nearly 10 percent of the population—are looking for jobs.

More and more out-of-work technology workers are filing complaints with the Government or going to court to protest perceived abuses of temporary visa programs. And yet the administration has seen fit to push through a free-trade agreement with immigration provisions of which very few of us could predict the consequences.

Although employers are, by and large, good actors, the provisions in the implementing legislation would expose many more workers—and don't forget this—to displacement, to wage exploitation, and to other forms of abuse. These provisions, as drafted in the trade agreement, would increase the number of temporary foreign workers exposed to exploitation and leave more to face an uncertain future. By making the visas indefinitely extendable, albeit 1 year at a time, these workers will remain in limbo with year-to-year extensions of their stay.

Despite these concerns, the USTR has seen fit to push through a free-trade agreement with immigration provisions that significantly weaken the U.S. and temporary foreign worker protections under current immigration law in several ways.

First, the provisions would expand the types of occupations currently covered under H–1B to include: management consultants, disaster relief claims adjusters, physical therapists, and agricultural managers—professions that do not require a bachelor's degree. Nor would employers be required to demonstrate a shortage of workers in these professions before hiring foreign nationals under the agreement. This opens the door to the inclusion of new occupations in the trade agreement that are not currently included in the H–1B program.

In a sense, what this means is, it is a special program through which you can replace an American worker, pay less for that worker, and keep that worker so that worker isn't going to complain because if he or she does, the visa is not going to get renewed the next year. And if that worker succumbs to any kind of exploitation, his family comes over, her family comes over, and they have a lifetime sinecure, not only with the company but within the United States. No American worker has that.

The current H–1B program defines a specialty occupation as one that requires the application—and this is important—of a body of highly specialized knowledge. That is there for one reason, to ensure employers don't abuse the program to undercut American workers in occupations where there is no skill shortage. What this agreement does is delete the word ''highly.'' So that would lower the standard for admission by broadening the definition of specialty occupation to include any job that requires the application ''of a body of specialized knowledge.''

It is a significant weakening to allow less specialized workers to come in and, I believe, to replace American workers at less money.

Neither the free-trade agreement nor the implementing legislation require the employer to attest and the Department of Labor to certify that the employer has not laid off a U.S. worker either 90 days before or after hiring the foreign worker before the foreign national is permitted to enter the United States.

Why do you suppose that is in there? That is in there so any American employer that wants to can keep an American worker until they can replace them with a foreign worker at less money and then do so. Because those simple precautions that made this more difficult to do are gone. Nobody should believe, when they vote for this legislation, that it is not a foreign-worker replacement program. I have just given the documentation that indicates exactly how it is going to be done.

Once you eliminate the labor certification, you eliminate the requirement that the Department of Labor makes an investigation to verify the employer's attestation is accurate and truthful before permitting the entry of a foreign national. Labor certifications are expressly prohibited under this trade agreement. Again, it is the foreign worker employment program in the United States displacing American workers, and this is how to do it.

Moreover, the implementing provisions limit the authority of the Labor Department by providing that it may review attestations only for completeness and only for inaccuracies. So the screw is being tightened on the Labor Department. You can't investigate, you can't certify, and you can only review the application to see whether it is complete and accurate. To add insult to injury, you have to provide the certification mandatorily within 7 days. So neither the trade agreement nor the implementing language provides the Department of Labor authority to initiate investigations or conduct spot checks at worksites to uncover instances of U.S. worker displacement and other labor violations pertaining to the entry of foreign workers. It is really bad.

This is troublesome, given that in the last 2 fiscal years the Department of Labor investigated 166 businesses with H–1B violations. As a result of those investigations, H–1B employers were required to pay more than $5 million in back pay awards to 678 H–1B workers. That is proof of what is going on. There is proof that companies do this. This is not new thought. I am not reaching to find a reason. This is happening. And in a tough economy, it is going to happen more. Those of us who are elected by workers to protect them fail in our obligation to do so.

While the administration has included a cap on the number of professionals entering under the H–1B(1) category, there are no such limitations on the number of temporary workers entering on other visa categories, including the B–1 visitor visa, the E-treaty/investor visa, and the L–1 intracompany visa.

None of these categories are numerically limited under the agreement. Once enacted, Congress may not subsequently impose caps on these categories for nationals entering pursuant to this agreement.

The trade agreement expressly prohibits the imposition of labor certification tests or other similar conditions on temporary workers entering from Chile and Singapore. I am amazed the Governments of Chile and Singapore want this. I am amazed they want their people to come in and face exploitation in the United States.

While Congress could certainly correct some aspects of the law implementing the trade agreements, it would be limited in what it could do by the underlying trade agreement itself. For example, if Congress decided to better protect U.S. businesses and workers by amending the laws governing the L–1 visa category to require a labor certification or a numerical limit before a foreign worker from Chile or Singapore could enter the United States, it would not be able to do so. Both are plausible options for dealing with perceived abuses in the visa category. However, both trade agreements provide ''neither party may, A, as a condition for temporary entry under paragraph 1, require labor certifications or other procedures of similar effect; or, B, impose or maintain any numerical restriction relating to temporary entry under paragraph 1.''

Again, there is something a little insidious in this, in the formulation of a new program with these specific specifications in view of the fact of the more than 50,000 Chilean and Singaporean workers coming in in our other business visitor visa categories. So the significance of this is creating a new program and making it permanent and taking out any meaningful labor certification. I figure every one of these people can replace an American worker for less money. Otherwise, why do this?

These provisions significantly limit congressional authority, A, to establish labor protections when warranted and, B, to limit the number of visas that could be issued to nationals in Chile and Singapore, should we deem it is in the national interest.

I don't think we should relinquish this constitutional authority. It is really for this reason, on behalf of the millions of Americans who are unemployed and underemployed and particularly in these exact categories, I cannot tell you the workers trained with graduate degrees being replaced, with families. And they can't find jobs. And we fall right into the trap and produce an agreement that is going to say: Labor Department, the only thing you can check is the accuracy of an application for name, address, and phone number, and whether it is all filled in, and then you must certify it within 7 days. And John Smith, who has worked in the company for 10 years, has a graduate degree, gets to train this worker, who is paid $30,000 less—and I gave you actual cases where this is happening—and the worker goes home to a mortgage on a home and a car and three kids in school.

Is this what we are elected to do? I am not going to do it. If I could filibuster, I would filibuster it. I am really angry about it because it is sleight of hand. There was no meaningful consultation. Mr. Zoellick never picked up the phone and called me—or his No. 2, 3, 4, or 5—and said: This is what we are thinking of doing. I know you in California have the highest unemployment in 10 years and there has been a high-tech bubble burst. I know a lot of your professionals are out on the street. What do you think of this? I would say: No way, Jose.

So I am mad and I hope every working man and woman in this country is mad, too. I am mad because—Mr. President, you know, as you were in committee—we asked to send it back. We were refused. And there is no delay. Bingo, it is out on the floor. It is going to be ramrodded through this body.

Well, one thing I have learned is that the working men and women of this country are not stupid. Of all these visitor visas, we have 5 million granted in just a year. People are going to catch on. The word is going to get around. I very much regret that the administration won't eliminate the immigration section. This would be a perfectly good treaty without them. Five million people came in last year under the H–1B visas—5 million. Plenty of room. We don't need to create a new permanent program, tighten the housing supply, tighten the school supply, bring in all these families, and not be able to take care of our own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

A CRISIS IN EDUCATION

Mr. JEFFORDS. First, I commend my good friend from California for her excellent statement and revealing to the Nation the seriousness we have in the ability to provide jobs with qualified workers. Just this past decade, we brought 4 million workers into this country to take the high-skilled jobs of our Nation because we could not provide them from our own school systems. Yet we have thousands and thousands of unemployed and unskilled workers who have managed to get through our school systems without the necessary skills.

We have a crisis in this Nation, and we have had it for years, and that is in education. This administration is totally ignoring the fact that where we should be putting the funds is in preventing this necessity of having to bring in workers from foreign nations, whether it be from Europe or elsewhere. Most of them come from Asia now. Millions and millions are coming in. Yet our own young people in this country do not have the skills because their school systems are failing. And we are cutting back and back on the funding for education in this Nation.

This administration recognizes we have a problem and realizes our children need help; we have the Leave No Child Behind Program. But we have no funding to prevent the terrible situation that was just outlined by the Senator from California. I praise her for that. But let's wake up and do something about it rather than bringing in millions and millions of workers from Asia to take the jobs that our young people ought to have the skills to take.

MERCURY POLLUTION

Mr. JEFFORDS. Mr. President, I will spend a few minutes expressing my concerns about a serious public health crisis that this country faces due to mercury pollution.

Perhaps some of you have heard of the small fishing community of Minamata Bay in Japan. If you know this village, you know also that it was nearly devastated by mercury pollution.

Over 70 years ago, a chemical plant began dumping mercury waste into that bay. For the next 30 years, local citizens who depended heavily on the bay for commerce and daily sustenance saw strange and debilitating health problems emerge.

At first, those eating fish out of the bay began experiencing headaches, numbness, tremors, blurred vision, hearing loss, speech problems, spasms, and loss of consciousness. As fish consumption continued, more people became sick.

Plus, pets started becoming violent and birds fell from the sky. Naturally, the public's panic grew.

Then, a generation of children was born with shriveled limbs and severe physical deformities. The woman in this photograph is one of the survivors of what was called Minamata Disease.

In all, over nine hundred people died and thousands more were crippled by the poisoning. The Japanese government, which discovered the cause of these illnesses as early as 1956, hid the truth from the ailing public and refused to halt the industrial pollution. The dumping eventually stopped in 1968.

In other words, knowing this mercury pollution was deadly, the Japanese government allowed it to continue for another 12 years.

Surely such abandonment of the public's well-being would not happen today in our great country.

Surely our government would never delay protections from mercury pollution for a decade, while allowing industry to neglect its responsibilities.

Sadly, I am afraid this is exactly what is happening in our country today—over half a century after the lessons of Minamata Bay.

Fortunately, we are not faced with the same concentration of mercury pollution as that Japanese fishing village

so many years ago, where an estimated 27 tons of mercury compounds were dumped into the Bay. Although U.S. power plants emit almost twice that amount into the air each year, it is dispersed broadly, resulting in lower concentrations in any one place.

Some estimates show that almost 100 additional tons of this poison are emitted from other U.S. sources every year, bringing our air emissions total to almost 150 tons of mercury pollution annually.

Furthermore, the principal route of human and wildlife exposure, namely, the consumption of poisoned fish, is the same in this country as it was in Minamata. It is occurring at often dangerous levels.

Power plants are the largest unregulated source of mercury in the country, emitting almost 50 tons each year into our air. To put this amount into perspective, just one-seventieth of a teaspoon of annual mercury deposition can make fish in a 25 acre lake unsafe to eat. Utilities, amazingly, are releasing enough mercury into our air every year to contaminate 45 million lakes.

Medical and solid waste incinerators are also major mercury polluters, but they are regulated under the Clean Air Act. Because of these regulations, incinerators have reduced emissions by 95 percent in the last decade. Impressive. The act also requires any residual risk posed by these sources to be reduced with further emissions cuts.

When utilities burn coal, they release much of its mercury content into the air. This mercury falls with the rain into lakes, streams, and the ocean. It then transforms into a toxic compound called methyl mercury that does not break down easily, as this chart shows.

This toxic mercury is eaten by fish, and increases in concentration up the fish food chain as smaller fish are consumed by larger fish. Eventually, humans and other animals eat the fish, and the mercury too. Clearly, our consumption of larger fish can expose us to greater concentrations of mercury contamination than eating smaller fish. This cycle is depicted in the chart beside me.

The EPA estimates that although some atmospheric deposition of mercury in the United States is due to non-U.S. sources, 60 percent of what falls to Earth in our country is due to our own emissions.

We should take responsibility for the fact that most of our mercury deposition comes from our own country. And, for those sources abroad that affect our Nation's environment, I urge the administration to negotiate a treaty quickly to control non-U.S. emissions.

Mercury contamination of fish in the United States has very harmful impacts on our wildlife and our health. In waterfowl such ass loons, it interferes with vision and muscle coordination. It is toxic to their developing embryos and hinders reproduction. As a result, loon populations are declining, especially in the Adirondacks.

Other fish-eating wildlife like mink and otters are at risk as well.

In humans, once mercury is ingested it has the ability to enter our blood stream and cross the blood-brain barrier. Pregnant and nursing women then can pass the mercury on to developing fetuses and infants, who are at greatest risk for serious health problems.

The National Academy of Sciences has confirmed that prenatal mercury exposure is linked to the following: impaired memory and concentration; the inability to process and recall information; impaired visual and motor function; attention and language deficits; cerebral palsy; mental retardation; and other developmental effects.

These health effects are similar to those caused by lead poisoning. Indeed, mercury is very likely the next lead. We were able to find an effective solution to the lead problem relatively quickly. However, we can and should address mercury pollution even more swiftly and effectively. We have advanced technology that makes it possible and feasible now.

In 2003, the Centers for Disease Control and Prevention found that 1 in 12 women of childbearing age has mercury levels above EPA's safe health threshold, due primarily to consumption of poisoned fish. This totals almost 5 million women, and results in almost 300,000 newborns with increased risk of nervous system damage from exposure in the womb.

EPA recommends that pregnant women, or women who may become pregnant, eat only one serving of fish each week, and adhere to any State advisories that may call for further prohibitions.

What many Americans may not realize is that all other healthy children and adults are also at risk if they consume a large amount of fish. This group includes recreational anglers like this boy here, some Native American tribes, Asian Americans, and the poor. A United Nations Environment Programme report has linked mercury exposure to heart, thyroid, and digestive problems in adults.

This is truly a widespread health crisis. Yet, despite the fact that these at-risk groups can face mercury exposures two to five times higher than the general population, they are often the least informed about the dangers of mercury consumption.

Today we rely on a hodge podge of State advisories to protect citizens from eating too much poisoned fish. Currently, 43 States have advisories in effect.

These advisories cover over 12 million acres of lakes, 450,000 miles of river, 15,000 miles of coast, and more.

Multi-state water bodies are often covered by inconsistent warnings, leading to confusion for anglers and consumers alike. Many States do not even monitor their own rivers and lakes.

Some State advisories are based on EPA's safety threshold, which has been deemed scientifically justifiable by the National Academy of Sciences. However, others are based on the EPA's weaker standard. EPA itself does not issue advisories, but it offers guidance to States.

The FDA is responsible for warning consumers about mercury contamination of commercially available fish. However, FDA advisories are rarely posted where fish consumers can see them, at the grocery stores or fish markets. In fact, only this year did one State, California, require that stores begin posting warnings like this one.

This advisory says:

> Warning—Pregnant and nursing women, women who may become pregnant, and young children should not eat the following fish: swordfish, shark, king mackerel, and tilefish. They should also limit their consumption of other fish, including fresh or frozen tuna.

Shamefully, the FDA does not make public the information it has collected from fish safety testing. Plus, in 1998, it ceased its mercury monitoring program for shark, swordfish, and tuna, and now does only limited testing.

Does this seem like an adequate way to inform the public about the risks of fish consumption? The FDA must act now to better protect Americans.

The good news is that the Clean Air Act is designed to protect us from some sources of mercury pollution. The bad news is that this administration seems determined to reverse or weaken such protections.

The Clean Air Act amendments of 1990, which I was proud to work on with the first President Bush, called on EPA to study the health and environmental impacts of mercury emissions from utilities by 1993.

Unfortunately, this vital study was not completed until the end of 1997.

The amendments also ordered EPA to explore available technologies for their emission reduction potential, and to regulate mercury and other air toxics, if deemed appropriate and necessary by the administrator.

Such a determination should have been made soon after release of the study, during the Clinton administration. However, the Clinton EPA did not issue such a finding until December 2000.

EPA Administrator Carol Browner found that mercury regulation was, in fact, appropriate and necessary, given the results of the prior EPA's study. This kicked off the drafting of maximum achievable control technology—or MACT—standards for mercury.

However, because EPA missed deadlines in the Act to make that determination, environmentalists sued and obtained a settlement creating a schedule for the development of MACT standards.

Now, the second Bush EPA must propose mercury emission standards for utilities by this December, and finalize them by next December. These standards must be met by the end of 2007 at each unit.

EPA could expedite finalization of the standard to give industry more

time to comply, but instead the Agency has opted for delays. I would also note that EPA is currently violating the Clean Air Act's schedule for air toxics controls for many other sources, sending millions more pounds of dangerous emissions into the air we breathe.

Mr. President, industry information shows that the technology exists today to reduce utility mercury emissions by 90 percent or more—down to about 5 tons per year. Under MACT, the EPA should set its standard to match the capability of the best utility performers.

Not coincidentally, a 90 percent cut in utility mercury emissions is guaranteed in my bill, the Clean Power Act of 2003.

However, the current Bush administration has proposed to derail EPA's mercury standard—in essence, to violate the intent of the Clean Air Act.

This administration's multi-pollutant plan, called Clear Skies, does away with the Clean Air Act's technology standard for mercury. In its place, Clear Skies calls for weaker standards and a 10-year delay in their achievement.

Plus, EPA is prevented from using its existing authority to require further reductions if residual risk from utility air toxics remains a problem.

Could it be that the administration is more interested in giving polluters a free ride than in protecting public health?

This harmful bias towards irresponsible industry is something we saw 50 years ago in Minamata Bay—and we should have learned a lesson about its ill effects.

The Clear Skies polluter payoff does not aim for this five ton goal by 2008, but for 15 tons in 2018 and on—for eternity. As this chart shows, compared to a strict interpretation of what the Clean Air Act could do for our health, this rollback totals 520 percent more toxic mercury in our environment and on our dinner tables before 2018, and 300 percent more mercury after 2018.

Why would we pass this risk on to our children? I have to believe that no compassionate parent- or grandparent-to-be would knowingly do that.

EPA has thoroughly studied the mercury threat and devised an adequate health threshold—which has been supported by the NAS. The agency must follow through with the law of the land and cut mercury emissions from utilities now. In fact, this administration does not have the authority to do any less. We in Congress must not and cannot in good conscience give them that authority through the Clear Skies rollback.

If any of my colleagues doubt the potential benefits of the current Clean Air Act, I suggest they ask this administration for its long overdue economic analysis of today's best technologies—what the Act would require utilities to install.

My colleagues should know that they won't get an honest, fair, or timely response, because that response would show that, by comparison, Clear Skies is just a license to keep sending uncontrolled mercury into our air.

It is hard for me to grasp why any administration would want to keep Congress and the public in the dark about the real benefits of the Clean Air Act. Could it be that the administration wants to distort the perceived benefits of any proposed changes.?

To make matters worse, in a recent hearing in the Environment and Public Works Committee, an official from the Council of Economic Advisors suggested that the administration now wants Congress to modify the mercury cap in their air pollution giveaway to make it even less protective.

Instead of capping mercury at twenty-six tons in 2010, the administration would like us to consider a cap as high as 46 tons.

This is an outrage. Utilities today emit about 48 tons of toxic mercury every year. So the modified Clear Skies cap would mean only more inaction.

Candidate George W. Bush started with a four-pollutant bill, then dropped carbon in 2001 to get to three pollutants. Now, his administration is more or less admitting they support merely a 2-pollutant bill. Is that what they consider progress?

Why on earth would we allow them to go forward with this plan?

The scientific evidence about the dangers of mercury exposure mounts annually. The technologies exist today to dramatically reduce emissions and the associated risk. To do otherwise abdicates the administration's and our responsibility to protect public health.

We have a vital choice to make in Congress this year. Either we uphold the law as written in the Clean Air Act or we shut our eyes while the pollution and damage to our health and environment goes on.

The delays and distortion must stop. This in not the 1950s, as much as the administration would like it to be. I have no doubt there will be misguided efforts to stall the mercury standards, which are already late. I promise that I will keep a watchful eye. But I urge all mothers and fathers to pay heed as well—your children's and grandchildren's health hangs in the balance.

I have my own health advisory to post on the walls of Congress today: The administration appears less interested in protecting mothers and children from mercury poisoning, and more interested in protecting the polluters' bottom line. This may explain why they are trying to replace current law with Clear Skies.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent my remarks be as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM PRYOR

Mr. HATCH. Mr. President, I rise in support of the nomination of William Pryor to the Eleventh Circuit Court of Appeals. Mr. Pryor was No. 1 in his class at Tulane University Law School. He is a magna cum laude of Tulane University School of Law where he was editor and chief of the Tulane Law Review, something that very few lawyers have the privilege of saying. He then clerked for Judge John Minor Wisdom for the Fifth U.S. Circuit Court of Appeals, a civil rights legend who helped implement desegregation in the South.

While working at two of Alabama's top private law firms, he was the adjunct professor of law at Samford University Cumberland School of Law. In 1995, then-Attorney General JEFF SESSIONS, current Senator from Alabama, hired him as Deputy Attorney General, and in 1997 he was appointed to serve out Senator SESSIONS' term.

In 1998, Alabamians elected General Pryor to this position. He was re-elected in 2002 with the remarkable 59 percent of the vote.

Let me share some of the letters that prominent Democrats have written about General Pryor. Joe Reed, chairman of the Alabama Democratic Conference, which is the State's African-American caucus, writes that General Pryor ''will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him . . . I am a member of the Democratic National Committee and, of course, General Pryor is a Republican, but these are only party labels. I am persuaded that in General Pryor's eyes, Justice has only one label—Justice!''

Judge Sue Bell Cobb, who sits on the Alabama Court of Criminal Appeals, stated:

> I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

And Congressman ARTUR DAVIS encouraged President Bush to nominate General Pryor, declaring his belief that ''Alabama will be proud of his service.''

I will submit copies of these letters for the RECORD, along with copies of the other many letters from Democrats and Republicans, men and women, and members of Africa-American, Jewish, and Christian communities who support Bill Pryor's nomination.

It is fundamental that a State attorney general has the obligation to represent and defend the laws and interests of this State. General Pryor has fulfilled this responsibility admirably by repeatedly defending the public first and the laws and policies enacted by the Alabama legislature. But one of the reasons for the broad spectrum of support for General Pryor is his demonstrated ability to set aside his personal views and follow the law. As you will undoubtedly hear during the

course of the debate on his nomination, General Pryor is no shrinking violet. He has been open and honest about his personal beliefs, which is what voters expect from the persons whom they elect to represent them. Yet General Pryor has shown again and again that when the law conflicts with his personal and political beliefs, he follows the law.

For example, in 1997, the Alabama legislature enacted a ban on partial birth abortion that could have been interpreted to prohibit abortions before viability. General Pryor is avowedly pro-life, and has strongly criticized Roe v. Wade, so one might very well have expected General Pryor to vigorously enforce the statute. Instead, he instructed law enforcement officials to enforce the law only insofar as it was consistent with the Supreme Court's precedents of Casey and Stenberg v. Carhart—despite pressure from many Republicans to enforce broader language in the act.

Here's another example: I am sure that we will hear General Pryor's call for modification or repeal of section 5 of the Voting Rights Act, which requires Department of Justice preclearance. By the way, General Pryor is not alone in his opinion of section 5; the Democratic Attorney General of Georgia, Thurbert Baker, has called section 5 an ''extraordinary transgression of the normal prerogatives of the states.'' Despite his opinion that section 5 is flawed, General Pryor successfully defended before the Supreme Court several majority-minority voting districts approved under section 5 from a challenge by a group of white Alabama voters. He also issued an opinion that the use of stickers to replace one candidate's name with another on a ballot required preclearance under section 5. In other words, he upheld a law that he thinks is legally flawed and politically flawed. In other words, this man will abide by the law in spite of his personal beliefs.

Yet another example involves General Pryor's interpretation of the First Amendment's Establishment Clause. In an effort to defeat challenges to school prayer and the display of the Ten Commandments in the Alabama Supreme Court, both the Governor and the Chief Justice urged General Pryor to argue that the Bill of Rights does not apply to the States. General Pryor refused, despite his own deeply held Catholic faith and personal support for both of these issues.

And here's my final example: General Pryor supported the right of teachers to serve as state legislators, despite intense pressure from his own party, because he believed that the Alabama Constitution allowed them to do so. This man follows the law, regardless of his personal beliefs. That is all you can ask of a judicial official and of somebody who is nominated to a Circuit Court of Appeals in this country.

These examples, and I can give others, aptly illustrate why General Pryor's nomination enjoys broad bipartisan support from persons like former Democratic Alabama Attorney General Bill Baxley. He observed of General Pryor:

> In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting judgment.

That is pretty high praise coming from a Leading Democrat, one of his predecessors.

Mr. Baxley continued,

> I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fair minded, intelligent, industrious men and women, possessed of impreccable integrity on the Eleventh Circuit. Bill Pryor has these qualities in abundance. . . . There is no better choice for this vacancy.

During the course of this debate, we will hear many things about Bill Pryor. We will hear many one-sided half-truths perpetuated by the usual liberal interest groups who will stop at nothing to defeat President Bush's judicial nominees. I want to make sure that this debate is about fairness, and about telling the full story of Bill Pryor's record.

We will hear that General Pryor is devout pro life Catholic who has criticized Roe v. Wade, but the rest of the story is that many prominent pro-choice Democrats, such as Justice Ruth Bader Ginsburg, Archibold Cox and former Stanford Dean John Hart Ely have also criticized roe without anyone questioning their recognition of it as binding Supreme Court precedent.

We will hear claims that General Pryor is against the disabled and elderly, but the real story is that General Pryor has done his duty as Attorney General to defend his State's budget from costly lawsuits. Other state attorneys general, including respected Democrats like Bob Butterworth of Florida and now Senator MARK PRYOR of Arkansas, have taken the same positions as General Pryor in dfending their States. While the Supreme Court agreed with the attorneys general in these cases that the Eleventh Amendment protects States from monetary damages in Federal court, these rulings did not affect—and General Pryor did not seek to weaken—other important methods of redressing discrimination, like actions for monetary damages under state law, injunctive relief, or back pay.

We will hear claims that General Pryor's criticisms of Section 5 of the Voting Rights Act indicate a lack of commitment to civil rights. That is pure and simple, unmitigated bunk. But the real story is that General Pryor has a solid record of commitment to civil rights, which includes defending majority-minority voting districts, leading the battle to abolish the Alabama Constitution's prohibition on interracial marriage, and working with the Clinton Administration's Justice Department to prosecute the former Ku Klux Klansmen who perpetrated the bombing of Birmingham's 16th Street Baptist Church, which resulted in the deaths of four little girls in 1963.

We will no doubt hear other claims during the course of this debate distorting General Pryor's record or presenting only partial truths. I urge my colleagues to judge this nominee on his record, not on the distortions we too often hear about President Bush's nominees. He will make a fine addition to the Eleventh Circuit.

I ask unanimous consent that the letters to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILLIAM H. PRYOR, JR. TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

LETTERS OF SUPPORT

ALABAMA DEMOCRATIC CONFERENCE,
Montgomery, AL, January 27, 2003.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Through the news media, it has come to my attention that you now have under consideration Attorney General Bill Pryor for appointment as Circuit Judge to the United States 11th Circuit Court of Appeals, of which Alabama is a part. I take this unusual opportunity to urge you to appoint him.

Attorney General Pryor will make a first-class Judge because he is a first-class lawyer and is a first-class public official. He is a person, in my opinion, who will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. As Attorney General for Alabama during the past six (6) years, he has been fair to all people.

For your information, I am a member of the Democratic National Committee and, of course, Mr. Pryor is Republican, but these are only party labels. I am persuaded that in Mr. Pryor's eyes, Justice has only one label—Justice.

I am satisfied that if you appoint Mr. Pryor to the Bench, and he is confirmed by the Senate, he will be a credit to the Judiciary and will be a guardian for justice. I urge you to appoint Mr. Pryor to this important court.

Sincerely,

JOE L. REED,
Chairman.

COURT OF CRIMINAL APPEALS,
STATE OF ALABAMA,
Montgomery, AL, January 21, 2003.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I have had the good fortune to recommend a variety of people for a variety of positions. Never have I been more honored or confident about a recommendation than I am as I write on behalf of my dear friend and Alabama Attorney General, Bill Pryor.

In November of 2000, both you and I were on the ballot. As I stood for reelection for my second term on the Alabama Court of Criminal Appeals, I became the only statewide Democrat to survive the 2000 election. Hence, I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored

shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

Bill Pryor is an outstanding attorney general and is one of the most righteous elected officials in this state. He possesses two of the most important attributes of a judge; unquestionable integrity and a strong internal moral compass. Whether he is reviewing hundreds of appellate briefs to ensure the quality of the work his assistants submit to this court, whether he is preparing to argue one of my cases to the United States Supreme Court. Whether he is using his considerable influence to encourage Alabama legislators to make children a top priority, or whether he is in his weekly tutoring session with an ''at-risk'' child, Bill Pryor is proving that he is a true public servant.

Bill Pryor is exceedingly bright, and a lawyer's lawyer. He is as dedicated to the ''Rule of Law'' as anyone I know. I have never known another attorney general who loved being the ''people's lawyer'' more than Bill Pryor. Though we may disagree on an issue, I am always confident that his position is the product of complete intellectual honesty. He loves the mental challenge presented by a complex case, yet he never fails to remember that each case impacts people's lives.

A sportscaster once said about a former Atlanta Braves player, Terry Pendleton, ''[H]e does the right thing, because it is the right thing to do.'' That, Mr. President, perfectly describes Bill Pryor. Hence, it is my profound honor to urge you to nominate a great Alabamian, General Bill Pryor, to the 11th Circuit Court of Appeals.

I would be honored to assist you in any way in making General Pryor's nomination and confirmation a reality. With best regards, I remain,

Most Sincerely,

SUE BELL COBB,
Judge.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 2003.

Hon. JEFF SESSIONS,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SESSIONS: Thank you for all of your kindness during the transition period. You and the rest of the Alabama Delegation have made me feel very welcome

As you know, several pending vacancies on the Alabama federal bench are attracting attention back home. I understand that the President may be considering Attorney General Bill Pryor for a seat on the Eleventh Circuit. I have the utmost respect for my friend Attorney General Pryor and I believe if he is selected, Alabama will be proud of his service.

In the near future, as openings occur on the District Court, I encourage you to view this as an opportunity to diversify the federal bench. Unfortunately only two African Americans have ever served as federal district judges in Alabama. I believe that a review of the most qualified judicial candidates will inevitably lead to the inclusion of black attorneys. I strongly encourage you to consider recommending for nomination several outstanding black attorneys who have distinguished themselves. I know you would agree that Alabama deserves a federal bench that looks like Alabama.

Thank you very much for your attention to this matter. I look forward to working together over the coming months and years.

Best wishes,

ARTUR DAVIS,
Member of Congress.

BAXLEY, DILLARD, DAUPHIN & MCKNIGHT, ATTORNEYS AT LAW,
Birmingham, AL, April 8, 2003.

Hon. JEFF SESSIONS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SESSIONS: Media reports confirm that Alabama's Attorney General, Bill Pryor, has been nominated to fill the vacancy which now exists on the Eleventh Circuit.

As you well know, I too am a former Attorney General of our great state. I therefore feel comfortable assessing Bill Pryor's service in that elected office, as well as his fitness to serve the United States as a Circuit Judge. As a Democrat, I am certain I have a more unbiased frame of reference than many. As a lawyer with a diverse practice in Alabama—one which has seen me aligned with him on some occasions and against him on others—I have a better basis than most for gauging his character, fitness and ability.

Bill Pryor is a completely independent man of unwavering convictions. He courageously takes positions dictated by his conscience and does so based upon a truly intellectual sense of right and wrong. In this regard, his willingness to be guided by pure interpretations of the law superbly qualifies him for the federal bench. He has never, to my knowledge, bowed to any pressure from constituents or special interest groups. In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting his judgment. This is a rare accomplishment, and the core reason for this, my highest and best recommendation.

I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fair minded, intelligent, industrious men and women, possessed of impeccable integrity, on the Eleventh Circuit. Bill Pryor has these qualities in abundance. I am certain he will be guided completely by his conscience and afford a balanced analysis to every case before him, without unfair advantage to any litigant. There is no better choice for this vacancy.

Respectfully yours,

WILLIAM J. BAXLEY.

DEPARTMENT OF LAW,
STATE OF GEORGIA,
March 31, 2003.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During is tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant many be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone on far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages in Alabama law. Concerned about at-risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

These are just a few of the qualities that I believe will make Bill Pryor an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely,

THURBERT E. BAKER.

STATE OF ALABAMA,
HOUSE OF REPRESENTATIVES,
Montgomery, AL, June 5, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Hart Office Building, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SIRS: Please accept this as my full support and endorsement of Alabama's Attorney General Bill Pryor to the United States Court of Appeals for the 11th Circuit.

I am a black member of the Alabama House of Representatives having served for 28 years. During my time of service in the Alabama House of Representatives I have led most of the fights for civil rights of blacks, women, lesbians and gays and other minorities.

Consider Bill Pryor as a moderate on the race issue:

1. From 1998 to 2000, Bill Pryor sided with the NAACP against a white Republican lawsuit that challenged the districts for the Legislature. Pryor fought the case all the way to the U.S. Supreme Court and won a unanimous ruling in Sinkfield v. Kelley, 531 U.S. 28 (2000). The lawsuit was filed by Attorney Mark Montiel, a white Republican, and the 3-judge district court ruled 2 to 1 in favor of Montiel. Two Republicans (Cox and Albritton) ruled in favor of Montiel while Judge Myron Thompson (a black Democrat) agreed with Pryor that Montiel's white clients had no standing to challenge black districts in which the whites did not live.

2. In 2001 and 2002, Bill Pryor sided with the Legislature when it redrew districts for Congress, the Legislature, and State Board of Education. Mark Montiel filed lawsuits in federal court (Montiel v. Davis) challenging the black districts as racial gerrymanders. Pryor won every lawsuit. Pryor came under heavy pressure from other white Republicans in Alabama for fighting to protect black Legislative seats.

3. Bill Pryor worked with U.S. Attorney Doug Jones to prosecute KKK murderers Blanton and Cherry for the September 14, 1963, bombing of Sixteenth Street Baptist Church that killed four little girls. Bill Pryor personally argued to uphold Blanton's conviction before the Alabama Court of Criminal Appeals on May 20, 2003.

4. Bill Pryor drafted the law (Ala. Code §12–25–2(a)(2)) that created the Alabama Sentencing Commission with the stated purpose of ending racial disparities in criminal punishments.

5. In 2000, Bill Pryor started Mentor Alabama—a program to recruit positive adult role models for thousands of at-risk youth which were 99% black. For the last three years, Bill Pryor has worked every week as a reading tutor for black children in a Montgomery public school.

6. In 2002, I introduced a bill in the Alabama Legislature to amend the Alabama Constitution repealing Alabama's racist ban on interracial marriage. Every prominent white political leader in Alabama (both Republican and Democrat) opposed my bill or remained silent except Bill Pryor who openly and publicly asked the white and black citizens of Alabama to vote and repeal such racist law. It was passed with a slim majority among the voters and Bill Pryor later successfully defended that repeal when the leader of a racist group called the ''Confederate Heritage'' sued the State to challenge it.

7. I sponsored HB534 this Legislative Session establishing cross burning as a felony. Said bill passed the Alabama House of Representatives on May 15th 2003. That bill was written by Bill Pryor and he was the only white leader in Alabama that openly and publicly supported it.

Finally, as one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King's SCLC, as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his front yard by the KKK and other hate groups, as one who has lived under constant threats day in and day out because of his stand fighting for the rights of blacks and other minorities, I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Thanks for your consideration.

Sincerely,

ALVIN HOLMES,
State Representative.

HERC LEVINE,
Birmingham, AL, June 5, 2003.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, Dirksen Building, Washington, DC.

DEAR CHAIRMAN HATCH: As an active and proud member of the Birmingham Jewish Community, I was disappointed by the decision of the National Council of Jewish Women and the Religious Action Center of Reform Judaism to oppose the nomination of Attorney General Bill Pryor to the 11th Circuit Court of Appeals bench. While I doubt that these groups have taken the time to sit down and talk with Attorney General Pryor, I am proud to say that he has my support and the support of many in the Alabama Jewish Community because of his personal integrity and commitment to insure that all of our citizens are treated fairly and receive equal justice under the law. He has been a true friend to the Alabama Jewish Community on many important issues.

Attorney General Pryor has a distinguished career as a public servant, practicing attorney and law professor, and is highly qualified to serve on the Federal bench. He has a well deserved reputation for fairness and competency that cuts across party lines and which has resulted in overwhelming support from Alabamians of all political parties and segments of our society. His distinguished record as Attorney General affirms my belief that he will serve with great distinction as a Federal judge.

Very truly yours,

HERC LEVINE.

FAIRNESS IN THE CONSIDERATION OF JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, on Wednesday the Judiciary Committee favorably reported to the full Senate the nomination of Alabama Attorney General William Pryor for the Eleventh Circuit Court of Appeals. It has been more than 6 weeks since General Pryor's confirmation hearing, and I am pleased that the full Senate will now have the opportunity to consider his nomination.

Nevertheless, we will no doubt hear over the course of this debate many allegations from some of our Democratic colleagues as to why they believe that Bill Pryor's nomination does not deserve an up or down vote by the full Senate. I want to make perfectly clear right now that there is no valid reason to delay this body's consideration of the Pryor nomination.

All we ask is that there be an up-or-down vote. Vote against him if you don't like the man personally—although there is little room to vote against him because of his record.

Despite these efforts by committee Democrats to erect a procedural roadblock to voting on the Pryor nomination in spite of fact that I had set five markups, I finally was able to have a markup on his nomination. They wanted to revive a debate over the interpretation of committee rule IV. This rule, entitled ''Bringing a Matter to a Vote'', was clearly intended to serve as a tool by which a determined majority of the committee could force a recalcitrant chairman to bring a matter to vote. In fact, the rule provides, ''The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote.''

Clearly, it was a rule by which you could force a chairman to have a vote. All you had to do was get a majority of the Senators on the committee with one from the minority side and you could force a chairman to call for a vote.

On Wednesday there was no motion to bring the matter before the committee to a vote. In fact, there was an objection to voting, which I overruled. Thus, on its face, rule IV was inapplicable to the Pryor nomination.

Despite claims to the contrary, there has been no inconsistency in my interpretation of this rule. First of all, I have checked with two Parliamentarians, and both said I could interpret the rule. I believe I have interpreted it correctly.

During the Clinton administration, in an effort to prevent the defeat in committee of a controversial Justice Department nominee, I was chairman and I wanted to bring the nomination to a vote. We had enough votes to defeat the nominee in committee. It would have been a 9–9 tie, and the nominee would have gone down to defeat. The Democrats then started to filibuster their own nominee. In deference to them, I chose not to exercise the inherent powers I and all committee chairmen have to bring a matter to a vote.

I have been condemned for that ever since as though I acknowledged that you should just have filibusters in the committee any time you want to. President Clinton ultimately made a recess appointment of their nominee. In retrospect, my reliance on rule IV to accomplish this was admittedly not the best course of action. I was wrong to say they could filibuster. But I was trying to be gracious to my colleagues on the other side who clearly did not want to vote on the record defeating their nominee. Since I respected and liked the nominee himself, but not for the particular position he was nominated for, I would have supported him for any other position. And I had good reason to be against him for this position. I agreed to allow their filibuster to cause me to pull down his nomination rather than to have a vote that would have been embarrassing to him and to the Democrats. And that is why they were filibustering their own nominee. Now they cite that as the reason why I am wrong here. But there is no reason for that.

I nevertheless believed then, and I do now, that I had the power to bring that matter to a vote, and that I used the discretion of the chairman to decide not to do so. It was a matter of showing decency and kindness to my colleagues on the other side and to the nominee so he would not have a vote that defeated him in committee.

The fact of the matter is I don't believe there should be filibusters in the Judiciary Committee. We have had at least two instances now where my colleagues on the other side have tried to filibuster. In addition, the Democrats now complain they weren't given enough time to do an investigation. We have given them all kinds of time to do an investigation. Since their investigation was proving to be fruitless because they couldn't find one thing to criticize Attorney General Pryor on, they wanted to have a fishing expedition to do further investigation.

I want to make clear that at no time did I agree to modify my interpretation of rule IV in connection with the Cook, Roberts, or Sutton nominations, which is the last context in which this debate arose. I did agree to bring Roberts back in to the committee and have one more day of hearing. I did not agree to bring Cook back or Sutton back. But at no time did I agree my interpretation of rule IV which I made at that time was in error. It certainly was not.

I can't imagine any committee chairman agreeing to give up his or her right to call for a vote in committee after there has been a sufficient debate. No chairman is going to give up that right because that means the minority could control the committee any time they wanted to. The argument which they make on this is ridiculous.

But, be that as may, at no time did I agree to modify my interpretation of rule IV in connection with the Cook, Roberts, or Sutton nominations, which is the last context in which this debate arose. To have adopted the interpretation my Democratic colleagues advanced both then and now would have constituted an unprecedented curtailment of the chairman's inherent authority to bring a matter to vote, and would have given the authority to control the committee to the minority. I don't think they would want that when they are in the majority, and I certainly don't want it now that we are in the majority. No other chairman I know of who has any brains at all would have allowed that type of interpretation. Yet you hear all of the screaming and shouting that they were mistreated.

In short, there was no violation of committee rules or process in bringing the Pryor nomination to a vote on Wednesday, and any argument to the contrary is merely a last-ditch effort to prevent the full Senate from considering that nomination.

Another complaint we will hear is there was an open investigation into General Pryor's activities on behalf of the Republican Attorneys General Association at the time of the vote. Here are the facts:

When our Democratic colleagues brought to our attention documents they obtained pertaining to RAGA, we joined with them to conduct a bipartisan investigation to determine the authenticity of the documents, whether they reflected any wrongdoing on the part of General Pryor. Committee staff interviewed several witnesses in connection with this investigation, with two notable exceptions. First, the Democrats' source of these documents has not answered key questions about when the documents were drafted, who drafted them, and who has had access to them. Second, Democratic staff asked General Pryor no questions about the documents, despite his willingness to answer whatever questions they may have had.

Nevertheless, our Democratic colleagues have insisted on pressing forward with an investigation, over Republican objection, based on unauthenticated and unreliable documents provided to them by a source who refuses to talk to Republican staff, whose former employer stated under oath that she stole the documents, and who has yet to disclose the details of when and how she first provided the documents to Democratic staff.

Some on our side wanted the committee to conduct an investigation of Democratic staff. I am certainly not going to do that. Frankly, Democratic staff, I think, have an obligation if they get documents to look at them and to present them to us. However, these documents weren't presented to us until the last minute.

Frankly, it is just another pattern of practice of delaying as long as they can and making it miserable for people like Bill Pryor to get a vote up or down. All we want is a vote up and down.

Democratic staffers have interviewed 20 persons but have found nothing inconsistent with General Pryor's testimony. There is simply nothing to indicate General Pryor was anything less than truthful about the material facts of his participation in the Republican Attorneys General Association. What is going on here is a classic game of ''beltway gotcha.'' That is no reason to delay consideration of General Pryor's nomination.

We even had members say we want to have another hearing for General Pryor after all that we have had. His was one of the longest hearings I can recall having in my 27 years on the Judiciary Committee. It was a very difficult hearing with a lot of moaning and groaning and screaming and shouting. Frankly, it was one in which I don't think he was treated as fairly as he should have been treated, nor do I think he has been treated fairly since. I think there are reasons for that. One of them is he is so forthright about his testimony and that he has conservative beliefs that I think some on the other side are afraid that even though his whole record is one of following the law, he might not follow the law if he gets on the Eleventh Circuit Court of Appeals—even though he is an honest man and said he will follow the law regardless of his personal viewpoint.

That is all you can ask of these people. When you have a person of the integrity and the ability and the capacity of William Pryor who says he will follow the law, you had better believe it, in my opinion. If we get to the point where we have to second-guess people who have an impeccably honest reputation around here, it is going to get to where nobody who has any views is going to be able to serve on the Federal courts of this land. That is wrong.

I felt like I needed to come here today and say some of these things, because in all honesty I think we have had too many of these type of ridiculous battles in the Senate Judiciary Committee.

I am trying to bring some decency to the committee. I have tried to work as closely with my colleagues who differ with us on our side as I possibly can, and I am going to continue to do that, and try to work in a decent, honorable, good way with my colleagues. But I do personally resent some of the accusations that have been made, some of the mischaracterizations that have been made, some of the things that have been done to besmirch some of these excellent people whom the President of the United States has nominated, and a continuation of filibustering on the floor of the Senate.

Having said that, I am going to conclude with these remarks: Never in the history of the Senate—before Miguel Estrada, Priscilla Owen; and now there is some indication there is going to be a filibuster of William Pryor, the attorney general of the State of Alabama—never has there been a filibuster, a true filibuster against anyone.

Now, I thought—and I have said it on the floor—I thought there was a filibuster of the Fortas nomination, but I was corrected by none other than the Senator who led the fight against Fortas—and that was Robert Griffin of Michigan—in a Republican policy meeting, where he said: I only need to correct Senator HATCH on one statement that he made; and that is, that having led the fight against Fortas—for a variety of what he believed were appropriate reasons; and apparently a majority of the Senate did—he said: We were never filibustering Abe Fortas. And the reason we were not is because we had the votes to defeat him up and down.

But the Democrats called for a cloture vote, which was narrowly won by Fortas, with 12 Members absent at the time, many of whom would have voted against Abe Fortas.

So never in the history of this body has there been a filibuster against any Federal judicial nominees until this year. And now we have two—and a potential of three. And I hope they are not going to filibuster Kuhl. And I hope they are not going to filibuster Holmes. And I hope they are not going to filibuster Judge Pickering when he comes out of the committee, and others.

It is a dangerous thing to do. It is a wrong thing to do. It flies in the face of senatorial history. In the end, this body is going to be very saddened if that is the way all of these nominations wind up, without an up-and-down vote on the floor of the Senate.

What is wrong with having up-and-down votes on the floor of the Senate for these nominees? Whether it is a Democrat President or a Republican President, once they are brought to the Senate floor, they deserve an up-and-down vote. That is all we are asking for.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Nevada.

Mr. REID. Madam President, I am not going to speak at any great length regarding the statement made by my

friend, the distinguished senior Senator from Utah, regarding this particular judge, Judge Pryor. I don't know much about him, but I am sure in the near future we will learn more about him because, as indicated by my distinguished friend from Utah, the chairman of the Judiciary Committee, the nomination, at the time of the hearing, was very disputed and it took a long time. So I am sure I will learn more about this man.

But the one statement I want to comment on, made by my friend from Utah, is that the Democrats are looking for ways to oppose President Bush's judicial appointments.

Madam President, there is an order in effect that on Monday night we will vote on two judges, a man by the name of Earl Leroy Yeakel of Texas and a woman by the name of Kathleen Cardone of Texas, both to be Federal District Judges for the United States. Both of those judges will be approved by large margins.

These 2 judges will bring the total to 140 judges who will have been approved by this Senate during the administration of this President—140. How many have we turned down? How many have the Democrats—who, as my friend indicated, are looking for ways to oppose President Bush's judicial nominees—turned down? We have turned down two. The count on Monday night will be 140 to 2.

Does it mean that it has to be every judge he gives us? I think not. Any reasonable person, looking at these numbers, would acknowledge there has been no witch hunt by the Democrats. Madam President, 140 to 2 is a pretty good average.

HONORING OUR ARMED FORCES

Mr. REID. Madam President, today, this afternoon, here in the Senate, I stand, for lack of a better description, with a sad heart. I am sorrowful.

Almost every day we see news reports about casualties sustained by our brave men and women in Iraq. In the last 2 days we have lost five soldiers. These reports are always troubling, but when they involve another young person from my State, they really hit home.

Josh Byers of Sparks, NV, was the kind of young man any of us would be proud to call son. He graduated from Reed High School in Sparks/Reno, NV. Kids come from both Sparks and Reno to go to Reed High School.

For many years, the Nevada congressional delegation has been holding an event that was first started by Senator Hecht, who was a Senator from Nevada. And this Senator—we started holding what we call Academy Night where we have a meeting in Reno and one in Las Vegas. We bring young men and young women from Nevada who are now in the academies back to Nevada. We have music, and we have presentations made by all the academies, including the Merchant Marine Academy, about what there is at the academies for these high school students.

They draw large crowds. Hundreds and hundreds of people come to these events in Reno and Las Vegas. And now Senator Hecht and I don't do it alone; now the entire congressional delegation joins us: Senator ENSIGN and I, Congressman GIBBONS, Congressman PORTER, and Congresswoman BERKLEY. These are wonderful occasions.

Josh Byers of Sparks, NV, came more than 1 year. He loved Academy Night. He wanted to go to one of our military academies. He worked hard. He was student body president at Reed High School. He was nominated to the Naval Academy by me. He was nominated to the U.S. Military Academy at West Point by Senator Bryan.

Josh's best friend, Beau Elsfelder, in being interviewed by the press last night, referred to Josh as ''The Man.'' That is how he referred to him. He was an A student. As I indicated, he was president of the student body. They had a military cadet unit there. He was the leader of that unit.

He always told his friends he wanted to be an officer in the Army or the Navy. The entire Nevada delegation was supportive of this dream.

As I indicated, I nominated him to the Naval Academy. Senator Bryan nominated him to West Point where he graduated. He went on to become a company commander in the 3rd Armored Cavalry Regiment. This past April he was shipped off to Iraq to defend our country and our interests in that part of the world. A little more than 24 hours ago he was riding in a vehicle. Two men hiding beside the road triggered an explosive device, killing him and injuring seven other comrades of Josh's.

Tragically, Josh's mother, on this same date he was killed, was observing her birthday. But mothers, as they are, seem to know. Even before the tragic news about her son she had worried about him a lot, was extremely worried this day. His parents are wonderful people. His father came to Nevada to set up a church. They left northern Nevada and went back to South Carolina to set up a church. His parents just arrived back in this country on the day he was killed, coming back from Guam where they are missionaries.

To show you the outstanding young man Josh was, you only need to look at what his high school counselor Bob White said. He said:

> He's the second one we have lost in Iraq.

White, who kept a picture of Josh on his office bulletin board, remembered his second day on the job at Reed High School as a new counselor, during the 1990–91 school year when he met a junior who wanted to attend a military academy. It was Josh Byers. White said:

> He came into the office and introduced himself. He said, ''My goal is to go to an academy. I'm a junior. I need your help.''

White said Josh Byers, as a senior, was accepted into all three major military academies, Army, Navy, and Air Force. I don't know who nominated him to the Air Force. Back then it could have been Senator ENSIGN when he was in the House. I really don't know who it was. We know who nominated him to the Army and Navy.

White said Josh Byers selected West Point because he thought its rules of conduct were the strictest. White said:

> He said, ''Even though I want to go into the Navy, I'm going into the Army. Their honor code is better.''

Before he left to go to Iraq and after he was there, Josh tried to comfort his mother by telling her the worst fighting was over and it would be finished by the time he got to Iraq. But as she learned, as we learn almost every day from the news, the worst is not over. In fact, Josh kept saying:

> Mom, the worst will be over when I get there. We will be doing peacekeeping, setting up the government and providing aid to the people of Iraq.

Our young men and women in Iraq are still dying almost every day. My office spoke to Mrs. Byers today. I called and the phone was tied up. I was not able to do that. I wanted to give these remarks prior to the Senate recessing. I left a message for the parents saying I was going to give a speech on the Senate floor today. There is nothing I can do, that we can do, to erase the loss of the parents, but the one thing we can do is never forget the sacrifice made by Josh Byers. I know everyone in the Senate family, whether it is our Chaplain or the individual Senators, offers our condolences for Josh's widow, his parents, and the entire family.

I know we all join in hoping for the safe return of the other 150,000 men and women from America who serve in Iraq today. We wish their safe return, and offer our condolences once again to the Byers family.

The PRESIDING OFFICER. The Senator from Utah.

CONFIRMATION OF JUDGES

Mr. HATCH. Madam President, I would like to correct the distinguished minority whip on one thing. It is true we have had about 140 judges go through and only two so far have been filibustered. The third is on its way, maybe fourth, fifth, and sixth. Stopping, through a filibuster, anybody, even one judge, is unacceptable. It has never been done before, especially judges for the circuit court of appeals. But it has never been done even for district court judges and certainly not for Supreme Court judges.

All we want is an up-or-down vote on these people. That is all we want. If they are defeated, we can live with it. If they pass, I hope the other side can live with that. But I don't think it is too much to ask for the President's nominees who are brought to the floor of the Senate to have an up-or-down vote. I don't think that is too much to ask, and I don't think the American people believe that is too much to ask.

Even the filibuster of one nominee is unacceptable because that means you are not allowing the President to have an up-or-down vote if somebody is brought to the floor of the Senate.

I am concerned that we will soon see the number of judges who are denied an up-or-down vote escalate from two to three to four to five to six, maybe more. Is that an acceptable number of judges who do not deserve an up-or-down vote? Of course not. Not one should be denied an up-or-down vote, once they are brought to the floor of the Senate. I believe that is true.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHING FROM SPACE PROGRAM

Mr. STEVENS. Mr. President, April 10, 2003, brought a new educational milestone to my State.

On that date, Alaska students from one of the most rural school districts in our Nation were the first Alaskans to take part in a live hook-up with astronauts in space.

Using distance learning technology, youngsters from my States Southwest Region School District spoke to the three-member crew of the International Space Station as astronauts orbited the Earth.

These students were participating in NASA's Teaching From Space Program, which includes science, mat, and geography instruction, and features a live video question-and-answer session with the astronauts aboard the space station.

This session complemented a 6 week educational program, developed by our Challenger Learning Center in Kenai, which was included in the curriculum of the Southwest Region School District.

While the Teaching From Space Program has provided unique and motivating educational experiences to students across our country for many years, only recently were Alaska schools able to take advantage of the NASA program.

Until a few short months ago, no schools in rural Alaska had technology to allow teachers and students to communicate via video with others outside their villages.

Now that is changing, as some schools use distance learning technology to virtually bring new teachers and subjects into their classrooms.

The Southwest Region School District, one of the first in Alaska to install distance learning technology, is located on the southern coast of the Bering Sea, 350 miles southwest of Anchorage.

Eight villages are served by this school district, only one of which is accessible by road. The others are up to 120 miles from the school district's headquarters in Dillingham and may only be reached by air in winter. Some are accessible by river during summer months when, of course, our schools are closed.

The 779 students in the school district are primarily Yu'pik Eskimos. Most non-Native villagers in this region are employed as teachers.

During their 20-minute conversation with the International Space Station crew, students at Manokotak school asked questions about geography and space on behalf of their fellow students throughout the district. They watched as U.S. astronauts Ken Bowersox and Don Pettit and Russian cosmonaut Nikolai Budarin, floating inside the space station, answered their questions.

There was a special surprise, when the students learned that Alaska's own NASA astronaut, Bill Oefelein, who hails from Anchorage, flew from Houston to Manokotak to be with the students on their special day.

Many individuals and organizations contributed to the success of this educational achievement. This was a collaborative effort achievement. This was a collaborative effort of NASA, the Southwest Region School District, the Challenger Learning Center, and GCI.

Mr. President, I ask unanimous consent that all the individuals names be printed in the RECORD following my remarks.

Sean O'Keefe, NASA Administrator.

Lieutenant William Oefelein, USN, NASA astronaut: flew to Manokotak to be on-site with the students.

Gwendolyn Brown, NASA: coordinated public affairs for the event.

Cindy McArthur, NASA: guided Manokotak teachers through the Teaching from Space program.

Kelly McCormick, NASA: guided Manokotak teachers through the Teaching from Space program.

Scott Anderson, NASA: guided Manokotak teachers through the Teaching from Space program.

Robin Hart, NASA: guided Manokotak teachers through the Teaching from Space program.

Randy Cash, NASA: managed the audio portion of the program.

Glenn Peterson, NASA: Mission Control Specialist.

Superintendent Mark Hiratsuka, Southwest Region School District: secured approvals for the program.

Tim Whaling, Southwest Region School District: coordinated the educational curriculum for the program.

Karen Swenson, Southwest Region School District: secured approvals for the program.

Steve Noonkesser, Southwest Region School District: managed the school district's technology and coordination with GCI.

David Piazza, Southwest Region School District: managed the school district's technology.

Principal David Legg, Manokotak School: secured facilities and staff for the program.

Kirk Kofford, Manokotak School: prepared students for the NASA link up and taught the NASA distance learning curriculum.

Dana Bartman, Manokotak School: prepared students for the link-up.

Nate Preston, Manokotak School: coordinated photography and publishing for the program.

Steve Horn, Challenger Learning Center of Alaska: secured educational curriculum for the school district.

Jamie Meyers, Challenger Learning Center of Alaska: coordinated curriculum between the center and the school district.

Martin Cary, GCI: secured telecommunications resources and personnel to link NASA and the school district.

Greg Dutton, GCI-SchoolAccess: managed GCI's participation.

David Morris, GCI: managed public affairs for the program.

Anna Sattler, GCI: coordinated communication between participants.

Tom Elmore, GCI: coordinated the video teleconference connection with school district sites.

Chad Parker, GCI: coordinated technology needs.

Brian Lichner, GCI: managed the NASA TV downlink in Anchorage.

Rob Knorr, GCI: managed the NASA TV downlink in Juneau.

Greg Farmer, GCI: managed the NASA TV feed in Juneau.

Doug Keil, GCI: connected the NASA TV feed in Anchorage to GCI-SchoolAccess.

Mark Dinneen, GCI: managed government relations for the program.

John Raffetto, Infotech Strategies: managed communication between all participants.

Nicole Angarella, Infotech Strategies: coordinated logistics and on-site materials.

Tracy Krughoff, Infotech Strategies: assisted school district with applications.

Angela Mathwig, Infotech Strategies: coordinated logistics and on-site materials.

Christopher Capps: coordinated astronaut participation.

Mike Donovan Hausler: managed design and production of graphic art.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, I want to add my thoughts to the debate on the Department of Homeland Security appropriations bill for fiscal year 2004.

First, I want to take this opportunity to thank the distinguished chairman and distinguished ranking member of the Appropriations Subcommittee on Homeland Security for working so diligently on this bill before us. These leaders had the difficult job of allocating a very limited amount of money for one of the Nation's most pressing needs and they have done an admirable job.

I also thank this Nation's first responders. They are the ones who are on the front lines of this fight against terrorism. They are the ones who will be the first to react to any future attack upon our Nation. These brave men and women must, at a moment's notice, be ready to respond to a host of possible horrifying scenarios, including those involving nuclear, radiological, biological, and chemical devices.

Congress has been working hard to support our first responders, including providing almost $3.9 billion in this appropriations bill. I am particularly pleased that the committee chose to maintain the successful firefighter assistance grants and fund them at $750

million rather than the President's requested $500 million. I thank the committee for their wisdom in this matter.

Although this bill does a lot to help our first responders, it does not do enough. As my colleagues know, the Council on Foreign Relations recently released the report of an independent task force chaired by former Senator Warren B. Rudman. The title of this report says it all: ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared.'' I supported Senator BYRD and others in trying to address the drastic underfunding of our first responders pointed out in the Rudman Report and am disappointed that we in the Senate were unable to do more.

I point out to my colleagues that I do not take lightly my decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities and I constantly look for ways to limit government spending. I am honored that the Concord Coalition and others have recognized me for my efforts in this regard. Although fiscal responsibility remains one of my highest priorities, the fight against terrorism is also a high priority. I regret that the Republican budget resolution did not provide adequate funding for homeland security, choosing instead to place tax cuts as its highest priority. I agree with the distinguished Senators from Connecticut and Michigan that we ought to pay for increased funding in this bill by reviewing tax breaks for those making over a million dollars. This is a reasonable way to approach the current underfunding of this top priority.

I would like to draw attention to the fact that local first responders, emergency preparedness professional associations, and others have responded to the tragic events of 9/11 by re-examining emergency response procedures, compiling lessons learned, and developing new and innovative practices to best deal with possible terrorist attacks. Unfortunately, the Rudman Report found that ''(T)he task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders.'' First responders in Wisconsin back up this finding.

The Department of Homeland Security is supposed to be gathering and disseminating first responder best practices to all relevant parties. I am concerned that they are not adequately fulfilling their responsibility in this area. I understand that the newly formed Department of Homeland Security has many important responsibilities and is being pulled in many different directions. I am concerned, however, that the Department is wasting an important opportunity to increase the efficiency of our first responders. The Rudman Report recommends establishing a national institute to collect and disseminate best practices for first responders. This would ''allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security.''

I offered an amendment directing the Department to report on its efforts to assess and disseminate best practices and its plans for improving the coordination and sharing of such information. This amendment was designed to prompt the Department into action so that all of us can reap the benefits of shared best practices. I am pleased that the Senate adopted this amendment.

I am also concerned that in our hasty efforts to protect the homeland we may be sacrificing some of our civil liberties. One item of particular concern to me is the use of data-mining by the Department of Homeland Security. Such programs give the Government the ability to peer into virtually every facet of an individual's life, including credit card use, bank statements, health records, and on and on. Congress must make sure that civil liberties are being protected and so must carefully monitor Government entities that may try to use data-mining technology. I am pleased that the Senate adopted my amendment requiring the Comptroller General to conduct a review and report to Congress on the development and use of data-mining by the Department of Homeland Security.

I will vote for this bill. This legislation includes many good elements, such as the funds available for first responders. However, I must also express my disappointment that funding for homeland security, one of our highest priorities, is being forced to play second fiddle to tax cuts. This is unacceptable and I hope we in Congress will soon rectify this situation.

HONORING CLAY SELL

Mr. DOMENICI. Mr. President, I rise to honor a remarkable and talented young man who will be sorely missed as he moves to the administration to become the special assistant on energy to the President of the United States. Clay Sell has been working for me as chief clerk for the Senate Appropriations Subcommittee on Energy and Water Development for the past 4 years and while I am extremely proud of his accomplishments, I am sad to see him go.

When Clay first came to the Senate, he impressed us all with his quick uptake of his new position and we were pleasantly surprised with his negotiation skills. It has been said of Clay that even when he negotiated a victory for his position, all parties involved left the negotiation table happy. His keen understanding of people and his genuine attitude are just a few of the great personality traits that Clay possesses.

Clay's hard work and dedication began at an early age. Growing up in greater West Texas, he learned the value of hard work and perseverance. The Sell family settled in Petersburg, TX in the early 1900's, a small farming community that has changed very little over the past century. Clay's father George grew up to become the first person in the family to receive a college degree. The hard work that drove George to succeed was prevalent in his son Clay.

Clay graduated from Tascosa High in Amarillo, TX where after he went on to receive his undergraduate degree in finance from Texas Tech University at Lubbock. Immediately following his graduation from college, Clay moved to Austin to attend the University of Texas Law School where he met and married his lovely wife Alisa.

After a short stint in Amarillo, Clay and Alisa moved to Washington, DC, where Clay began his political career working as a legislative assistant for a newly elected Representative from Texas, MAC THORNBERRY. While working in the House of Representatives, Clay spent a great deal of time working with energy policy. He worked in all aspects of energy legislation and played a key role in formulating and drafting the legislation which set up the National Nuclear Security Agency, NNSA. This experience made Clay a prime candidate for the position he would eventually assume upon his move to the Senate. Clay's work in the House of Representatives prepared him a great deal for his new job, but his new position required a greater understanding of national energy policy.

Over the past 4 years, I have gotten to know Clay and his wonderful family very well. Alisa and their two sons, Jack and Robert, have been Clay's stabilizing force. With another child on the way, that force will no doubt grow even stronger.

It has been my privilege to know and work with Mr. Clay Sell, but my words today are bittersweet. I do not feel that words alone can properly show my admiration for all that Clay has done for me, but I am confident that he understands how greatly he will be missed.

VOTE EXPLANATION

Mr. DAYTON. Mr. President, yesterday, I was absent from the Senate, attending the funeral of Kenneth N. Dayton, my uncle. If I had been present, I would have voted ''aye'' on the motion to waive the Budget Act for Senator DODD's amendment No. 1363, rollcall vote No. 299. I also would have voted ''aye'' on the motion to waive the Budget Act for Senator SPECTER's amendment No. 1368, rollcall vote No. 301.

MARTIN BAILEY PIERCE

Mr. SESSIONS. Mr. President, it is with a tremendous amount of pride that I take to the floor today to discuss the accomplishments of one of Alabama's native sons, 2LT Martin Bailey Pierce. This remarkable young

man has achieved a truly auspicious honor: he has been named the valedictorian of West Point's class of 2003. In both word and deed, this is a young man who truly has lived up to the Army's challenge to ''be all that you can be.''

When the selection committee I have established to review potential service academy nominations forwarded Martin Pierce's name to me, I knew that he had the potential to be a fine selection. After all, he had been the 1999 valedictorian at UMS-Wright, formerly known as University Military School, which is a prestigious school in Mobile, AL. Additionally, he had the full support of his two loving parents, Bailey and Susann, who had obviously instilled a sense of duty, honor and commitment in their son. There was little doubt in my mind that the traits 2LT Pierce had exhibited up to that point in time would serve him well at West Point.

However, the same could be said of most of the 846 cadets who graduated alongside Martin in the class of 2003. The service academy's attract a special kind of applicant, and those that are accepted tend to be individuals of great capabilities. Therefore when someone achieves the kind of academic success that 2LT Pierce has, there is a special satisfaction that he has done so while placed among the best and brightest.

I would like to take a few moments to place Mr. Pierce's West Point record in perspective. He become valedictorian by posting a GPA of 4.086 in the field of electrical/chemical engineering, and he was a dean's list member throughout his time at the academy. He also was one of only 144 recipients of the Gold Star and Wreath. This honor required Martin to achieve distinguished cadet status and to also become a Superintendent's Individual Award winner. In order to qualify for the God Star, Martin had to not only maintain a GPA of 3.67 or greater, but he also had to excel in West Point's academic, military and physical programs.

And excel in these programs he did. In addition to his exceptional work in the classroom, 2LT Pierce was a 4 year member of the Army's Black Knights football team, where he lettered as an outside linebacker. HIs accomplishments on the field and in the classroom also led him to be recognized nationally when he was awarded the Home Depot Scholar Athlete Award during the December 7, 2002 telecast of the Army/Navy game.

If these achievements, weren't enough, Martin saved his best for last. On June 1, 2LT Pierce married the former Michelle Ann Czyz in a ceremony in West Point, NY. Who knows? Perhaps this union foreshadows another valedictorian in a future West Point class.

And so 2LT Martin Bailey Pierce has left a mark upon the U.S. Military Academy as indelible as the mark the service academy has left on him. In doing so, he has come to exemplify the West Point's mission ''to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country; professional growth throughout a career as an officer in the United States Army; and a lifetime of selfless service to the nation.'' I am proud he is an Alabamian, and proud to know that he will continue and add to our State's remarkable record of producing outstanding cadets and soldiers. I congratulate 2LT Pierce for his accomplishments, and look forward to what I am sure will be a career that will make all members of the long gray line proud.

LAO-HMONG DAY OF RECOGNITION

Mr. KOHL. Mr. President, I rise today on National Lao-Hmong Recognition Day to commemorate those who served alongside the United States to protect democracy in Southeast Asia. Since 1995, the day of July 22nd has been celebrated as the Nation's official day recognizing the commitment and sacrifice of the Lao-Hmong people.

Beginning in the 1960s the United States recruited thousands of the Lao-Hmong citizens to fight against the Communist North Vietnamese Army. The United States relied heavily on support from the Lao-Hmong units to engage in direct combat with the adversary from 1960 to 1975. Although heavily outnumbered, the Lao-Hmong courageously battled to disrupt supply flows which ran along the Ho Chi Minh Trail.

In the name of democracy, the Lao-Hmong protected U.S. personnel, defended U.S. Air Force radar installations, collected critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed U.S. pilots. In doing so, the Lao-Hmong lost more than 35,000 lives and many more were seriously injured and disabled.

Decades of war separated the Lao-Hmong from their native land. Now the Lao-Hmong in these United States can call America their home. The great State of Wisconsin has over many years become a population center for the Lao-Hmong community. Now citizens of the United States, the Lao-Hmong contribute richly to our Wisconsin communities.

On July 22, 1995, the first National Lao-Hmong Recognition Day was celebrated in Denver, CO. This year, in my home State of Wisconsin, the city of Milwaukee has been chosen to host the 2003 celebration. The purpose of celebrating this historic day is to memorialize the departed and to honor the living for their valor in defense of freedom and democracy. While acknowledging and respecting the commitment the Lao-Hmong people gave the United States during the Vietnam War, we are honored to celebrate their lives today.

ADDITIONAL STATEMENTS

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 Enhancement 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 in Reedley, CA. On September 21, 2001, Abdo Ali Ahmed was killed after receiving a death threat and a hate note deriding his ethnicity. Ahmed was a 51-year-old Yemeni shopkeeper and father of eight. Before his murder, Ahmed had lived in California for 35 years.

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.•

HONORING THE OWYHEE CATTLEMEN'S ASSOCIATION ON ITS 125TH ANNIVERSARY

• Mr. CRAPO. Mr. President, I rise today to offer congratulations to the Owyhee Cattlemen's Association on its 125th year celebration. This makes this organization the oldest cattle group in my home State of Idaho. From the original Owyhee Cattle and Horse Growers Association, which formed in 1878 to protect livestock from rustlers and Indians, to the association's present influential position on property rights, water rights, and grazing matters, it has been an effectively involved force in Idaho.

The Owyhee Cattlemen's Association has benefited from a long line of top-notch leaders, and it continues to be instrumental in representing the cattle industry in a variety of issue areas including rangeland monitoring, species issues, and environmental concerns. These are all far different from cattle rustling activities, but perhaps similar in economic effects on the cattle industry.

The association has also played a leading and pioneering role in negotiating agreements and initiatives that work towards the future viability and profitability of the entire grazing community. I particularly appreciate that it has recognized the strength of collaborative efforts in dealing with the multiple interest groups that are becoming stakeholders and hopefully partners in public land stewardship.

The past strength and resolve of the Owyhee Cattleman's Association has served the cattle industry well, and will continue to ensure its place at the

discussions of future issues, as we advance into the next 100 years of public land grazing.

Once again, my congratulations to the Owyhee Cattlemen's Association and its members as it marks a milestone anniversary. It has an unprecedented history of accomplishments in the cattle industry. I send my very best wishes for its continued success in serving the Owyhee County constituent base and the entire Nation.●

MESSAGE FROM THE HOUSE

At 11:30 a.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. 2210. An act to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

H.R. 2427. An act to reauthorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, 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. 2210. An act to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2427. An act to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–242. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to Title IX; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 31

Whereas, Title IX, recently renamed the Patsy Takemoto Mink Equal Opportunity in Education Act, was adopted in 1972 to prohibit gender discrimination in programs that receive federal funds; and

Whereas, Title IX's impact on athletics has led to a vast increase in girls' participation in high school athletics, college athletics, and women's professional athletics; and

Whereas, in 1972, fewer than thirty-two thousand women competed in intercollegiate athletics, women received only two percent of schools' athletic budgets, and athletic scholarships for women were nonexistent; and

Whereas, today, thanks to the doors opened by Title IX, high school female sports participation has increased eight hundred percent, from three hundred thousand in 1971 to 2,800,000 in 2002; and

Whereas, the number of college women participating in competitive athletics is nearly five times as great as it was before Title IX; and

Whereas, while sports are the most visible benefit of Title IX, women's gains in college-level academics have been substantial; and

Whereas, Title IX's antidiscrimination provisions apply to every single aspect of education, including admissions and recruitment, comparable facilities, access to course offerings, access to schools of vocational education, counseling and counseling materials, financial assistance, student health and insurance benefits and services, housing, marital and parental status of students, physical education and athletics, education programs and activities, and employment, providing a fair and equal benefit for a generation of women; and

Whereas, girls and women who attended schools prior to Title IX experienced sex-segregated classes, denial of admissions to certain vocational education classes, lack of access to advanced mathematics and science courses, and overt discrimination in medical schools and other predominantly male institutions; and

Whereas, after Title IX women in post-secondary education shot up dramatically, rising from forty-four percent of all undergraduates in 1972 to fifty-six percent of all undergraduates today; and

Whereas, since the inception of Title IX, the amount of scholarship money for women has increased from $100,000 in 1972 to $179 million in 1997; and

Whereas, women made significant jumps in areas traditionally thought of as male, such as engineering, medicine, and law: in 1970 women earned 0.7 percent of bachelor's degrees in engineering while today women earn 20 percent of these degrees; and in 1972, women received only 9 percent of all medical degrees and 7 percent of all law degrees, whereas in 1996, women received 41 percent of all medical degrees and 44 percent of all law degrees, and

Whereas, Title IX has also benefited men and boys by eliminating the barriers and stereotypes that limit the opportunities and choices of both sexes; and

Whereas, the Bush administration has convened a Commission on Opportunity in Athletics to consider changes to Title IX; and

Whereas, this controversial commission has made recommendations that would seriously dilute the power of Title IX; and

Whereas, proponents of Title IX charge that the commission is an attempt to weaken the law after repeated court challenges over the past thirty years have failed; and

Whereas, Title IX is an Act of Congress and should not be subject to modification by an executive branch commission; and

Whereas, the people of Hawaii have experienced the great benefits of Title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act, and strongly support its full implementation: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the State of Hawaii urges Congress to maintain Title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act, in its original form and to take a firm stand opposing any recommendations that would weaken it; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of Education of the United States, President of the Senate of the United States Congress, the Speaker of the House of Representatives of the United States Congress, and the members of Hawaii's congressional delegation.

POM–243. A joint resolution adopted by the General Assembly of the Commonwealth of Kentucky relative to a constitutional amendment allowing the exercise of religion in public places; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, the Ten Commandments appear over the bench where the United States Supreme Court Justices sit, thus showing the source from whence our laws and the government power of the state are derived; and

Whereas, America's colonial governments adopted the Ten Commandments not as an object of worship or an icon, but as the basis for their civil and criminal law, as illustrated on April 3, 1644, when the New Haven Colony Charter was adopted establishing that: ''the judicial laws of God, as they were delivered to Moses be a rule to all courts in this jurisdiction''; and

Whereas, when signing the Declaration of Independence on August 2, 1776, Samuel Adams, the ''Father of the Revolution'' emphasized its Biblical presuppositions: ''We have this day restored the Sovereign to whom all men ought to be obedient. He reigns in heaven and from the rising to the setting of the sun, let His kingdom come''; and

Whereas, on August 20, 1789, Congressman Fisher Ames from Massachusetts proposed the wording of the First Amendment which was adopted by the House of Representatives in the first session of the Congress of the United States; and his writings clearly demonstrate that the Framers never intended the First Amendment to be so interpreted as to remove the Bible from the public buildings: ''We are spending less time in the classroom on the Bible which should be the principal text in our schools . . .''; and

Whereas, in a letter dated August 18, 1790, President George Washington wrote to the Hebrew Congregation in Newport, Rhode Island, ''All possess alike liberty if conscience and immunities of citizenship . . . May the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants; while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid''; and

Whereas, in his ''Farewell Address of September 19, 1796, George Washington pointed out the connection between the faith of the Nation and its political prosperity when he declared. ''Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports . . .'', and

Whereas, acknowledging the Bible as an integral part of the fabric of our society on September 11, 1777, the Continental Congress adopted a resolution to import 20,000 Bibles from Holland and Scotland, as the colonies were at war with England; and

Whereas, On May 29, 1845, the day before his death, President Andrew Jackson stated: ''My lamp of life is nearly out, and the last glimmer has come. I am ready to depart when called. The Bible is true. The principles and statutes of the Holy Book have been the rule of my life, and I have tried to conform to its spirit as nearly as possible. Upon that scared volume I rest my hope for eternal salvation through the merits and blood of our blessed Lord and Savior Jesus Christ''; and

Whereas, President John Quincy Adams, the sixth President of the United States, wrote concerning the civil function of the Mosaic law. ''The law given from Sinai was a civil and municipal as well as a moral and religious code: It contained many statutes . . . of universal application—laws essential to the existence of men in society and most of which have been enacted by every nation which ever professed any code of laws''; and

Whereas, in a June, 1778 letter to her son, John Quincy Adams, Abigail Adams reinforced noble values and a sense of ultimate

accountability to God which she believed to be the foundation of true greatness: ''Great learning and superior abilities, should you ever possess them, will be of little value and small estimation, unless virtue, honor, truth, and integrity are added to them. Adhere to those religious sentiments and principles which were early instilled into your mind, and remember that you are accountable to your Maker for all your words and actions''; and

Whereas, on February 29, 1892, the United States Supreme Court, in a unanimous decision, which has never been overruled, cited sixty-six organic authorities which show the Bible's singular influence on America: ''There is no dissonance in these declarations. There is a universal language pervading them all having one meaning: they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire group. These authorities were collected to support the historical conclusion that 'no purpose of action against religion can be imputed to any legislation, state or nation, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation . . . we find everywhere a clear recognition of the same truth . . . this is a Christian nation'''; and

Whereas, on May 7, 1911, President Woodrow Wilson, addressing the Tercentenary Celebration of the Translation of the Bible into the English language, stated, ''Moreover, the Bible does what is so invaluable in human life—it classifies moral values. It apprises us that men are not judged according to their wits, but according to their characters—that the last of every man's reputation is his truthfulness, his squaring his conduct with the standards that he knew to be the standards of purity and rectitude. How many a man we appraise, ladies and gentlemen, as great today whom we do not admire as noble! A man may have great power and small character''; and ''The bible has had a critical impact upon the development of Western civilization. Western literature, art and music are filled with images and ideas that can be traced to its pages. More important, our moral tradition has been shaped by the laws and teachings it contains. It was a biblical view of man—one affirming the dignity and worth of the human person, made in the image of our Creator—that inspired the principles upon which the United States is founded. President Jackson called the Bible 'the rock on which our republic rests' because he knew that it shaped the Founding Fathers' concept of individual liberty and their vision of a free and just society. The Bible has not only influenced the development of our Nation's values and institutions, but also enriched the daily lives of millions of men and women who have looked to it for comfort, hope and guidance. On the American frontier, the Bible was often the only book a family owned. For those pioneers living far from any church or school, it served both as a source of religious instruction and as the primary text from which children learned to read. The historical speeches of Abraham Lincoln and Dr. Martin Luther King, Jr., provide compelling evidence of the role Scripture played in shaping the struggle against slavery and discrimination. Today the Bible continues to give courage and direction to those who seek truth and righteousness. In recognizing its enduring value, we recall the words of the prophet Isaiah, who declared 'The grass withereth, the flower fadeth; but the word of our God shall stand forever.' Containing revelations of God's intervention in human history, the Bible offers moving testimony to His love for mankind. Treasuring the Bible as a source of knowledge and inspiration, President Abraham Lincoln called this Great Book 'the best gift God has given to man.' President Lincoln believed that the Bible not only reveals the infinite goodness of our Creator, but also reminds us of our worth as individuals and our responsibilities toward one another''; and

Whereas, the First Amendment in the Bill of Rights states, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances''; and

Whereas, recent court rulings have prevented the displaying of the Ten Commandments and have been the cause of the removal of these documents from public buildings; and

Whereas, eighty percent of the people are in favor of displaying the Ten Commandments in public places; and

Whereas, the General Assembly finds the Ten Commandments to be the precedent legal code of the Commonwealth which has provided the foundation for many of the civil and criminal statutes enacted into law throughout the history of the Commonwealth; and

Whereas, under Article V of the Constitution of the United States, Amendments to said Constitution may be proposed by the United States Congress whenever two-thirds of both chambers deem it necessary: Now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky, a majority of all members of the chambers voting separately to concur herein, hereby petitions the United States Congress to propose an Amendment to the Constitution of the United States, for submission to the several States for ratification, to allow the people of the United States and the several States the freedom to exercise their religion in public places.

Section 2. The text of the proposed Amendment to the Constitution of the United States should read substantially as follows:

''Nothing in the Constitution shall be construed to prohibit or otherwise limit the practice of individual or group prayer, the reading of the posting of the Ten Commandments, the recital of the Pledge of Allegiance, and the display of the motto 'In God We Trust' or similar phrases from historical documents referencing God in any public place, including a school; nor shall it require any person to join in prayer or other religious activity.''

Section 3. Certified copies of this joint resolution shall be transmitted by the Secretary of State to the Administrator of General Services of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to each member of the Commonwealth's delegation to the Congress of the United States, and to the presiding officer of each house of each state legislature of the several States.

POM–244. A resolution adopted by the Evanston City Council of Cook County of the State of Illinois relative to a repeal of the USA Patriot Act; to the Committee on the Judiciary.

POM–245. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino Veterans of World War II; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 76

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 664 in the United States House of Representatives, which bill was then referred to the Committee on Veterans' Affairs; and

Whereas, H.R. 664 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, H.R. 664 would mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, H.R. 664 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, H.R. 664 would also increase the rate of payment of compensation benefits and burial benefits to certain Filipino veterans designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the United States Congress is respectfully urged 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; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the Secretary of Veterans Affairs.

POM–246. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans for World War II; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 77

Whereas, on January 7, 2003, Senator Daniel K. Inouye introduced S. 68 in the United States Senate, which bill was read twice and then referred to the Committee on Veterans' Affairs; and

Whereas, S. 68 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care

and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinc; Now therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii congressional delegation, and the Secretary of Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 678. A bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes (Rept. No. 108–112).

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments and an amendment to the title and with an amended preamble:

H. Con. Res. 209. A concurrent resolution commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments and with an amended preamble:

S. Res. 184. A resolution calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 1455. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize services of international marriage brokers, and for other services; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 1456. A bill to amend the Public Health Service Act with respect to mental health services for elderly individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING (for himself and Mr. ALLEN):

S. 1457. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits on its pre-1985 level; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1458. A bill to amend the Gramm-Leach-Bliley Act to provide for enhanced protection of nonpublic personal information, including health information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 1459. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. REED, and Mr. BINGAMAN):

S. 1460. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 1461. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1462. A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 1463. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself and Mr. DORGAN):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 1465. A bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 1466. A bill to facilitate the transfer of land in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1467. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. JOHNSON):

S. 1468. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON (for himself, Mr. DASCHLE, Mrs. LINCOLN, Mr. BAUCUS, Mr. KENNEDY, Mr. GRAHAM of Florida, Ms. CANTWELL, Mr. CORZINE, and Mr. LEAHY):

S. Res. 200. A resolution expressing the sense of the Senate that Congress should adopt a conference agreement on the child tax credit and on tax relief for military personnel; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. KERRY, Mr. BROWNBACK, Ms. CANTWELL, Mr. HATCH, Mrs. BOXER, Ms. COLLINS, Mr. LIEBERMAN, Mr. INHOFE, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mr. CRAIG, Mr. MILLER, Ms. SNOWE, Mr. BAYH, Mr. CRAPO, Mr. DOMENICI, Mr. ROBERTS, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. DODD, Mr. SMITH, Mr. DURBIN, Mr. BUNNING, Mrs. FEINSTEIN, Mr. HAGEL, Ms. MIKULSKI, Mr. VOINOVICH, Mr. EDWARDS, Mr. CAMPBELL, Mr. INOUYE, Mr. FEINGOLD, Mr. SCHUMER, Ms. LANDRIEU, Mr. DORGAN, Mr. LAUTENBERG, Ms. STABENOW, and Mrs. CLINTON):

S. Res. 201. A resolution designating the month of September 2003 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 61. A concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. HAGEL, and Mr. LEVIN):

S. Con. Res. 62. A concurrent resolution honoring the service and sacrifice of Korean War veterans; considered and agreed to.

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) 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. 874

At the request of Mr. TALENT, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 1037

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of

Veterans Affairs, and for other purposes.

S. 1374

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1374, a bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1409, a bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1379

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 1379 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL:

S. 1455. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize services of international marriage brokers, and for other services; to the Committee on the Judiciary.

Ms. CANTWELL. I rise today to introduce the International Marriage Broker Regulation Act of 2003. This legislation will provide much needed protections for the thousands of foreign women who meet their American husbands through for-profit Internet sites and catalogs.

While mail order bride catalogs may seem like a relic from the past, the use of marriage broker services has exploded in recent years with the growth of the Internet. While many of these matches result in happy, long unions, there is a growing epidemic of domestic abuse among couples who meet via international marriage brokers. Immigrant and women's advocacy groups across the country report seeing an increase in the number of these wives seeking to escape a physically abusive husband they met through an IMB. In several cases, the abuse has progressed to murder.

A 1999 study found there were over 200 Internet sites marketing foreign women primarily from Eastern Europe and Asia seeking American husbands. Recent studies suggest that there are now as many as 400 currently operating in this country. These sites feature pictures of hundreds of women who, according to the Web sites, are looking to meet and marry an American man. The international marriage brokers operating these sites promise a wife with ''traditional values,'' who will honor her husband.

Unfortunately, women meeting their husbands in this manner frequently have little opportunity to get to know their prospective spouses or assess their potential for violence. They also have little knowledge of their rights as victims of domestic violence in our country even if they are not yet citizens or permanent residents.

In my State of Washington alone there have been three cases of serious domestic violence including two murders of women who met their husbands through an Internet-based international marriage broker. Susanna Blackwell met her husband through an IMB and, in 1994, left her native Philippines to move to Washington to marry him. During their short marriage, Timothy Blackwell physically abused his wife regularly. Within a few months, she had left him and begun divorce proceedings. The Blackwells had been separated for more than a year when Timothy Blackwell learned Susanna was eight months pregnant with another man's child. On the last day of the divorce proceedings, Timothy Blackwell shot and killed Susanna, her unborn child, and two friends who were waiting outside of the Seattle courtroom.

In 1999, 18-year-old Anastasia Solovyova married Indle King, a man she met through an IMB. Entries from Anastasia's diary detail the abuse she suffered and the fear she had of her husband who threatened her with death if she were to leave him. In December 2000, Anastasia was found strangled to death and buried in a shallow grave in Washington. King's accomplice later told police that he strangled Anastasia with a necktie while King lay on her chest to keep her from moving. At trial, it was discovered that Indle King had previously married another woman he met through an internet IMB, who later got a domestic violence protection order against him before divorcing him in 1997. It was also discovered that he was seeking his third wife through an IMB when he and his accomplice developed the plot to kill Anastasia.

Unfortunately, there are similar examples across the country of women who have met their American spouses through an Internet IMB only to be seriously injured or killed by an American spouse with a preexisting history of violence against women.

My legislation is modeled on a groundbreaking Washington State law, the first State effort to regulate the international matchmaking industry. The Washington Legislature took action on this important issue after the Blackwell and King cases, and multiple States are currently looking at enacting similar legislation.

The primary goal of my legislation is to better inform women entering this country as fiancées and prospective spouses about the past history of their prospective spouse and to better inform them of their rights as residents of the United States if they become victims of domestic violence.

The bill would first of all halt the current practice of allowing Americans to simultaneously seek visas for multiple fiancées, by requiring that only one fiancée visa may be sought per applicant each year. Currently, multiple request for fiancée visas can be simultaneously filed with the Bureau of Citizenship and Immigration, and the American requesting the visa will simply choose to marry the first woman who is approved.

Second, my bill would require that, before an IMB may release the contact information of a foreign national client, it must first obtain her consent to the release of that information and second, provide her with information on the rights of victims of domestic violence in this country in her own language.

Third, the IMB would be required to ask American clients to provide information on any previous arrest, conviction or court-ordered restriction relating to crimes of violence along with their previous marital history. This information would also be made available to the foreign national.

Finally, it would require a U.S. citizen seeking a foreign fiancée visa to undergo a criminal background check, a check that is already performed for the fiancées entering the country

themselves. Information on convictions and civil orders would be relayed to the visa applicant by the consular official along with information on their legal rights should they find themselves in an abusive relationship.

Currently, an American seeking to marry someone through an IMB holds all of the cards. The American client has the benefit of a complete background check on his future wife, a requirement of the immigration process. In addition, the IMBs provide clients extensive information about the women they offer, everything from their favorite movies and hobbies to whether they are sexually promiscuous.

Conversely, the foreign fiancée' only gets whatever information her future spouse wants to share. These women have no way of confirming what they are told about previous marriages or relationships or the American client's criminal history.

Researchers describe the typical American client as Caucasian, educated, professional, and financially secure. More than half have been married once already and express a desire to find a bride with more ''traditional values,'' attitudes they feel are not held by many American women today.

Most of the foreign brides advertised by the IMBs come from countries where women are oppressed, have a few educational or professional opportunities, and where violence against women is condoned, if not encouraged. Because of the cultural differences, researchers say there is an inherent imbalance of power in these relationships between American men and foreign women.

The men who seek these more traditional wives typically control the household finances and make basic decisons like whether the wife will have a driver's license, get a job or spend time with friends. Because these women often immigrate alone, they have no family or other support network and rely on their husbands for everything. Such dependency can make it difficult for a wife to report abuse without worrying that doing so is a surefire ticket to deportation. Researchers agree that isolation and dependency put these women at greater risk of domestic abuse.

Documenting the extent of this problem has been quite difficult. Marriages arranged by IMBs are not tracked separately from other immigrant marriages. However, experts agree that abuse is more likely in such an arranged marriages and that abuse in these relationships is likely underreported since the women are likely to be more afraid of deportation than the abuse they suffer at home.

Attempting to get a handle on the problem, the Immigration and Naturalization Service commissioned a study of the industry in 1999. The INS study estimated that there are more than 200 IMBs operating around the globe, arranging between 4,000 and 6,000 marriages between American men and foreign women every year. Experts today put the number of IMBs at nearly 500 worldwide. And based on the 1999 statistics, there are between 20,000 and 30,000 women who have entered the U.S. using an IMB in the past 5 years. While there are a few IMBs aimed at female clients, the overwhelming majority of people who seek IMB services are men.

IMBs also are being used as a cover for those seeking servants. That is what happened to Helen Clemente, a Filipina brought to the U.S. by retired Seattle-area police officer Eldon Doty and his wife, Sally. Eldon and Sally Doty had divorced to allow Eldon to marry Helen Clemente. However, Eldon and Sally Doty continued to live as man and wife, forcing Helene Clemente to work as their servant. After 3 years, Helen ran way. The Dotys have worked with INS in exchange for de facto immunity, while Helen Clemente continues to fight deportation.

It is critical for legal immigrants to know that they don't have to suffer abuse or work without pay to remain in this country. The Violence Against Women Act provided some safeguards for these female immigrants, ensuring that in cases of abuse a woman's immigration petition may proceed without the sponsorship of her abuser. That important legislation provided protections for women who come here and find themselves in abusive relationships; however, more can and should be done.

My legislation would give foreign financées critical information they need to make an informed decision about the person they are going to marry. It puts these foreign brides on more equal footing with their American grooms.

My legislation enjoys support from more than 80 organizations and advocacy groups across the country, including religious coalitions, laws firms, women's rights and social justice groups. I hope my colleagues in the Senate will support it as well.

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. 1455

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 ''International Marriage Broker Regulation Act of 2003''.

SEC. 2. LIMIT ON CONCURRENT PETITIONS FOR FIANCÉ(E) VISAS.

Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by inserting ''(1)'' before ''A visa''; and

(2) by adding at the end the following:

''(2) A United States citizen or a legal permanent resident may not file more than 1 application for a visa under section 101(a)(15)(K)(i) in any 1-year period.''.

SEC. 3. INTERNATIONAL MARRIAGE BROKERS.

Section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375), is amended to read as follows:

''SEC. 652. INTERNATIONAL MARRIAGE BROKERS.

''(a) FINDINGS.—Congress finds the following:

''(1) There is a substantial international marriage broker business worldwide. A 1999 study by the Immigration and Naturalization Service estimated that in 1999 there were at least 200 such companies operating in the United States, and that as many as 4,000 to 6,000 persons in the United States, almost all male, find foreign spouses through for-profit international marriage brokers each year.

''(2) Aliens seeking to enter the United States to marry citizens of the United States currently lack the ability to access and fully verify personal history information about their prospective American spouses.

''(3) Persons applying for fiancé(e) visas to enter the United States are required to undergo a criminal background information investigation prior to the issuance of a visa. However, no corresponding requirement exists to inform those seeking fiancé(e) visas of any history of violence by the prospective United States spouse.

''(4) Many individuals entering the United States on fiancé(e) visas for the purpose of marrying a person in the United States are unaware of United States laws regarding domestic violence, including protections for immigrant victims of domestic violence, prohibitions on involuntary servitude, protections from automatic deportation, and the role of police and the courts in providing assistance to victims of domestic violence.

''(b) DEFINITIONS.—In this section:

''(1) CLIENT.—The term 'client' means a United States citizen or legal permanent resident who makes a payment or incurs a debt in order to utilize the services of an international marriage broker.

''(2) CRIME OF VIOLENCE.—The term 'crime of violence' has the same meaning given the term in section 16 of title 18, United States Code.

''(3) DOMESTIC VIOLENCE.—The term 'domestic violence' means any crime of violence, or other act forming the basis for past or outstanding protective orders, restraining orders, no-contact orders, convictions, arrests, or police reports, committed against a person by—

''(A) a current or former spouse of the person;

''(B) an individual with whom the person shares a child in common;

''(C) an individual who is cohabiting with or has cohabited with the person;

''(D) an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs; or

''(E) any other individual if the person is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(4) FOREIGN NATIONAL CLIENT.—The term 'foreign national client' means a non-resident alien who utilizes the services of an international marriage broker.

''(5) INTERNATIONAL MARRIAGE BROKER.—

''(A) IN GENERAL.—The term 'international marriage broker' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, social referrals, or matching services between United States citizens or legal permanent residents and nonresident aliens by providing information that would permit individuals to contact each other, including—

''(i) providing the name, telephone number, address, electronic mail address, or voicemail of an individual; or

''(ii) providing an opportunity for an in-person meeting.

''(B) EXCEPTIONS.—Such term does not include—

''(i) a traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates including the laws of the United States; or

''(ii) an entity that provides dating services between United States citizens or legal permanent residents and aliens, but not as its principal business, and charges comparable rates to all clients regardless of the gender or country of residence of the client.

''(6) PERSONAL CONTACT INFORMATION.—

''(A) IN GENERAL.—The term 'personal contact information' means information that would permit an individual to contact another individual, including—

''(i) the name, address, phone number, electronic mail address, or voice message mailbox of that individual; and

''(ii) the provision of an opportunity for an in-person meeting.

''(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

''(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO INFORMED CONSENT.—An international marriage broker shall not provide any personal contact information about any foreign national client, not including photographs, to any person unless and until the international marriage broker has—

''(1) provided the foreign national client with information in his or her native language that explains the rights of victims of domestic violence in the United States, including the right to petition for residence independent of, and without the knowledge, consent, or cooperation of, the spouse; and

''(2) received from the foreign national client a signed consent to the release of such personal contact information.

''(d) MANDATORY COLLECTION OF INFORMATION.—

''(1) IN GENERAL.—Each international marriage broker shall require each client to provide the information listed in paragraph (2), in writing and signed by the client (including by electronic writing and electronic signature), to the international marriage broker prior to referring any personal contact information about any foreign national client to the client.

''(2) INFORMATION.—The information required to be provided in accordance with paragraph (1) is as follows:

''(A) Any arrest, charge, or conviction record for homicide, rape, assault, sexual assault, kidnap, or child abuse or neglect.

''(B) Any court ordered restriction on physical contact with another person, including any temporary or permanent restraining order or civil protection order.

''(C) Marital history, including if the person is currently married, if the person has previously been married and how many times, how previous marriages were terminated and the date of termination, and if the person has previously sponsored an alien to whom the person has been engaged or married.

''(D) The ages of any and all children under the age of 18.

''(E) All States in which the client has resided since the age of 18.

''(e) ADDITIONAL OBLIGATIONS OF THE INTERNATIONAL MARRIAGE BROKER.—An international marriage broker shall not provide any personal contact information about any foreign national client to any client, unless and until—

''(1) the client has been informed that the client will be subject to a criminal background check should they petition for a visa under clause (i) or (iii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)); and

''(2) the foreign national client has been provided a copy of the information required under subsection (d) regarding that client.

''(f) CIVIL PENALTY.—

''(1) VIOLATION.—An international marriage broker that the Secretary of Homeland Security determines has violated any provision of this section or section 7 of the International Marriage Broker Regulation Act of 2003 shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $20,000 for each such violation.

''(2) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty imposed under paragraph (1) may be imposed only after notice and an opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

''(g) CRIMINAL PENALTY.—An international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates any provision of this section or section 7 of the International Marriage Broker Regulation Act of 2003 shall be fined in accordance with title 18, United States Code, or imprisoned for not less than 1 year and not more than 5 years, or both.

''(h) ENFORCEMENT.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to —

''(1) enjoin that practice;

''(2) enforce compliance with this section; or

''(3) obtain damages.

''(i) STUDY AND REPORT.—

''(1) STUDY.—Not later than 2 years after the date of enactment of the International Marriage Broker Regulation Act of 2003, the Attorney General, in consultation with the Director of the Bureau of Citizenship and Immigration Services within the Department of Homeland Security, shall conduct a study—

''(A) regarding the number of international marriage brokers doing business in the United States and the number of marriages resulting from the services provided, and the extent of compliance with this section and section 7 of the International Marriage Broker Regulation Act of 2003;

''(B) that assesses information gathered under this section and section 7 of the International Marriage Broker Regulation Act of 2003 from clients and petitioners by international marriage brokers and the Bureau of Citizenship and Immigration Services;

''(C) that examines, based on the information gathered, the extent to which persons with a history of violence are using the services of international marriage brokers and the extent to which such persons are providing accurate information to international marriage brokers in accordance with this section and section 7 of the International Marriage Broker Regulation Act of 2003; and

''(D) that assesses the accuracy of the criminal background check at identifying past instances of domestic violence.

''(2) REPORT.—Not later than 3 years after the date of enactment of the International Marriage Broker Regulation Act of 2003, the Secretary of Homeland Security shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth the results of the study conducted pursuant to paragraph (1).''.

SEC. 4. CRIMINAL BACKGROUND CHECK.

Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)), as amended by section 2, is further amended by adding at the end the following:

''(3) A petitioner for a visa under clause (i) or (iii) of section 101(a)(15)(K) shall undergo a national criminal background check conducted using the national criminal history background check system and State criminal history repositories of all States in which the applicant has resided prior to the petition being approved by the Secretary of Homeland Security, and the results of the background check shall be included in the petition forwarded to the consular office under that section.''.

SEC. 5. CHANGES IN CONSULAR PROCESSING OF FIANCÉ(E) VISA APPLICATIONS.

(a) IN GENERAL.—During the consular interview for purposes of the issuance of a visa under clause (i) or (iii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)), a consular officer shall disclose to the alien applicant information in writing in the native language of the alien concerning—

(1) the illegality of domestic violence in the United States and the availability of resources for victims of domestic violence (including aliens), including protective orders, crisis hotlines, free legal advice, and shelters;

(2) the requirement that international marriage brokers provide foreign national clients with responses of clients to questions regarding the client's domestic violence history and marital history, but that such information may not be accurate;

(3) the right of an alien who is or whose children are subjected to domestic violence or extreme cruelty by a United States citizen spouse or legal permanent resident spouse, to self-petition for legal permanent immigration status under the Violence Against Women Act independently of, and without the knowledge, consent, or cooperation of, such United States citizen spouse or legal permanent resident spouse; and

(4) any information regarding the petitioner that—

(A) was provided to the Bureau of Citizenship and Immigration Services within the Department of Homeland Security pursuant to section 7; and

(B) is contained in the background check conducted in accordance with section 214(d)(3) of the Immigration and Nationality Act, as added by section 4, relating to any conviction or civil order for a crime of violence, act of domestic violence, or child abuse or neglect.

(b) DEFINITIONS.—In this section, the terms ''client'', ''domestic violence'', ''foreign national client'', and ''international marriage brokers'' have the same meaning given such terms in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375).

SEC. 6. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended—

(1) in subsection (d)(2), by inserting ''and the role of international marriage brokers (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375))'' after ''public corruption''; and

(2) by adding at the end the following:

''(f) MEETINGS.—The Task Force shall meet not less than 2 times in a calendar year.''.

SEC. 7. BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.

The Bureau of Citizenship and Immigration Services within the Department of Homeland Security shall require that information described in section 652(c) of the Omnibus Consolidated Appropriations Act, 1997

(8 U.S.C. 1375(c)), as amended by section 3, be provided to the Bureau of Citizenship and Immigration Services by a client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)) in writing and signed under penalty of perjury as part of any visa petition under section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)).

SEC. 8. GOOD FAITH MARRIAGES.

The fact that an alien who is in the United States on a visa under clause (i) or (iii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of the criminal background of a client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375)) cannot be used as evidence that the marriage was not entered into in good faith.

SEC. 9. TECHNICAL AND CONFORMING AMENDMENTS.

Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

SEC. 10. PREEMPTION.

Nothing in this Act, or the amendments made by this Act, shall preempt any State law that provides additional protection for aliens who are utilizing the services of an international marriage broker (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375)).

By Mr. BREAUX:

S. 1456. A bill to amend the Public Health Service Act with respect to mental health services for elderly individuals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BREAUX. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1456

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 ''Positive Aging Act of 2003''.

SEC. 2. FINDINGS; STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) although, on average, ¼ of all patients seen in primary care settings have a mental disorder, primary care practitioners identify such illness in only about half of these cases;

(2) four mental disorders are among the 10 leading causes of disability in the United States;

(3) among the elderly, 10 percent have dementia and as many as one quarter have significant clinical depression;

(4) access to mental health services by the elderly is compromised by health benefits coverage limits, gaps in the mental health services delivery system, and shortages of geriatric mental health practitioners;

(5) the integration of medical and mental health treatment provides an effective means of coordinating care, improving mental health outcomes, and saving health care dollars; and

(6) the treatment of mental disorders in older patients, particularly those with other chronic diseases, can improve health outcomes and the quality of life for these patients.

(b) STATEMENT OF PURPOSE.—In order to address the emerging crisis in the identification and treatment of mental disorders among the elderly, it is the purpose of this Act to—

(1) promote models of care that integrate mental health services and medical care within primary care settings; and

(2) improve access by older adults to mental health services in community-based settings.

TITLE I—ENHANCING ACCESS TO MENTAL HEALTH SERVICES FOR THE ELDERLY

SEC. 101. SERVICES IMPLEMENTATION PROJECTS TO SUPPORT INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended—

(1) in section 520(b)—

(A) in paragraph (14), by striking ''and'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(16) conduct the demonstration projects specified in section 520K.''; and

(2) by adding at the end the following section:

''SEC. 520K. PROJECTS TO DEMONSTRATE INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public and private nonprofit entities for evidence-based projects to demonstrate ways of integrating mental health services for older patients into primary care settings, such as health centers receiving a grant under section 330 (or determined by the Secretary to meet the requirements for receiving such a grant), other Federally qualified health centers, primary care clinics, and private practice sites.

''(b) REQUIREMENTS.—In order to qualify for a grant under this section, a project shall provide for collaborative care within a primary care setting, involving psychiatrists, psychologists, and other licensed mental health professionals with appropriate training and experience in the treatment of older adults, in which screening, assessment, and intervention services are combined into an integrated service delivery model, including—

''(1) screening services by a mental health professional with at least a masters degree in an appropriate field of training, supported by psychiatrists and psychologists with appropriate training and experience in the treatment of older adults to ensure adequate consideration of biomedical and psychosocial conditions, respectively;

''(2) referrals for necessary prevention, intervention, follow-up care, consultations, and care planning oversight for mental health and other service needs, as indicated; and

''(3) adoption and implementation of evidence-based protocols, to the extent available, for prevalent mental health disorders, including depression, anxiety, behavioral and psychological symptoms of dementia, psychosis, and misuse of, or dependence on, alcohol or medication.

''(c) CONSIDERATIONS IN AWARDING GRANTS.—To the extent feasible, the Secretary shall ensure that—

''(1) grants under this section are awarded to projects in a variety of geographic areas, including urban and rural areas; and

''(2) the needs of ethnically diverse at-risk populations are addressed.

''(d) DURATION.—A project may receive funding pursuant to a grant under this section for a period of up to 3 years, with an extension period of 2 additional years at the discretion of the Secretary.

''(e) APPLICATION.—In order to receive a grant under this section, a public or private nonprofit entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) EVALUATION.—Not later than 6 months after the close of a calendar year, the Secretary shall submit to the Congress a report evaluating the projects receiving awards under this section for such year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2004 and each fiscal year thereafter such sums as may be necessary to carry out this section.''.

SEC. 102. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 101 of this Act, is further amended by adding at the end the following section:

''SEC. 520L. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public or private nonprofit entities that are community-based providers of geriatric mental health services, to support the establishment and maintenance by such entities of multi-disciplinary geriatric mental health outreach teams in community settings where older adults reside or receive social services. Entities eligible for such grants include—

''(1) mental health service providers of a State or local government;

''(2) outpatient programs of private, nonprofit hospitals;

''(3) community mental health centers meeting the criteria specified in section 1913(c); and

''(4) other community-based providers of mental health services.

''(b) REQUIREMENTS.—In order to qualify for a grant under this section, an entity shall—

''(1) adopt and implement, for use by its mental health outreach team, evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older adults, relying to the greatest extent feasible on protocols that have been developed—

''(A) by or under the auspices of the Secretary; or

''(B) by academicians with expertise in mental health and aging;

''(2) provide screening for mental disorders, diagnostic services, referrals for treatment, and case management and coordination through such teams; and

''(3) coordinate and integrate the services provided by such team with the services of social service, mental health, medical, and other health care providers at the site or sites where the team is based in order to—

''(A) improve patient outcomes; and

''(B) to ensure, to the maximum extent feasible, the continuing independence of older adults who are residing in the community.

''(c) COOPERATIVE ARRANGEMENTS WITH SITES SERVING AS BASES FOR OUTREACH TEAMS.—An entity receiving a grant under this section may enter into an agreement with a person operating a site at which a geriatric mental health outreach team of the entity is based, including—

''(1) senior centers;

''(2) adult day care programs;

''(3) assisted living facilities; and

''(4) recipients of grants to provide services to senior citizens under the Older Americans Act, under which such person provides (and is reimbursed by the entity, out of funds received under the grant, for) any supportive services, such as transportation and administrative support, that such person provides to an outreach team of such entity.

''(d) CONSIDERATIONS IN AWARDING GRANTS.—To the extent feasible, the Secretary shall ensure that—

''(1) grants under this section are awarded to projects in a variety of geographic areas, including urban and rural areas; and

''(2) the needs of ethnically diverse at-risk populations are addressed.

''(e) APPLICATION.—In order to receive a grant under this section, an entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) EVALUATION.—Not later than 6 months after the close of a calendar year, the Secretary shall submit to the Congress a report evaluating the programs receiving a grant under this section for such year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2004 and each fiscal year thereafter such sums as may be necessary to carry out this section.''.

TITLE II—ADMINISTRATIVE CHANGES TO STRENGTHEN PROGRAMS FOR GERIATRIC MENTAL HEALTH SERVICES

SEC. 201. DESIGNATION OF DEPUTY DIRECTOR FOR GERIATRIC MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.

Section 520 of the Public Health Service Act (42 U.S.C. 290bb–31) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) DEPUTY DIRECTOR FOR GERIATRIC MENTAL HEALTH SERVICES.—The Director, after consultation with the Administrator, shall designate a Deputy Director for Geriatric Mental Health Services, who shall be responsible for the development and implementation of initiatives of the Center to address the mental health needs of older adults. Such initiatives shall include—

''(1) research on prevention and identification of mental disorders in the geriatric population;

''(2) innovative demonstration projects for the delivery of community-based mental health services for older Americans;

''(3) support for the development and dissemination of evidence-based practice models, including models to address dependence on, and misuse of, alcohol and medication in older adults; and

''(4) development of model training programs for mental health professionals and caregivers serving older adults.''.

SEC. 202. MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.

Section 502(b)(3) of the Public Health Service Act (42 U.S.C. 290aa–1(b)(3)) is amended by adding at the end the following:

''(C) In the case of the advisory council for the Center for Mental Health Services, the members appointed pursuant to subparagraphs (A) and (B) shall include representatives of older Americans, their families, and geriatric mental health specialists, including at least 1 physician with board certification in geriatric psychiatry and at least 1 psychologist with appropriate training and experience in the treatment of older adults.''.

SEC. 203. PROJECTS OF NATIONAL SIGNIFICANCE TARGETING SUBSTANCE ABUSE IN OLDER ADULTS.

Section 509(b)(2) of the Public Health Service Act (42 U.S.C. 290bb–2(b)(2)) is amended by inserting before the period the following: '', and to providing treatment for older adults with alcohol or substance abuse or addiction, including medication misuse or dependence''.

SEC. 204. CRITERIA FOR STATE PLANS UNDER COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANTS.

(a) IN GENERAL.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by inserting after paragraph (5) the following:

''(6) GOALS AND INITIATIVES FOR IMPROVING ACCESS TO SERVICES FOR OLDER ADULTS.—The plan—

''(A) specifies goals for improving access by older Americans to community-based mental health services;

''(B) includes a plan identifying and addressing the unmet needs of such individuals for mental health services; and

''(C) includes an inventory of the services, personnel, and treatment sites available to improve the delivery of mental health services to such individuals.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to State plans submitted under section 1912 of the Public Health Service Act on or after the date that is 180 days after the date of the enactment of this Act.

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 1459. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to serve as the basis for much needed reforms to the Federal Government's management of Indian trust funds and trust assets within the U.S. Department of the Interior. I am joined by my colleagues, Senators DASCHLE and JOHNSON, in this effort, as well as by Representatives MARK UDALL and NICK RAHALL whom are sponsoring a companion measure in the House of Representatives.

This legislation is a reflection of a continuing effort by my colleagues and myself to develop a trust reform proposal that will not only serve to improve the Federal Government's administration and management of Indian trust funds and trust assets but it will also institute a role for Indian tribes to participate in developing additional needed reforms and enhance the principles of tribal self-determination.

Earlier this year, Senators DASCHLE, JOHNSON, and myself introduced similar trust reform legislation and received substantive feedback from Indian country on the bill. This feedback helped us in developing this new legislative proposal, which will serve as the framework for instituting broader reforms necessary for long-term management of tribal trust resources and enhancing Federal Indian policy. I thank the tribes and tribal organizations such as the Inter Tribal Monitoring Association, the Native American Rights Fund, and the National Congress of American Indians, which worked with our offices and helped to formulate the concepts embodied in this proposal. We are encouraged by their efforts and support to seek a legislative remedy to these difficult problems.

The basic elements of this bill focus on three primary areas: the management of trust funds and trust assets will be elevated in the overall Department by designating a Deputy Secretary of Indian Affairs to assume the current responsibilities of the Assistant Secretary of Indian Affairs and the Special Trustee. Second, as determined by the court and the administration, it is Congress' duty to affirm fiduciary standards for proper management of these trust funds and trust assets, and this bill includes such standards. And, third, the role of the tribes is enhanced through affirmation of the authority of tribes to utilize self-determination laws to manage their own funds and assets. Tribes will also be engaged in determining additional necessary reforms through participation in an established congressional commission.

The mismanagement of Indian trust funds is a long and disgraceful chapter in the history of this Nation. The 1994 American Indian Trust Fund Management Reform Act was enacted to take measures to reconcile these accounts and return the money to the Native American beneficiaries. Unfortunately, as continuing management problems persist and Native Americans are left out of the decision-making process about the management of their resources, it is time for Congress to step up and take decisive action to once again require significant reform with the active participation of the tribes.

I am pleased that Senators DASCHLE and JOHNSON are committed to working with me once again on this legislation, and I am also encouraged by the interest of our House counterparts to jointly introduce this bill with us. I look forward to working with my colleagues and the tribes to advance this legislation. We are willing to consider additional review and comments and expect to further refine this bill as it moves through the legislative process.

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. 1459

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 ''American Indian Trust Fund Management Reform Act Amendments Act of 2003''.

SEC. 2. DEFINITIONS.

Section 2 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (7), (4), (6), (5), (2), and (3), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) AUDIT.—The term 'audit' means an audit using accounting procedures that conform to generally accepted accounting principles and auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'); and

(3) by adding at the end the following:

''(8) TRIBAL GOVERNMENT—The term 'tribal government' means the governing body of an Indian tribe.

''(9) TRUST ASSET.—The term 'trust asset' means any tangible property (such as land, a mineral, coal, oil or gas, a forest resource, an agricultural resource, water, a water source, fish, or wildlife) held by the Secretary for the benefit of an Indian tribe or an individual member of an Indian tribe in accordance with Federal law.

''(10) TRUST FUNDS.—The term 'trust funds' means—

''(A) all monies or proceeds derived from trust assets; and

''(B) all funds held by the Secretary for the benefit of an Indian tribe or an individual member of an Indian tribe in accordance with Federal law.

''(11) TRUSTEE.—The term 'trustee' means the Secretary or any other person that is authorized to act as a trustee for trust assets and trust funds.''.

SEC. 3. RESPONSIBILITIES OF SECRETARY.

Section 102 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4011) is amended to read as follows:

''SEC. 102. RESPONSIBILITIES OF SECRETARY.

''(a) ACCOUNTING FOR DAILY AND ANNUAL BALANCES OF INDIAN TRUST FUNDS.—

''(1) IN GENERAL.—The Secretary shall account for the daily and annual balances of all trust funds.

''(2) PERIODIC STATEMENT OF PERFORMANCE.—

''(A) IN GENERAL.—Not later than 20 business days after the close of the second calendar quarter after the date of enactment of this paragraph, and not later than 20 business days after the close of each calendar quarter thereafter, the Secretary shall provide to each Indian tribe and individual Indian for whom the Secretary manages trust funds a statement of performance for the trust funds.

''(B) REQUIREMENTS.—Each statement under subparagraph (A) shall identify, with respect to the period covered by the statement—

''(i) the source, type, and status of the funds;

''(ii) the beginning balance of the funds;

''(iii) the gains and losses of the funds;

''(iv) receipts and disbursements of the funds; and

''(v) the ending balance of the funds.

''(3) AUDITS.—With respect to each account containing trust funds, the Secretary shall—

''(A) for accounts with less than $1,000, group accounts separately to allow for statistical sampling audit procedures;

''(B) for accounts containing more than $1,000 at any time during a given fiscal year—

''(i) conduct, for each fiscal year, an audit of all trust funds; and

''(ii) include, in the first statement of performance after completion of the audit, a letter describing the results of the audit.

''(b) ADDITIONAL RESPONSIBILITIES.—The responsibilities of the Secretary in carrying out the trust responsibility of the United States include, but are not limited to—

''(1) providing for adequate systems for accounting for and reporting trust fund balances;

''(2) providing for adequate controls over receipts and disbursements;

''(3) providing for periodic, timely reconciliations of financial records to ensure the accuracy of account information;

''(4) determining accurate cash balances;

''(5) preparing and supplying to account holders periodic account statements;

''(6) establishing and publishing in the Federal Register consistent policies and procedures for trust fund management and accounting;

''(7) providing adequate staffing, supervision, and training for trust fund management and accounting; and

''(8) managing natural resources located within the boundaries of Indian reservations and trust land.''.

SEC. 4. AFFIRMATION OF STANDARDS.

Title I of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4011 et seq.) is amended by adding at the end the following:

''SEC. 105. AFFIRMATION OF STANDARDS.

''Congress affirms that the proper discharge of trust responsibility of the United States requires, without limitation, that the trustee, using the highest degree of care, skill, and loyalty—

''(1) protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, and depletion;

''(2) ensure that any management of Indian trust assets required to be carried out by the Secretary—

''(A) promotes the interest of the beneficial owner; and

''(B) supports, to the maximum extent practicable in accordance with the trust responsibility of the Secretary, the beneficial owner's intended use of the assets;

''(3)(A) enforce the terms of all leases or other agreements that provide for the use of trust assets; and

''(B) take appropriate steps to remedy trespass on trust or restricted land;

''(4) promote tribal control and self-determination over tribal trust land and resources without diminishing the trust responsibility of the Secretary;

''(5) select and oversee persons that manage Indian trust assets;

''(6) confirm that Indian tribes that manage Indian trust assets in accordance with contracts and compacts authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) protect and prudently manage those Indian trust assets;

''(7) provide oversight and review of the performance of the trust responsibility of the Secretary, including Indian trust asset and investment management programs, operational systems, and information systems;

''(8) account for and identify, collect, deposit, invest, and distribute, in a timely manner, income due or held on behalf of tribal and individual Indian account holders;

''(9) maintain a verifiable system of records that, at a minimum, is capable of identifying, with respect to a trust asset—

''(A) the location of the trust asset;

''(B) the beneficial owners of the trust asset;

''(C) any legal encumbrances (such as leases or permits) applicable to the trust asset;

''(D) the user of the trust asset;

''(E) any rent or other payments made;

''(F) the value of trust or restricted land and resources associated with the trust asset;

''(G) dates of—

''(i) collections;

''(ii) deposits;

''(iii) transfers;

''(iv) disbursements;

''(v) imposition of third-party obligations (such as court-ordered child support or judgments);

''(vi) statements of earnings;

''(vii) investment instruments; and

''(viii) closure of all trust fund accounts relating to the trust fund asset;

''(H) documents pertaining to actions taken to prevent or compensate for any diminishment of the Indian trust asset; and

''(I) documents that evidence the actions of the Secretary regarding the management and disposition of the Indian trust asset;

''(10) establish and maintain a system of records that—

''(A) permits beneficial owners to obtain information regarding Indian trust assets in a timely manner; and

''(B) protects the privacy of that information;

''(11) invest tribal and individual Indian trust funds to ensure that the trust account remains reasonably productive for the beneficial owner consistent with market conditions existing at the time at which investment is made;

''(12) communicate with beneficial owners regarding the management and administration of Indian trust assets; and

''(13) protect treaty-based fishing, hunting, gathering, and similar rights-of-access and resource use on traditional tribal land.''.

SEC. 5. INDIAN PARTICIPATION IN TRUST FUND ACTIVITIES.

Section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022) is amended by striking subsection (c) and inserting the following:

''(c) MANAGEMENT THROUGH SELF-DETERMINATION AUTHORITY.—

''(1) IN GENERAL.—An Indian tribe may use authority granted to the Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to manage Indian trust funds and trust assets without terminating—

''(A) the trust responsibility of the Secretary; or

''(B) the trust status of the funds and assets.

''(2) NO EFFECT ON TRUST RESPONSIBILITY.—Nothing in this subsection diminishes or otherwise impairs the trust responsibility of the United States with respect to the Indian people.''.

SEC. 6. DEPUTY SECRETARY FOR INDIAN AFFAIRS.

(a) IN GENERAL.—Section 302 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042) is amended to read as follows:

''SEC. 302. DEPUTY SECRETARY FOR INDIAN AFFAIRS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Department the position of Deputy Secretary for Indian Affairs (referred to in this section as the 'Deputy Secretary'), who shall report directly to the Secretary.

''(2) APPOINTMENT.—The Deputy Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—

''(1) IN GENERAL.—The Deputy Secretary shall—

''(A) oversee the Bureau of Indian Affairs;

''(B) be responsible for carrying out all duties assigned to the Assistant Secretary for Indian Affairs as of the day before the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003;

''(C) oversee all trust fund and trust asset matters of the Department, including—

''(i) administration and management of the Reform Office;

''(ii) financial and human resource matters of the Reform Office; and

''(iii) all duties relating to trust fund and trust asset matters;

''(D) engage in appropriate government-to-government relations and consultations with Indian tribes and individual trust asset and trust fund account holders on matters involving trust asset and trust fund management and reform within the Department; and

''(E) carry out such other duties relating to Indian affairs as the Secretary may assign.

''(2) TRANSFER OF DUTIES OF ASSISTANT SECRETARY.—As of the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003, all duties assigned to the Assistant Secretary for Indian Affairs shall be transferred to, and become the responsibility of, the Deputy Secretary.

''(3) SUCCESSION.—Any official who is serving as Assistant Secretary for Indian Affairs on the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003 and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (a) to the successor position authorized under subsection (a) if the Secretary approves the occupation by the official of the position by the date that is 180 days after the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003 (or such later date determined by the Secretary if litigation delays rapid succession).

''(c) STAFF.—In carrying out this section, the Deputy Secretary may hire such staff having expertise in trust asset and trust fund management, financial organization and management, and Federal Indian law and policy as the Deputy Secretary determines is necessary to carry out this title.

''(d) EFFECT ON DUTIES OF OTHER OFFICIALS.—

''(1) IN GENERAL.—Except as provided in subsection (c) and paragraph (2), nothing in this section diminishes any responsibility or duty of the Deputy Secretary of the Interior appointed under the Act of May 9, 1935 (43 U.S.C. 1452), or any other Federal official, relating to any duty established under this Act or any other provision of law.

''(2) TRUST ASSET AND TRUST FUND MANAGEMENT AND REFORM.—Notwithstanding any other provision of law, the Deputy Secretary shall have overall management and oversight authority on matters of the Department relating to trust asset and trust fund management and reform (including matters that, as of the day before the date of enactment of the Indian Trust Asset and Trust Fund Management and Reform Act of 2003, were carried out by the Commissioner of Indian Affairs).

''(e) OFFICE OF TRUST REFORM IMPLEMENTATION AND OVERSIGHT.—

''(1) ESTABLISHMENT.—There is established within the Office of the Secretary the Office of Trust Reform Implementation and Oversight.

''(2) REFORM OFFICE HEAD.—The Reform Office shall be headed by the Deputy Secretary.

''(3) DUTIES.—The Reform Office shall—

''(A) supervise and direct the day-to-day activities of the Deputy Secretary, the Commissioner of Reclamation, the Director of the Bureau of Land Management, and the Director of the Minerals Management Service, to the extent that those officials administer or manage any Indian trust assets or funds;

''(B) administer, in accordance with title II, all trust properties, funds, and other assets held by the United States for the benefit of Indian tribes and individual members of Indian tribes;

''(C) require the development and maintenance of an accurate inventory of all trust funds and trust assets;

''(D) ensure the prompt posting of revenue derived from a trust fund or trust asset for the benefit of each Indian tribe (or individual member of each Indian tribe) that owns a beneficial interest in the trust fund or trust asset;

''(E) ensure that all trust fund accounts are audited at least annually, and more frequently as determined to be necessary by the Deputy Secretary;

''(F) ensure that the Deputy Secretary, the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the Minerals Management Service provide to the Secretary current and accurate information relating to the administration and management of trust funds and trust assets; and

''(G) provide for regular consultation with trust fund account holders on the administration of trust funds and trust assets to ensure, to the maximum extent practicable in accordance with applicable law and a Plan approved under section 202, the greatest return on those funds and assets for the trust fund account holders consistent with the beneficial owners intended uses for the trust funds.

''(4) CONTRACTS AND COMPACTS.—The Reform Office may carry out its duties directly or through contracts and compacts under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 403 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 458cc) to provide for the management of trust assets and trust funds by Indian tribes pursuant to a Trust Fund and Trust Asset Management and Monitoring Plan developed under section 202 of this Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 5313 of title 5, United States Code, is amended by inserting ''Deputy Secretary of the Interior for Indian Affairs'' after ''Deputy Secretary of the Interior''.

(B) Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of the Interior (6)'' and inserting ''Assistant Secretaries of the Interior (5)''.

(C) Title III of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4041 et seq.) is amended by striking the title heading and inserting the following:

''TITLE III—REFORMS RELATING TO TRUST RESPONSIBILITY''.

(D) Section 301(1) of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4041(1)) is amended by striking ''by establishing in the Department of the Interior an Office of Special Trustee for American Indians'' and inserting ''by directing the Deputy Secretary''.

(E) Section 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4043) is amended—

(i) by striking the section heading and inserting the following:

''SEC. 303. ADDITIONAL AUTHORITIES AND FUNCTIONS OF THE DEPUTY SECRETARY.'';

(ii) in subsection (a)(1), by striking ''section 302(b) of this title'' and inserting ''section 302(a)(2)'';

(iii) in subsection (e)—

(I) by striking the subsection heading and inserting the following:

''(e) ACCESS OF DEPUTY SECRETARY.—''; and

(II) by striking ''of his duties'' and inserting ''of the duties of the Deputy Secretary''; and

(iv) by striking ''Special Trustee'' each place it appears and inserting ''Deputy Secretary''.

(F) Sections 304 and 305 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4044, 4045) are amended by striking ''Special Trustee'' each place it appears and inserting ''Deputy Secretary''.

(G) The first section of Public Law 92–22 (43 U.S.C. 1453a) is repealed.

(H) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Assistant Secretary of the Interior for Indian Affairs shall be deemed to be a reference to the Deputy Secretary of the Interior for Indian Affairs.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date on which a Deputy Secretary for Indian Affairs is appointed under section 302 of the American Indian Trust Fund Management Reform Act (as amended by subsection (a)).

SEC. 7. COMMISSION FOR REVIEW OF INDIAN TRUST FUND MANAGEMENT RESPONSIBILITIES.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''Commission for Review of Indian Trust Fund Management Responsibilities'' (referred to in this section as the ''Commission''), for the purpose of assessing the fiduciary and management responsibilities of the Federal Government with respect to Indian tribes and individual Indian beneficiaries.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members, of whom—

(A) 4 members shall be appointed by the President;

(B) 2 members shall be appointed by the Majority Leader of the Senate;

(C) 2 members shall be appointed by the Minority Leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 2 members shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS.—The membership of the Commission—

(A) shall include a majority of individuals who are representatives of federally recognized Indian tribes, including at least 1 representative who is an individual Indian trust fund account holder; and

(B) shall include members who have experience in—

(i) trust management;

(ii) fiduciary investment management;

(iii) Federal Indian law and policy; and

(iv) financial management.

(3) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) PROCEDURES.—The Commission shall—

(A) meet at the call of the Chairperson; and

(B) establish procedures for conduct of business of the Commission, including public hearings.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(d) DUTIES.—The Commission shall—

(1) review and assess Federal laws and policies relating to the management of Indian trust funds;

(2) make recommendations (including legislative and administrative recommendations) relating to management of Indian trust funds, including but not limited to options for—

(A) historical accounting;

(B) settlement of disputed tribal and individual accounts; and

(C) revisions of—

(i) management standards;

(ii) administrative management structure;

(iii) investment policies and accounting; and

(iv) reporting procedures; and

(3) carry out such other duties as the President may assign to the Commission.

(e) REPORT.—Not later than 32 months after the date on which the Commission holds the initial meeting of the Commission, the Commission shall submit to Congress, the Secretary of the Interior, and the Secretary of the Treasury a report that includes the results of the assessment conducted, and the recommendations made, by the Commission under subsection (d).

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) ACCESS TO PERSONNEL.—The Commission shall have reasonable access to staff responsible for Indian trust management in—

(A) the Department of the Interior;

(B) the Department of Treasury; and

(C) the Department of Justice.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(j) TERMINATION OF COMMISSION.—The Commission and the authority of the Commission under this section terminates on the date that is 3 years after the date on which the Commission holds the initial meeting of the Commission.

SEC. 8. REGULATIONS.

The Secretary of the Interior, in consultation with interested Indian tribes, shall promulgate such regulations as are necessary to carry out this Act and amendments made by this Act.

SEC. 9. EFFECT OF ACT.

(a) COURT PROCEEDINGS.—Nothing in this Act limits the findings, remedies, jurisdiction, authority, or discretion of the courts in the matter entitled Cobell v. Norton, Civ. No. 96–1285 (RCL).

(b) USE OF FUNDS.—No funds appropriated for the purpose of an historical accounting of the individual Indian trust funds shall be used except as provided in an order of the court in Cobell v. Norton, Civ. No. 96–1285 (RCL) entered after the date of enactment of this Act.

Mr. DASCHLE. Mr. President, today I once again join with Senators JOHN MCCAIN and TIM JOHNSON in introducing legislation that addresses the longstanding problem of mismanagement of assets held by the United States in trust for federally recognized Indian tribes and individual American Indians.

Indian country has faced many challenges over the years. Few, however, have had more far-ranging ramifications on the lives of individual Native Americans, or been more vexing, than that of restoring integrity to trust fund management.

For over 100 years, the Department of the Interior has administered a trust fund containing the proceeds of leasing of oil, gas, land and mineral rights on Indian land for the benefit of Indian people. Today, that trust fund may owe as much as $10 billion to as many as 500,000 Indians.

To provide some perspective, the 16 tribes of the Great Plains in South Dakota, North Dakota, and Nebraska hold 10 million acres of trust lands representing over one-third of the tribal trust assets. Many enrolled members of the nine South Dakota tribes have individual trust accounts.

There is little disagreement that current government administration of the trust fund is a failure. However, there is no consensus on how to reform it.

Senators MCCAIN, JOHNSON, and I believe that Congress should be more assertive in promoting a solution to the trust management problem and in ensuring that tribes and individual Indian account holders have a true voice in shaping that solution. That is why we have proposed legislation that would redesign the trust management process.

Today, Senators MCCAIN, JOHNSON, and I are introducing a revised version of S. 175, a trust reform proposal we introduced earlier this year. This bill incorporates feedback we received from interested stakeholders and responds to developments that have occurred since S. 175 was introduced.

We are joined in this effort by Representatives MARK UDALL and NICK RAHALL who are introducing a companion measure in the House. I commend them for their commitment to correcting the trust management problem and value their leadership on this issue.

This legislation lays out legislative standards that form the cornerstone of the United States of America's trust responsibility to Indian nations. It directs the Secretary of the Interior to conduct a historical accounting for all trust accounts, regardless of amount, and authorizes an Indian tribe to manage Indian trust funds or trust assets through contracts or compacts. The trust responsibility of the Secretary or the trust status of funds and assets is not terminated but a voluntary option of cobeneficiary management is allowed if a tribe chooses that option.

A clear line of authority for trust management is established by elevating the Assistant Secretary of Indian Affairs to Deputy Secretary of Indian Affairs status. The special trustee's responsibilities are transferred to the Deputy Secretary, and the special trustee is terminated as intended in the 1994 act.

Finally, a temporary congressional commission is created to review trust funds management by the Department of the Interior. Comprised of 12 members, it will review and assess Federal management of trust funds and provide recommendations relating to the administrative and management duties of the Department.

It is our hope that this proposal will encourage more constructive dialog among the Congress, the Interior Department, and Indian country on the

trust management problem and lead to a true consensus solution. With that goal in mind, the bill has been reviewed by representatives of the Great Plains tribes, the Native American Rights Fund, the National Congress of American Indians, the InterTribal Monitoring Association, and the tribes of Arizona.

With respect to the Great Plains tribes, I would like to note that Mike Jandreau, chairman of the Lower Brule Sioux Tribe, has been a particularly eloquent advocate and effective champion of trust reform. Mike and Cheyenne River Sioux tribal chairman, Harold Frazier, led very productive working sessions with tribal leaders from South Dakota, North Dakota, and Nebraska that both raised awareness of the importance of this issue and built support for the bill that is being introduced today.

I commend the commitment and contribution of the participating Great Plains tribal leaders who have been an integral part of a public process that will not stop until the trust management problem is solved. The McCain-Daschle-Johnson bill is intended to contribute to this result.

It should also be noted and understood that we are not addressing the Cobell litigation or settlement issues in this bill. Our focus is the broader trust responsibility of the Department of the Interior.

The issues of trust reform and reorganization within the Bureau of Indian Affairs are nothing new to us here on Capitol Hill or in Indian country. Collectively, we have endured many efforts—some well intentioned and some clearly not—to fix, reform, adjust, improve, streamline, downsize, and even terminate the Bureau of Indian Affairs and its trust activities.

These efforts have been pursued under both Republican and Democratic administrations. Unfortunately, they have rarely included meaningful involvement of tribal leadership or respected the Federal Government's treaty obligation to tribes.

Restoring accountability and efficiency to trust management is a matter of fundamental justice. Nowhere do the principles of self-determination and tribal sovereignty come more into play than in the management and distribution of trust funds and assets.

I am deeply disappointed that this problem has not been solved to the satisfaction of tribal leaders by now. That fight is not over.

An effective long-term solution to the trust problem must be based on government-to-government dialog. The McCain-Daschle-Johnson bill will not only provide the catalyst for meaningful tribal involvement in the search for solutions, it can also form the basis for true trust reform. I look forward to participating with tribal leaders, administration officials, and my congressional colleagues in pursuit of this essential objective.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. REED, and Mr. BINGAMAN):

S. 1460. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SNOWE, Senator REED, and Senator BINGAMAN in introducing The Preservation of Antibiotics for Medical Treatment Act.

Our legislation is both important and timely because we face unprecedented challenges to our health and safety from deadly diseases. As we have seen from SARS, new diseases can arise naturally and spread rapidly around the world. As we have seen from the anthrax attack, diseases can also be spread by terrorists.

We rely heavily on miracle drugs and vaccines to protect us against both of these threats. In fact, antibiotics are our strongest weapon in combating deadly bacterial diseases. But we have failed for too long to deal with a related and increasingly serous aspect of the problem the indiscriminate use of antibiotics for livestock and poultry which is reducing the effectiveness of these indispensable drugs that have become the crown jewels of modern medicine.

Every year, literally tons of antibiotics are routinely added to animal feed to enhance growth, fatten animals, and fatten profits too. Mounting scientific evidence, though, shows that nontherapeutic use of antibiotics in agricultural animals can lead to the development of antibiotic-resistant bacteria. These resistant bacteria are easily transferred to people by tainted food, making it very difficult or impossible to treat deadly infections.

The use of antibiotics in medicines began in the 1940s, and in the last 60 years, many different antibiotics have been discovered and widely used in treating patients. But the race has accelerated between patients and bacteria. Miracle drugs have saved countless lives but, inevitably, as their use in medicine increased, bacteria have developed resistance as well. Already, some older antibiotics have become useless in medicine.

There have also been cases of infections resistant even to some of the newest and most powerful antibiotics. According to the Centers for Disease Control and Prevention, thousands of Americans die each year from antibiotic-resistant diseases. The widespread use of antibiotics in agriculture was clearly contributing to this serious problem. In 1997, the World Health Organization recommended that antibiotics should not be used to promote animal growth, although they could still be used to treat sick animals. Last month, McDonald's Corporation took a major step in dealing with this problem. It announced a directive to its meat suppliers to stop or reduce the use of antibiotics for growth promotion of livestock.

The legislation we propose will phase out nontherapeutic uses of medically important antibiotics in livestock and poultry production, unless their manufacturers can demonstrate that they are no danger to public health.

The bill applies the same strict standard to applications for approval of new animal antibiotics. It does not restrict the use of antibiotics to treat sick animals or to treat pets and other animals not used for food.

There may well be certain circumstances in which the use of antibiotics briefly to prevent the spread of a specific disease in a limited area is legitimate. I look forward to working with my colleagues as we move ahead on this legislation to ensure that we properly distinguish the different uses of antibiotics for disease prevention.

The bill also recognizes that FDA is conducting needed studies to analyze the risks of using specific antibiotics in raising animals. The agency's current risk analysis focuses on the antibiotic known as virginiamycin. Our legislation allows such studies to be conducted in determining whether antibiotics can be used with a reasonable certainty of no harm, and we welcome FDA's scientific analysis of the use of these products.

In addition, the bill authorizes Federal payments to small family farms to defray the cost of compliance, and also authorizes research and demonstration projects to reduce the use of antibiotics in raising food-producing animals. Finally, the bill provides a needed mechanism for collecting data to monitor the use of antibiotics in animals, so that we can stay ahead of the growing public health threat of antibiotic-resistant bacteria.

The American Medical Association and 300 other organizations support our legislation. At a time when the nation is relying heavily on antibiotics to protect our security from bioterrorism, we can't afford to squander these essential defenses. I urge my colleagues to support this legislation, and I look forward to its enactment.

Ms. SNOWE. Mr. President, I rise today to join my colleague from Massachusetts, Senator KENNEDY, in introducing legislation addressing the critical issue of bacterial resistance to antibiotics arising from overuse of these valuable drugs in humans and animals.

Alexander Fleming's discovery of the antibacterial effects of penicillin in 1929 represented the dawning of a new era in medicine. In the decades after its discovery, penicillin became a miracle drug—allowing physicians to cure diseases that previously would have been untreatable—and literally saved millions of lives.

Antibiotics are crucial in curing a variety of common diseases that could result in severe illness or even death if left untreated. The anthrax attacks

after September 11 showed us another need for antibiotics that sadly is a continuing threat in our global community—bioterrorism. Many of us in the Capitol relied on the effective treatment of antibiotics to counteract exposure to the anthrax spores and maintain our health during those weeks and months when our Nation was grieving the horrible impact of terrorism in our homeland.

Unfortunately, decades after the discovery of penicillin and other antibiotics, diseases of bacterial origin remain a real and increasing threat to public health. Overuse of medically important antibiotics in humans and animals promotes resistance in bacteria. Infections caused by resistant bacteria cannot be treated with traditional antibiotics. If left unchecked, the problem of bacterial resistance represents an impending public health crisis.

Recogizing the public health threat, Congress already took steps to curb antibiotic overuse in humans by amending the Public Health Service Act and the Public Health Threats and Emergencies Act. Unfortunately, the issue of antibiotic overuse in animals has not been addressed in Federal law.

We recognize the value of antibiotics in treating disease in humans and animals. Unfortunately, it is common practice to put antibiotics, which are similar or identical to those used in human medicine, in the food or water of healthy animals intended for human consumption to promote these animals' growth and compensate for their unsanitary conditions. This practice poses an environmental threat and jeopardizes the effectiveness of these drugs in treating ill people and animals. Our legislation provides for the phased elimination of nontherapeutic use of medically important antibiotics in food animals unless such usage is deemed safe through rigorous scientific evaluation.

Foodborne illness affects millions of Americans each year and is estimated to cost the economy up to $35 billion annually in medical expenses and lost productivity alone. Tragically, the worst foodborne illnesses cause thousands of deaths and disproportionally target the very young and the elderly each year in the United States. The impact of foodborne illness in developing countries is even more severe. By itself, the magnitude of this public health hazard necessitates action to ensure the safety of our food supply. I hope the improved data collection and monitoring of antibiotics used in food animals included in our legislation will help provide a more complete picture of the contributing factors to these devastating illnesses.

Our legislation provides for research and demonstration grants to colleges and universities to exploit advances in biotechnology and animal science to discover new, safer methods of inexpensive, responsible agricultural productivity. We appreciate the good intentions of the many farmers across our Nation, and our legislation establishes transition funds to help these families and businesses implement changes that will benefit us all.

I have received numerous letters from groups and individuals in Maine who were concerned that the overuse of antibiotics in animal agriculture was not being actively addressed by Congress. I appreciate all who took the time to voice their concerns to me. I extend my personal thanks to all who have invested so much time and energy in educating Members of Congress as well as the public on this critical issue.

I am pleased to join Senator KENNEDY in introducing legislation today that will address this crucial issue. I applaud the steps that some businesses have taken voluntarily to discourage use of antibiotics in healthy animals. It is my hope that our legislation as well as the voluntary efforts by businesses across the Nation will help to ensure that we have drugs available that are effective in treating diseases for many years to come.

By Mr. MCCAIN:

S. 1461. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the committee on the Judiciary.

Mr. MCCAIN. Mr. President, in the aftermath of the September 11 attacks, our Nation awoke to the realization that we are not as safe as we once believed. Soon after, we began critical efforts to improve our homeland security. Those efforts remain ongoing today. As we work to improve the security of our homeland, securing our borders remains one of the most difficult and important challenges facing our Nation today. The simple fact is, our borders are not secure, and no amount of money, equipment, or manpower alone will not ensure the safety of our Nation.

Over the past several years, I have supported many efforts to improve border security and address the repercussions of poor enforcement and failed immigration policies. It is imperative that we not shirk from what are Federal responsibilities. We must address the many unfunded mandates born by States and local communities because control of immigration is principally the responsibility of the Federal Government. We must continue efforts designed to improve infrastructure and technology at and between our ports of entry as well as enhance coordination between Federal, State and local law enforcement personnel. However, without comprehensive immigration reform, all of these efforts will be ineffective and meaningless.

In order to address these concerns and to balance the need to secure our borders while addressing the inconsistencies and contradictions of our Nation's immigration policy, I am introducing the Border Security and Immigration Improvement Act. This bill is the first comprehensive immigration reform package introduced this Congress, and I hope that it will serve to initiate an important and necessary dialog so that we may address the security needs of our country and reform our failed immigration system.

The Border Security and Immigration Improvement Act establishes two new visa programs. One addresses individuals wishing to enter the United States to work on a short-term basis while the other will be available for the undocumented immigrants currently residing in the U.S.

Fully cognizant of the failures and abuses of previous temporary worker programs, I am committed to ensuring that this new program prevents abuse and protects the rights of workers. Important protections are built into the new visa program. Complete portability across all sectors will allow workers the freedom to leave abusive employers and seek work elsewhere. This program would allow employers to immediately apply for permanent resident status on behalf of the employee, but unlike previous programs, this bill would allow workers self-petition after 3 years so that no employer could use residency status to manipulate and abuse any worker. Additionally, all U.S. labor laws are applicable to ensure full worker protection.

In another departure from previous visa programs, this legislation does not put a finite number on the available visas, rather it is designed to allow the market to dictate the need for workers. Through the establishment of a job registry system, U.S. employers in need of workers can post available jobs on this registry. To ensure that U.S. workers do not lose out on valuable job opportunities, each job posted on the registry must be available to U.S. workers for a minimum of 14 days before it is open to a foreign worker. Additionally, to ensure that we do not incentivize employers to look abroad for labor that is less expensive than the domestic workforce, all employers will be charged a fee for the worker's visa.

The second visa program included in this bill addresses the estimated 6 to 10 million people currently residing in the United States. Today, undocumented immigrants live in constant fear, in a shadowy underground that affords them limited opportunities and frequently leads to both exploitation and abuse. Establishing a process by which this population can voluntarily come forward and seek legal status is a necessary component to comprehensive immigration reform and ensuring the safety of our Nation.

Under this bill, every undocumented individual currently residing in the U.S. will have the opportunity to obtain a visa authorizing them to remain in the United States and work for 3 years, after which time they may apply for the temporary worker visa program which has a built in path to permanent legal residency.

Every year, millions of people enter this country legally, in a monitored

and controlled manner. Although a majority enter legally, an increasing number of people risk their lives to cross our borders illegally. According to the U.S. Border Patrol apprehension statistics, it is estimated that almost 4 million people crossed our borders illegally in 2002. The majority of these people are seeking the American dream, looking for a good paying job that will enable them to provide a better life for themselves and their families. We must recognize that as long as there are jobs available and employers in need of workers, people will continue to migrate. Our Nation was built by immigrants, and like those who came hundreds of years ago, this population represents a significant portion of our workforce.

In recent years, improved security and enhanced infrastructure in California and Texas have created a funneling effect through the Sonoran desert, which straddles Arizona and the Mexican State of Sonora. This is easily the most treacherous portion of the southern border, and in recent years, it has become more dangerous. Last fiscal year, an estimated 320 people died crossing the southern border into this country, 145 of those deaths were in the Arizona desert. Since last October, over 200 people have died, 113 along the Arizona border. The Arizona Republic found that undocumented immigrants are seven times as likely to die crossing the Arizona-Mexico border now than they were 5 years ago.

Many people desperate to cross the border pay large sums of money to human smugglers who guarantee their entrance into the U.S. Our Nation witnessed the extreme danger of human smugglers first hand in May when 100 people were found packed into a tractor trailer truck at a truck stop in Victoria, TX. These people, abandoned by their smugglers, were trapped for hours in the extreme desert heat. Nineteen people died as a result.

These are not merely numbers, these figures represent men, women, and children. This unnecessary loss of human life deserves our Nation's attention and should compel all of us to action. Our current border and immigration policies create a contradictory situation whereby we attempt to keep people from crossing our borders illegally but reward those who survive the dangerous journey with bountiful employment opportunities. This system is not sustainable.

In addition to the human tragedy, this mass migration also represents a threat to our national security. Although over 99 percent of the people crossing our borders do not intend to harm Americans, we must be cognizant of the fact that a small number do. As long as we are unable to control and monitor who enters our country and what they bring in, Americans will not be safe. We must establish a system by which to allow people seeking work to enter the country in a safe manner, through controlled ports of entry—freeing up Federal agents to monitor the border and focus their efforts on the individuals who do pose a potential threat to our national security.

We can no longer afford to bury our heads in the sand and expect this problem to go away. Anyone who has visited the border and seen the challenges we face first hand or who hears of the number of unnecessary deaths, must recognize that we can no longer ignore this problem. It is time we dispense with partisan politics and put human lives and our national security above special interest groups. I hold no illusions. Reforming our Nation's immigration laws will not be an easy task. This will be a long and arduous process, however we must not let the difficulty dissuade us from trying, and this legislation represents a meaningful first step. I am committed to this issue and to working towards a balanced solution to this crisis.

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. 1461

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 ''Border Security and Immigration Improvement Act''.

SEC. 2. NEW NONIMMIGRANT WORKER VISA CATEGORIES.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking ''or (iii)'' and inserting ''(iii)''; and

(2) by striking ''and the alien spouse'' and inserting the following:

''or (iv)(a) subject to section 218A, who is coming to the United States to fill a job opportunity for temporary full-time employment at a place in the United States; or (b) whose status is adjusted under section 251 and who (except in the case of a spouse or child provided derivative status) is employed in the United States; and, except as provided in sections 218A and 251, the alien spouse''.

SEC. 3. ADMISSION OF TEMPORARY H–4A WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

''ADMISSION OF TEMPORARY H–4A WORKERS

''SEC. 218A. (a) PETITION.—In the case of a petition under section 214(c) initially to grant an alien nonimmigrant status described in section 101(a)(15)(H)(iv)(a), the Secretary of Homeland Security—

''(1) shall impose a fee on the petitioning employer of—

''(A) $1000, in the case of an employer employing more than 500 employees; or

''(B) $500, in the case of any other employer; and

''(2) shall approve the petition only after determining that the petitioning employer—

''(A) has satisfied the recruitment requirements of subsection (i); and

''(B) has attested in such petition that the employer—

''(i) with respect to the employment eligibility confirmation system established under subsection (j)—

''(I) will use such system to verify the alien's identity and employment authorization after such approval and before the commencement of employment;

''(II) will advise the alien of any nonconfirmation with respect to the alien provided by such system; and

''(III) will provide the alien an opportunity to correct the information in the system causing such nonconfirmation before revoking the offer of employment in order that the requirement of subclause (I) is satisfied before the commencement of employment;

''(ii) will provide the nonimmigrant the same benefits, wages, and working conditions provided to other employees similarly employed in the same occupation at the place of employment;

''(iii) will require the nonimmigrant to work hours commensurate with those of such other employees;

''(iv) will not ask the nonimmigrant to refrain from accepting work for any competitor of the employer;

''(v) did not displace and will not displace a United States worker (as defined in section 212(n)(4)) employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of the petition; and

''(vi) otherwise will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to the nonimmigrant.

''(b) NONIMMIGRANT VISAS.—

''(1) NO FEE.—Neither the Secretary of State, nor the Secretary of Homeland Security, shall authorize the imposition of an application fee on an alien seeking a nonimmigrant visa under section 101(a)(15)(H)(iv)(a) in an amount that exceeds the actual cost of processing and adjudicating such application.

''(2) BIOMETRIC IDENTIFIERS.—The Secretary of State and the Secretary of Homeland Security shall issue to aliens obtaining status under section 101(a)(15)(H)(iv)(a) only machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers. The Secretary of State and the Secretary of Homeland Security shall jointly establish document authentication standards and biometric identifier standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

''(3) PHYSICAL EXAMINATION.—Prior to the issuance of a nonimmigrant visa to any alien under section 101(a)(15)(H)(iv)(a), the consular officer shall require such alien to submit to a medical examination to ascertain whether such alien is ineligible to receive a visa on a health-related ground.

''(4) PRIORITY FOR VISITOR VISAS FOR IMMEDIATE RELATIVES.—In the case of an alien who is the spouse, parent, son, or daughter of a nonimmigrant described in section 101(a)(15)(H)(iv), if the alien is applying for a nonimmigrant visa under section 101(a)(15)(B)—

''(A) the alien's application shall be given priority; and

''(B) notwithstanding sections 214(b) and 291, in establishing that the alien has a residence in a foreign country which the alien has no intention of abandoning, the burden of proof required shall not be greater than a preponderance of the evidence.

''(5) VISITS OUTSIDE UNITED STATES.—Pursuant to regulations established by the Secretary of Homeland Security, an alien having status as a nonimmigrant described in section 101(a)(15)(H)(iv)(a) may make brief visits outside the United States and may be readmitted without having to obtain a new

visa. Such periods of time spent outside the United States shall not cause the period of authorized admission in the United States to be extended.

''(c) PERIOD OF AUTHORIZED ADMISSION.—

''(1) INITIAL PERIOD.—In the case of a nonimmigrant described in section 101(a)(15)(H)(iv)(a), the initial period of authorized admission as such a nonimmigrant shall be 3 years.

''(2) RENEWALS.—

''(A) IN GENERAL.—The Secretary of Homeland Security may extend such period not more than once, in a 3-year increment.

''(B) TREATMENT OF LONG-TERM EMPLOYEES.—In any case in which a nonimmigrant has held a job for 3 years or more, an extension under subparagraph (A) may be granted only upon the filing of a petition by the nonimmigrant's employer establishing that—

''(i) not earlier than 2 months prior to such filing, the employer advertised the availability of the nonimmigrant's job exclusively to United States workers for not less than 14 days using the electronic job registry described in subsection (i); and

''(ii) the employer offered the job to any eligible United States worker who applied by means of such registry and was equally or better qualified for such job and available at the time and place of need.

(C) NO FEES.—The Secretary of Homeland Security shall not impose a fee on a petitioning employer in the case of a petition to extend the stay of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a).

''(3) LOSS OF EMPLOYMENT.—

''(A) IN GENERAL.—Subject to subsection (e), any period of authorized admission of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

''(B) RETURN TO FOREIGN RESIDENCE.—An alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

''(C) VISA VALIDITY.—An alien whose period of authorized admission terminates under subparagraph (A), and who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to resume the status existing at the time of the alien's departure if the alien satisfies all the other requirements otherwise applicable to an alien seeking an initial grant of status under section 101(a)(15)(H)(iv)(a). The period of authorized admission of an alien entering under this subparagraph shall expire on the date on which it would have expired had the alien not been required to depart the United States.

''(d) RETURN TRANSPORTATION.—

''(1) IN GENERAL.—In the case of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(iv)(a) and who is dismissed without cause from employment by the employer before the end of the period of authorized admission, the employer shall be liable for the reasonable costs of return transportation of the alien abroad and may not require or permit the alien to reimburse, or otherwise compensate, the employer for part or all of such costs.

''(2) CIVIL MONEY PENALTY.—If the Secretary of Homeland Security finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1), the Secretary—

''(A) shall require the employer to pay each nonimmigrant with respect to whom such a failure occurs the costs owed under paragraph (1); and

''(B) may impose a civil money penalty in an amount not to exceed $5,000 for each nonimmigrant with respect to whom such a failure occurs.

''(e) PORTABILITY.—

''(1) IN GENERAL.—A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(iv)(a) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). The Secretary of Homeland Security shall impose a fee for such a petition consistent with the fee imposed under subsection (a)(1). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, no other such petition is pending, and the alien has ceased employment with the previous employer, such authorization shall cease and the alien shall be required to return to the country of the alien's nationality or last residence in accordance with subsection (c)(3).

''(2) ALIENS DESCRIBED.—A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment not later than 45 days after the last date on which the employee was lawfully employed in the United States; and

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States.

''(f) TREATMENT OF SPOUSES AND CHILDREN.—

''(1) SPOUSES.—A spouse of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall not be eligible for derivative status by accompanying or following to join the alien. Such a spouse may obtain status under section 101(a)(15)(H)(iv)(a) based only on an independent petition filed by an employer petitioning under subsection (a) with respect to the employment of the spouse.

''(2) CHILDREN.—A child of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall not be eligible for the same nonimmigrant status unless—

''(A) the child is accompanying or following to join the alien; and

''(B) the alien is the sole custodial parent of the child or both custodial parents of the child have obtained such status.

''(3) SPECIAL RULE FOR SPOUSES AND CHILDREN OF FORMER H–4B NONIMMIGRANTS.—In the case of a spouse or child of an alien who was a nonimmigrant described in section 101(a)(15)(H)(iv)(b) before obtaining a change in nonimmigrant status to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a), the spouse or child shall be eligible for nonimmigrant status under section 101(a)(15)(H)(iv)(a) if the principal alien is the only alien among them authorized to be employed in the United States.

''(g) GROUNDS FOR INELIGIBILITY.—

''(1) BAR TO FUTURE VISAS FOR CONDITION VIOLATIONS.—Any alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall not again be eligible for the same nonimmigrant status if the alien violates any term or condition of such status.

''(2) ALIENS UNLAWFULLY PRESENT.—Any alien who enters the United States after August 1, 2003, without being admitted or paroled shall be ineligible for nonimmigrant status described in section 101(a)(15)(H)(iv)(a) during the 3-year period beginning on the date of such alien's departure or removal from the United States,

''(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

''(1) IN GENERAL.—For purposes of adjustment of status under section 245(a), employment-based immigrant visas shall be made available without numerical limitation to an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) upon the filing of a petition for such a visa—

''(A) by the alien's employer; or

''(B) by the alien, but only if the alien has maintained such nonimmigrant status for at least 3 years.

''(2) CONSTRUCTION.—The fact that an alien is the beneficiary of a petition described in paragraph (1), or has otherwise sought permanent residence in the United States, shall not constitute evidence of ineligibility for nonimmigrant status under section 101(a)(15)(H)(iv)(a).

''(3) SPECIAL RULE FOR FORMER H–4B NONIMMIGRANTS.—In the case of an alien who was a nonimmigrant described in section 101(a)(15)(H)(iv)(b) before obtaining a change in nonimmigrant status to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a), in determining admissibility for purposes of adjustment of status under section 245(a), the grounds for inadmissibility specified in paragraphs (6)(A), (6)(B), (6)(C), (7)(A), and (9)(B) of section 212(a) shall not apply.

''(i) MANDATORY USE OF ELECTRONIC JOB REGISTRY.—

''(1) ADVERTISEMENT OF JOB OPPORTUNITY TO U.S. WORKERS.—In order to satisfy the recruitment requirements of this subsection, the employer shall have—

''(A) taken good faith steps to recruit United States workers for the job for which the nonimmigrant is sought, including advertising the job opportunity exclusively to United States workers for not less than 14 days on an electronic job registry established by the Secretary of Labor (or a designee of the Secretary, which may be a nongovernmental entity) to carry out this section;

''(B) offered the job to any United States worker who applied by means of such registry and was equally or better qualified for the job for which the nonimmigrant was sought; and

''(C) advertised and offered the job to individuals other than United States workers solely by means of such registry and after the termination of such 14-day period.

''(2) EXCEPTION.—The requirements of this subsection shall not apply to any employer who is continuing—

''(A) employment of an employee granted a change in nonimmigrant status from that of a nonimmigrant under section 101(a)(15)(H)(iv)(b) to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a); or

''(B) self-employment after being granted such a change in status.

''(3) AVAILABILITY OF JOB REGISTRY INFORMATION.—

''(A) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this subsection are circulated through the interstate employment service system and otherwise furnished to State public employment services throughout the country.

''(B) INTERNET.—Consistent with subsection (c)(2)(B) and this subsection, the Secretary of Labor shall ensure that the electronic job registry established under this subsection may be accessed by all interested workers, employers, and labor organizations by means of the Internet.

''(4) DEFINITION.—For purposes of this subsection, the term 'United States worker' means an individual who—

''(A) is a citizen or national of the United States; or

''(B) is an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized, by this Act or by the Secretary of Homeland Security, to be employed.

''(j) EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall establish a confirmation system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

''(A) responds to inquiries made by persons and other entities (including those made by the transmittal of data from machine-readable documents) at any time through a toll-free telephone line or other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(B) maintains records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under the this Act.

''(2) INITIAL RESPONSE.—The confirmation system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the confirmation system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

''(3) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Secretary of Homeland Security shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation within 10 working days after the date of the tentative nonconfirmation. When final confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation.

''(4) DESIGN AND OPERATION OF SYSTEM.—The confirmation system shall be designed and operated—

''(A) to maximize its reliability and ease of use consistent with insulating and protecting the privacy and security of the underlying information;

''(B) to respond to all inquiries made by employers seeking to employ nonimmigrants described in section 101(a)(15)(H)(iv) on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

''(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(i) the selective or unauthorized use of the system to verify eligibility;

''(ii) the use of the system prior to an offer of employment; or

''(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

''(5) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

''(A) IN GENERAL.—As part of the confirmation system, the Commissioner of Social Security, in consultation with the entity responsible for administration of the system, shall use the information maintained by the Commissioner to assist in confirming (or not confirming) the identity and employment eligibility of an individual in a manner that is determined by the Secretary of Homeland Security to be reliable, secure, not susceptible to identity theft, and to minimize fraud. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

''(6) RESPONSIBILITIES OF THE SECRETARY.—As part of the confirmation system, the Secretary of Homeland Security, in consultation with the entity responsible for administration of the system, shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name of the alien, the alien identification or authorization number, the date, and the workplace location which are provided in an inquiry against such information maintained by the Secretary in order to confirm (or not confirm) the identity and employment eligibility of an individual in a manner that is determined by the Secretary to be reliable, secure, not susceptible to identity theft, and to minimize fraud.

''(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

''(8) LIMITATION ON USE.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this subsection for any other purpose other than as provided for under this section or section 251.

''(k) ENFORCEMENT OF EMPLOYER OBLIGATIONS.—

''(1) IN GENERAL.—

''(A) SECRETARY OF HOMELAND SECURITY.—Except as provided in paragraphs (2) and (3), if the Secretary of Homeland Security finds, after notice and opportunity for a hearing, a failure to meet a condition of subsection (a)(2), the Secretary may impose a civil money penalty in an amount not to exceed $10,000 for each nonimmigrant with respect to whom such a failure occurs.

''(B) SECRETARY OF LABOR.—Except as provided in paragraphs (2) and (3), the Secretary of Labor exclusively may exercise any enforcement authority granted in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to address a failure to meet a condition of subsection (a)(2).

''(2) PROHIBITION ON FEE REIMBURSEMENT.—An employer who has filed a petition under section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(iv)(a) may not require the alien to reimburse, or otherwise compensate, the employer for part or all of the cost of the fee imposed under subsection (a)(1). It is a violation of this paragraph for such an employer otherwise to accept any reimbursement or compensation from such an alien as a condition on employment. If the Secretary of Homeland Security finds, after notice and opportunity for a hearing, a violation of this paragraph, the Secretary may impose a civil money penalty in an amount not to exceed $10,000 for each such violation.

''(3) REQUIRED USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to use the employment eligibility confirmation system established under subsection (j) to verify a nonimmigrant's identity and employment authorization before the commencement of employment, or any other violation of subsection (a)(2)(B)(i), the Secretary may impose a civil money penalty in an amount not to exceed $5,000 for each nonimmigrant with respect to whom such a violation occurs.

''(4) WAGE PROTECTIONS.—For purposes of subsection (a)(2)(B)(ii), all provisions of Federal, State, and local law pertaining to payment of wages shall apply to nonimmigrants described in section 101(a)(15)(H)(iv)(a) in the same manner as they apply to other employees similarly employed in the same occupation at the place of employment.

''(l) LABOR RECRUITERS.—The Secretary of Labor shall develop rules regulating the conduct of labor recruiters under this section.''.

(b) EXEMPTION FROM NUMERICAL LIMITATIONS ON ADJUSTMENT OF STATUS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Nonimmigrants described in section 101(a)(15)(H)(iv)(a) whose status is adjusted to permanent resident under section 245(a).''.

(c) CONFORMING AMENDMENT REGARDING PRESUMPTION OF NONIMMIGRANT STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''(other than a nonimmigrant described in subparagraph (H)(i), (L), or (V) of section 101(a)(15))'' and inserting ''(other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in clause (i) or (vi)(a) of section 101(a)(15)(H))''.

(d) ASSISTANCE TO FOREIGN GOVERNMENTS.—The Secretary of Labor and the Secretary of State shall consult with and advise foreign governments in the use and construction of facilities to assist their nationals in obtaining nonimmigrant status under section 101(a)(15)(H)(iv)(a) of the Immigration and Nationality Act, as added by section 2.

(e) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

''Sec. 218A. Admission of temporary H–4A workers.''.

SEC. 4. ADJUSTMENT OF STATUS TO THAT OF H–4B NONIMMIGRANT.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 250 the following:

''ADJUSTMENT OF STATUS TO THAT OF H–4B NONIMMIGRANTS

''SEC. 251. (a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(iv)(b) if the alien meets the following requirements:

''(1) UNLAWFUL RESIDENCE SINCE 2003.—

''(A) IN GENERAL.—The alien must establish that the alien entered the United States before August 1, 2003, and has resided in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

''(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before August 1, 2003, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Federal Government as of such date.

''(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject

to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

''(2) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien—

''(A) is not inadmissible to the United States under paragraph (2), (3), or (4) of section 212(a);

''(B) has not been convicted of any felony or misdemeanor committed in the United States, excluding crimes related to unlawful entry or presence in the United States and crimes related to document fraud undertaken for the purpose of satisfying a requirement of this Act or obtaining a benefit under this Act; and

''(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(3) EMPLOYED.—The alien must establish that the alien—

''(A) was employed in the United States before August 1, 2003, and has worked in the United States since such date and through the date the application is filed under this subsection; or

''(B) is the spouse or child of an alien who satisfies the requirement of subparagraph (A).

''(b) APPLICATION FEE.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide for a fee to be charged for the filing of applications for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

''(2) PENALTY PAYMENT.—

''(A) IN GENERAL.—In addition to the fee imposed under paragraph (1), except as provided in subparagraph (B), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien remits with such application $1,500, but such sum shall not be required from a child under the age of 17.

''(B) WAGE GARNISHMENT.—

''(i) IN GENERAL.—In lieu of paying the sum under subparagraph (A) upon filing the application, an alien may elect to pay such sum by having the Secretary of Homeland Security garnish 10 percent of the disposable pay of the alien, in accordance with section 3720D of title 31, United States Code.

''(ii) INTEREST.—In the case of an outstanding debt created by an election under clause (i), the Secretary of Homeland Security shall charge an annual fixed rate of interest on the debt that is equal to the bond equivalent rate of 5-year Treasury notes auctioned at the final auction held prior to the date on which interest begins to accrue.

''(iii) FINAL PAYMENT.—Any outstanding debt created by an election under clause (i), and any interest due under clause (ii), shall be considered delinquent if not paid in full 30 days after the end of the alien's period of authorized stay as a nonimmigrant described in section 101(a)(15)(H)(iv)(b).

''(3) USE OF FUNDS FOR ADMINISTERING PROGRAM.—

''(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'H–4B Nonimmigrant Applicant Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees and penalties collected under this subsection.

''(B) EXPENDITURE.—Amounts deposited into the H–4B Nonimmigrant Petitioner Account shall remain available to the Secretary of Homeland Security until expended to carry out duties related to nonimmigrants described in section 101(a)(15)(H)(iv)(b).

''(c) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this section.

''(d) STAY OF REMOVAL.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

''(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

''(e) PERIOD OF AUTHORIZED STAY.—In the case of a nonimmigrant described in section 101(a)(15)(H)(iv)(b), the period of authorized stay as such a nonimmigrant shall be 3 years. The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of such 3-year period. Such period may not be extended except in the discretion of the Secretary and for a reasonable time solely in order to accommodate the processing of an application for a change in nonimmigrant status to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a) pursuant to a petition described in section 218A(a).

''(f) REQUIRED USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

''(1) IN GENERAL.—It is unlawful for a person or other entity to hire for employment in the United States a nonimmigrant described in section 101(a)(15)(H)(iv)(b) without—

''(A) using the employment eligibility confirmation system established under section 218A(j) to verify the nonimmigrant's identity and employment authorization before the commencement of employment;

''(B) advising the nonimmigrant of any nonconfirmation with respect to the nonimmigrant provided by such system; and

''(C) providing the nonimmigrant an opportunity to correct the information in the system causing such nonconfirmation before revoking the offer of employment in order that the requirement of subparagraph (A) is satisfied before the commencement of employment.

''(2) CIVIL MONEY PENALTY.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a violation of paragraph (1), the Secretary may impose a civil money penalty in an amount not to exceed $5,000 for each nonimmigrant with respect to whom such a violation occurs.

''(g) EXTENSION OF H–4A LABOR PROTECTIONS TO H–4B NONIMMIGRANTS.—A person or other entity employing a nonimmigrant described in section 101(a)(15)(H)(iv)(b) shall comply with the requirements of clauses (ii) through (vi) of section 218A(a)(2) in the same manner as an employer having an approved petition described in section 218A(a). The Secretary of Labor exclusively may exercise any enforcement authority granted in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to address a failure to meet a requirement of this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

''Sec. 251. Adjustment of status to that of H–4B nonimmigrant.''.

SEC. 5. INCREASED FUNDS FOR UNITED STATES EMPLOYMENT SERVICE.

There are authorized to be appropriated to the Secretary of Labor such additional sums as may be necessary for fiscal year 2004 and subsequent fiscal years to permit the United States Employment Service to assist State public employment services in meeting any increased demand for services by employers and persons seeking employment engendered by the amendments made by this Act.

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1462. A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Cumberland Island National Seashore Wilderness Boundary Act. With the introduction of this important legislation, we will be able to better preserve and manage one of Georgia's unique islands. The purpose of this bill is to allow for more efficient management of the Cumberland Island National Seashore and to preserve the historical and ecological significance of the island.

As one of Georgia's Golden Isles, Cumberland Island is truly a historical and ecological masterpiece encompassing 36,415 acres. The island contains a 5000-year history of human habitation that is inscribed into the natural landscape of the island. This history can be seen by visiting the early Indian burial grounds to the vast plantations that were once home to abundant corn, cotton, and rice fields, as well as the workers who tended the land. And we cannot forget about the rich ecological environment found on Cumberland Island. It is one that many sea turtles, marsh microorganisms, and abundant shore birds call home amongst the numerous dune fields, salt marshes, and maritime forest areas. These historic and natural resources are important elements of Cumberland Island's past, present, and future.

As many of you know, I am an avid outdoorsman and conservationist. I am a supporter of sound wildlife management and the preservation of our Nation's unique and complex history. Another key point that I wish to make is that this history has been preserved for all of us to see and experience. Under the enactment of Public Law 97–250, 96 Stat. 709, in 1982, Congress designated approximately 8,840 acres of Cumberland Island as wilderness under the national wilderness preservation system and authorized an additional 11,718 acres to be designated as potential wilderness. Currently, the main road on the island passes through the designated wilderness area. Due to the location of the designated wilderness area, access to historic settlements such as: Plum Orchard Mansion and Dungeness, both former homes of Andrew Carnegie descendants; the First African Baptist Church established in 1893 and rebuilt in the 1930s; as well as the High Point/Half Moon Bluff historic district, is severely restricted.

Such restrictions make it extremely difficult for visitors to experience this unique collection of Georgia's history and diverse ecology. I believe that history and nature can best be appreciated when one is given the opportunity to experience it first hand. It is vitally important for the unique history and ecology of Cumberland Island to be properly managed and protected so that many generations to come will be able to experience this beautiful treasure found in the State of Georgia.

The nature and history of Cumberland Island needs to be preserved and managed in such a manner that will allow many generations to experience this golden treasure of Georgia. The Cumberland Island National Seashore Wilderness Boundary of 2003 will do just that. This bill will allow for greater access to key areas of the island by removing the Main Road, the Spur Road to Plum Orchard, as well as the North Cut Road from the previously designated wilderness area. Further, the bill allows for the addition of 210 acres to the wilderness area upon acquisition by the National Park Service. I should clarify and stress that this bill does not suggest that we open this land to the public for further habitation and degradation of the area's natural history and ecological habitats. The purpose of this bill is very simple—I want to improve the management and preservation of Cumberland Island's history and diverse ecosystem so that others in the future will be able to experience and learn about the treasures of the Golden Isles and all that they represent.

It is crucial that Cumberland Island's history and unique ecosystem is properly managed and protected. We want to ensure that these treasures are available to all of our Nation's citizens to experience and enjoy. This bill allows Congress to address this issue and to make the necessary changes so that Cumberland Island can remain as one of Georgia's treasured Golden Isles for many years to come.

By Mr. HAGEL (for himself and Mr. DORGAN):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Finance.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1464

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 ''Beginning Farmers and Ranchers Tax Incentive Act of 2003''.

SEC. 2. EXCLUSION OF GAIN FROM SALE OF CERTAIN FARMLAND.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by adding after section 121 the following new section:

''SEC. 121A. EXCLUSION OF GAIN FROM SALE OF QUALIFIED FARM PROPERTY.

''(a) EXCLUSION.—In the case of a natural person, gross income shall not include—

''(1) 100 percent of the gain from the sale or exchange of qualified farm property to a first-time farmer (as defined in section 147(c)(2)(C) (determined without regard to clause (i)(II) thereof)) who certifies that the use of such property shall be as a farm for farming purposes for not less than 10 years after such sale or exchange,

''(2) 50 percent of the gain from the sale or exchange of qualified farm property to any other person who certifies that the use of such property shall be as a farm for farming purposes for not less than 10 years after such sale or exchange, and

''(3) 25 percent of the gain from the sale or exchange of qualified farm property to any other person for any other use.

''(b) LIMITATION ON AMOUNT OF EXCLUSION.—

''(1) IN GENERAL.—The amount of gain excluded from gross income under subsection (a) with respect to any taxable year shall not exceed $500,000 ($250,000 in the case of a married individual filing a separate return), reduced by the aggregate amount of gain excluded under subsection (a) for all preceding taxable years.

''(2) SPECIAL RULE FOR JOINT RETURNS.—The amount of the exclusion under subsection (a) on a joint return for any taxable year shall be allocated equally between the spouses for purposes of applying the limitation under paragraph (1) for any succeeding taxable year.

''(c) QUALIFIED FARM PROPERTY.—

''(1) QUALIFIED FARM PROPERTY.—For purposes of this section, the term 'qualified farm property' means real property located in the United States if, during periods aggregating 3 years or more of the 5-year period ending on the date of the sale or exchange of such real property—

''(A) such real property was used as a farm for farming purposes by the taxpayer or a member of the family of the taxpayer, and

''(B) there was material participation by the taxpayer (or such a member) in the operation of the farm.

''(2) DEFINITIONS.—For purposes of this subsection, the terms 'member of the family', 'farm', and 'farming purposes' have the respective meanings given such terms by paragraphs (2), (4), and (5) of section 2032A(e).

''(3) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 2032A(b) and paragraphs (3) and (6) of section 2032A(e) shall apply.

''(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsection (e) and subsection (f) of section 121 shall apply.

''(e) TREATMENT OF DISPOSITION OR CHANGE IN USE OF PROPERTY.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified farm property transferred to the taxpayer in a sale or exchange described in paragraph (1) or (2) of subsection (a), then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) 10 percent of the taxpayer's adjusted basis in the property on the date such property was transferred to the taxpayer.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

''If the recapture event occurs in:	The applicable recapture percentage is:
Years 1 through 5	100
Year 6	80
Year 7	60
Year 8	40
Year 9	20
Years 10 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the date of the sale or exchange described in paragraph (1) or (2) of subsection (a).

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) CESSATION OF OPERATION.—The cessation of the operation of any property the sale or exchange of which to the taxpayer is described in paragraph (1) or (2) of subsection (a) as a farm for farming purposes.

''(B) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in any property the sale or exchange of which to the taxpayer is described in paragraph (1) or (2) of subsection (a).

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the property agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the property shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

''(B) NO RECAPTURE BY REASON OF HARDSHIP.—The increase in tax under this subsection shall not apply to any disposition of property or cessation of the operation of any property as a farm for farming purposes by reason of any hardship as determined by the Secretary.''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 121 the following new item:

''Sec. 121A. Exclusion of gain from sale of qualified farm property.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to any sale or exchange on or after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 1465. A bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRIST. Mr. President, today Senator ALEXANDER and I introduce legislation to award a Congressional Gold Medal to Clarksville, Tennessee native Wilma Rudolph for her contributions to women's athletics and racial

equality in the United States and the world.

I take a moment to say a few words about this remarkable woman.

Wilma was the 20th of 22 children in her packed family. After overcoming scarlet fever, double pneumonia and polio, Wilma went onto win three Olympic gold medals in track and field. She became an international star and a hero to the people of Tennessee. Wilma showed the world that hard work and determination could overcome nearly anything.

Wilma was inducted into the National Track and Field Hall of Fame in 1973 and received the Humanitarian of the Year Award of the Special Olympics in 1985. She was the first woman to ever receive the National Collegiate Athletic Association's Silver Anniversary Award in 1987. And in 1989 earned the Jackie Robinson Image Award of the National Association for the Advancement of Colored People. Wilma remains the only woman ever to have received the National Sports Award, which she was granted in 1993.

Wilma Rudolph is an inspiration to all Tennesseans and is eminently deserving of the Congressional Gold Medal.

I urge my colleagues to confer this well earned honor.

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. 1465

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

SECTION 1. FINDINGS.

Congress finds that—

(1) Wilma G. Rudolph of Clarksville, Tennessee, the 20th of 22 children, overcame a series of childhood diseases, including scarlet fever, double pneumonia, and polio, to become an athletic pioneer and champion in the State of Tennessee, the United States, and the world, first as an outstanding basketball player and track athlete in Tennessee, then as a 3-time gold medal winner in the 1960 Olympics in Rome, and finally as a pioneer for racial equality, goodwill, and justice;

(2) Wilma G. Rudolph's winning of 3 gold medals in the 1960 Olympics served as an inspiration to athletes of all sports, all races, and both genders;

(3) Wilma G. Rudolph's ability to inspire endured after her performance in the 1960 Olympics, as demonstrated by—

(A) her receipt in 1987 of the National Collegiate Athletic Association's Silver Anniversary Award, the first time a woman ever received the award;

(B) her receipt of the 1989 Jackie Robinson Image Award of the National Association for the Advancement of Colored People (NAACP);

(C) her induction into the National Track and Field Hall of Fame in 1973;

(D) her receipt of the 1985 Humanitarian of the Year Award of the Special Olympics; and

(E) her receipt in 1993 of the National Sports Award, the only time a woman has received the award;

(4) Wilma G. Rudolph, a graduate of Tennessee State University, a successful businessperson, a mother, an athlete, a coach, and a teacher, who passed away on November 12, 1994, will forever remain an inspiration to all able-bodied and physically-challenged individuals in overcoming odds;

(5) Wilma G. Rudolph blazed a trail that helped all people understand the contributions of women to the world of athletics;

(6) the legacy of Wilma G. Rudolph continues to serve as a particular inspiration to women; and

(7) Wilma G. Rudolph's life truly embodied the American values of hard work, determination, and love of humanity.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to the family of Wilma G. Rudolph, on behalf of Congress, a gold medal of appropriate design honoring Wilma G. Rudolph (posthumously) in recognition of her outstanding and enduring contributions to humanity and to women's athletics, in the United States and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Ms. MURKOWSKI:

S. 1466. A bill to facilitate the transfer of land in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Alaska Land Transfer Acceleration Act of 2003 will transfer millions of acres of land to Alaska Natives, the State of Alaska and to Native Corporations by 2009. The Federal agencies in Alaska have management jurisdiction of over 63 percent of the State. It is time to transfer these public lands from Federal Government control to private ownership. This legislation creates a strategic plan for the Bureau of Land Management to finally resolve long-standing land survey, land entitlement issues and land claims issues, some of which date back to 1906. Since 1906 Congress has enacted other legislation that requires the BLM to transfer public lands to Alaska Natives, the State of Alaska and to Alaska Native Corporations.

The land conveyance program is the largest and most complex of any in United States history. For many years, BLM's primary goal was to convey title to unsurveyed lands to the State and Native Corporations by tentative approval and interim conveyance, respectively. This management practice allowed the State and Native Corporations to manage their lands, subject only to the survey of the final boundary.

This legislation will accelerate release of lands for conveyance to Native coporations and the State of Alaska. It will complete land patterns to allow land owners to more efficiently manage their land. It will clarify that certain minerals can be transferred to Native landowners. And frankly, split estates can be minimized. The University will be given the opportunity to select the remaining Federal interests in lands the University already owns, that will likely produce economic opportunities not presently available under this land lock.

The complexity of land patterns and uses in Alaska is evident in the presence of federal mining claims that are within lands owned or selected by the State of Alaska. Our legislation would clarify miners' right to convert from Federal to State claims without jeopardizing ongoing mining operations. At the same time, BLM would be allowed to expedite conveyances to the State. Properly maintained Federal claims will continue to be excluded from conveyance. Entitlements to the State will remain secure. The miner will decide when or whether to convert his claims to State claims.

For too many years, individuals, Native corporations and the State have been patiently waiting to receive title to their land. In 1958 the State of Alaska was promised 104 million acres of land, and has to date received final title to only 42 million acres; less than half of what is due. Of the 44 million acres of land that the Native Corporations are entitled to, only about a third has been conveyed or about 15 million acres. Worse, yet, are the 2,500 parcels pending title to Native individuals out of 16,000 parcels. Almost 14,000 parcels are still awaiting basic adjudication to even make a determination of land transfer. Too much land is hanging in the balance that must be surveyed and patented to rightful owners. Between now and the sunset of this bill in 2009, more than 89 million acres must be surveyed on State and Native Corporation lands. The lands that are awaiting survey do not include lands that will eventually be titled to Native individuals; these lands too must first be surveyed.

While some Native allotments have been conveyed, issues have arisen to challenge final conveyance to the land. Such challenges have included whether actual use of land occurred; the location of the parcel; or even who should receive title to the land. Sadly, some of the original Native allotment applicants have died waiting to receive title or have disputes resolved. Oftentimes, the death of an applicant can present

the agency with chain of title questions to determine who the rightful heir is, causing further delays to getting the lands transferred.

Some disputes have been easier to handle than others, resulting in settlement through an administrative appeals process. The Federal agencies have been hampered by many administrative and legal obstacles. There have been court decisions and lawsuit settlements, new legislation creating new rights of changing rules midstream. Old cases have been reopened that have created new land patterns for adjudication and survey. The administrative appeals process was designed to be efficient, and immediately accessible to individuals who believe they have been adversely impacted by actions taken by the BLM. It too many instances this process has resulted in long delays that hinder the BLM from finalizing its work. In the meantime, the applicant suffers at the hands of a process that generally takes years just for a case to be reviewed for resolution.

This legislation will provide the BLM with broader authority for solving many of the problems associated with land claims affecting all disputes that occur in Alaska. When disputes arise over the adjudication of land claims, BLM needs to have full authority to work in a more collaborative environment with its clientele.

This legislation will provide the BLM the opportunity to caucus with its clients. It will allow for a process of negotiation to gain consensus on final resolution of land applications. What has been missing all these years is the flexibility for the Federal agencies to work in such a cooperative fashion. This new process is intended to be free of complicated rules that have plagued the agency to finding solutions. Resolution and closure must come quicker.

Mr. President, I give great credit to the management and the employees of the BLM Alaska for their efforts over the years to transfer the land. They have proven to be dedicated and committed public servants. I believe they have tried to do the right thing; they just need the tools and the resources. They want to close the books on the Alaska conveyance program once and for all, and this bill will help them achieve that goal by 2009.

In 1973 the Alaska Native Claims Appeal Board was established. The Board had jurisdiction over decisions made under the Alaska Native Claims Settlement Act. The Board consisted of four judges, and was able to decide a case within 3 to 6 months of the close of briefing. It usually had a small backlog. While the Board was able to act in a fairly responsive manner, there was criticism the Board did not correctly apply general Federal land law precedent and that some of their rulings were inconsistent with policy of the Department of the Interior. The Board was dissolved in 1981. The backlog of cases was not necessarily attributed to Native Corporation cases; most of the backlog related to all other matters. This legislation will create a hearings and appeals process located in Alaska. Presently, there are almost 100 appeals of Alaska decisions pending before the Interior Board of Land Appeals. It usually takes this Board several years to rule on a case, sometimes as long as 3 to 5 years. The present process is broken. There should never be a process that controls the fate of someone's livelihood. Matters requiring resolution must not sit and languish for years without resolution. This practice is unacceptable and unreasonable.

Additionally, more than 20 cases are pending before Administrative Law judges at various Office of Hearings Appeals offices—Virginia, Minnesota and Utah. The cases currently in their hands are Native allotments and mining claims. Substantial delays have resulted from the slow pace of scheduling hearings in Alaska. Establishing an Alaska hearings unit to handle all Alaska appeals would significantly speed up the current process. Such a new process would be able to routinely issue decisions within 3 to 6 months of the close of briefing.

Challenges likely to emerge on land actions requiring judicial review will be handled by judges located in Alaska. Moreover, having judges located in Alaska, conducting Alaska business, would ensure an understanding of the special laws that are applicable to Alaska. In addition, this process would include all land transfer matters, not just claims under the Alaska Native Claims Settlement Act.

To achieve the acceleration of land conveyances, we must be able to count on a consistent level of funding. We do not want any aspect of the acceleration plan to be hampered. As I pointed out earlier, almost 90 million acres must be surveyed between now and 2009. The BLM is the single agency of the Federal Government that is charged with the authority and responsibility for surveys and land title record keeping. Official survey plats are the Government's record of the boundaries of an area and the description of such surveyed land is known as the legal land description. Land title or patents are based on such plats of survey. And, until the land is surveyed, the Alaska Natives, the State of Alaska and the Native Corporations will still be waiting way off into the future for this work to be finalized.

The Alaska Land Transfer Acceleration Act of 2003 imposes very strict provisions on the agency to complete land conveyances by 2009 to Alaska Natives, the State of Alaska and to the Native Corporations. Some might view this plan as ambitious. I view it as being long overdue.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD ADOPT A CONFERENCE AGREEMENT ON THE CHILD TAX CREDIT AND ON TAX RELIEF FOR MILITARY PERSONNEL

Mr. JOHNSON (for himself, Mr. DASCHLE, Mrs. LINCOLN, Mr. BAUCUS, Mr. KENNEDY, Mr. GRAHAM of Florida, Ms. CANTWELL, Mr. CORZINE, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 200

Whereas the Department of the Treasury will begin sending refund checks to taxpayers reflecting the increase in the child tax credit from $600 to $1,000 for 2003;

Whereas over 6,500,000 working families earning between $10,500 and $26,625, which include over 12,000,000 children, will not receive an increase in the child tax credit or a refund check;

Whereas nearly 150,000 United States soldiers are in Iraq sacrificing their lives to ensure freedom for Iraqi citizens;

Whereas of the 300,000 soldiers in combat zones throughout the world, 192,000 will have an earned income below $26,625;

Whereas many military families, which include 1,000,000 children, will not be eligible for the child tax credit unless the Senate Amendment to H.R. 1308 is enacted; and

Whereas many military personnel serving in combat zones and many working families would be eligible for the child tax credit under the Senate Amendment to H.R. 1308: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the committee of conference between the Senate and House of Representatives on H.R. 1308 should agree to a conference report before the August recess;

(2) any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the refundability of the child tax credit;

(3) any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the availability of the child tax credit for military families;

(4) any conference report on H.R. 1308 should contain the provisions in the Armed Forces Tax Fairness Act of 2003; and

(5) any conference report on H.R. 1308 should contain provisions to fully offset its cost.

SENATE RESOLUTION 201—DESIGNATING THE MONTH OF SEPTEMBER 2003 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. KERRY, Mr. BROWNBACK, Ms. CANTWELL, Mr. HATCH, Mrs. BOXER, Ms. COLLINS, Mr. LIEBERMAN, Mr. INHOFE, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mr. CRAIG, Mr. MILLER, Ms. SNOWE, Mr. BAYH, Mr. CRAPO, Mr. DOMENICI, Mr. ROBERTS, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. DODD, Mr. SMITH, Mr. DURBIN, Mr. BUNNING, Mrs. FEINSTEIN, Mr. HAGEL, Ms. MIKULSKI, Mr. VOINOVICH, Mr. EDWARDS, Mr. CAMPBELL, Mr. INOUYE, Mr.

FEINGOLD, Mr. SCHUMER, Ms. LANDRIEU, Mr. DORGAN, Mr. LAUTENBERG, Ms. STABENOW, and Mrs. CLINTON) submitted the following resolution; which was considered and agreed to:

S. RES. 201

Whereas countless families in the United States have a family member living with prostate cancer;

Whereas in the United States, 1 man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas between 1993 and 2003, prostate cancer has been the most commonly diagnosed nonskin cancer and the second most common cancer killer of men in the United States;

Whereas the American Cancer Society estimates that in the United States, 220,900 men will be diagnosed with prostate cancer and 28,900 men will die of prostate cancer in 2003;

Whereas 30 percent of new cases of prostate cancer occur in men under the age of 65;

Whereas in the United States, as the population ages, the occurrence of prostate cancer will also increase;

Whereas African Americans suffer from a prostate cancer incidence rate that is up to 60-percent higher than White males and are more than twice as likely as White males to die of the disease;

Whereas in the United States, a man with 1 family member diagnosed with prostate cancer has double the risk of developing prostate cancer, a man with 2 such family members has 5 times the risk, and a man with 3 such family members has a 97-percent risk of developing the disease;

Whereas screening by both digital rectal examination (DRE) and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages, thus reducing prostate cancer mortality;

Whereas developing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating the people of the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2003 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2003 with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 61—AUTHORIZING AND REQUESTING THE PRESIDENT TO ISSUE A PROCLAMATION TO COMMEMORATE THE 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

Mr. LOTT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 61

Whereas Constantino Brumidi, born in Rome, Italy, on July 26, 1805, landed at New York Harbor on September 18, 1852, as a political exile, making his flight from Italy to the United States because of his love for liberty;

Whereas Constantino Brumidi's love for his adopted country led him to seek citizenship 2 years after his arrival;

Whereas in 1855, Constantino Brumidi began his artistic work in the Capitol, and spent more than 25 years of his life painting, decorating, and beautifying the corridors, committee rooms, and Rotunda of the Capitol;

Whereas Constantino Brumidi created many magnificent paintings and decorations, depicting the history, inventions, values, and ideals of the United States, thus enhancing the dignity and beauty of the Capitol and inspiring millions of visitors;

Whereas in 1865, Constantino Brumidi painted, in just 11 months, his masterpiece ''The Apotheosis of Washington'' in the canopy of the eye of the Capitol dome;

Whereas in 1871, Constantino Brumidi created the first tribute to an African-American in the Capitol when he placed the figure of Crispus Attucks at the center of his painting of the Boston Massacre;

Whereas in 1877, at the age of 72, Constantino Brumidi began his last work, the fresco frieze encircling the top of the Rotunda, and 3 years later fell from a slipped scaffolding and was never able to return to work;

Whereas Constantino Brumidi died as a result of this experience 3 months later in February 1880;

Whereas Constantino Brumidi has been called ''the Michelangelo of the Capitol'' by historians; and

Whereas the year 2005 marks the 200th anniversary of the birth of Constantino Brumidi, as well as the 150th anniversary of the beginning of his artistic career in the Capitol and the 125th anniversary of his death: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation commemorating the 200th anniversary of the birth of Constantino Brumidi and calling upon the people of the United States, State and local governments, and interested organizations to commemorate this anniversary with appropriate ceremonies, activities, and programs.

Mr. LOTT. Mr. President, Saturday, July 26, marks the 198th anniversary of the birth of Constantino Brumidi, the great artist who has been called the Michelangelo of the Capitol. When, in 2 years, the 200th anniversary of Brumidi's birth is at hand, I believe the President should issue a proclamation commemorating Brumidi's life. Today, I am introducing a resolution authorizing such a proclamation.

Constantino Brumidi was born in Rome in 1805 and immigrated to America in 1852. He began his artistic work in the Capitol in 1855 and, for the next 25 years, he labored to produce some of the most bold and moving frescoes and murals the world has ever seen. His paintings and decorations depict the history, inventions, values and ideals of the United States immeasurably enhancing the dignity and beauty of the Capitol. He designed and decorated on House and Senate committee rooms in the Capitol, as well as the Senate Reception Room, the Office of the Vice President and the President's Room. In 1856, Brumidi began creating designs for Senate corridors based on a loggia by Raphael in the Vatican, carefully integrating American motifs into a classical framework.

He was very proud of becoming an American citizen and is reported to have said: ''I no longer wish for fame and fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty.'' He did not live long enough to finish his work; but he lived long enough to make the Capitol incredibly beautiful.

The man who labored a quarter century to make the Halls of Congress so magnificent deserves the recognition of the American people. Through this resolution, I believe we will provide appropriate recognition.

SENATE CONCURRENT RESOLUTION 62—HONORING THE SERVICE AND SACRIFICE OF KOREAN WAR VETERANS

Mr. DASCHLE (for himself, Mr. HAGEL, and Mr. LEVIN) submitted the following concurrent resolution; which was considered and agreed to:

Whereas Sunday, July 27, 2003, marks the 50th anniversary of the armistice ending the Korean War;

Whereas nearly 1,800,000 members of the United States Armed Forces answered their Nation's call to duty and served in Korea during the Korean War;

Whereas, during the 3-year period of the Korean War, more than 36,500 Americans died and more than 100,000 were wounded in some of the bloodiest, most horrific fighting in the history of warfare;

Whereas the bloodshed and sacrifice of these soldiers made possible the development of a democratic, prosperous, and peaceful Republic of Korea;

Whereas our troops in Korea were at the forefront of a long and difficult struggle against Communism and oppression that ultimately brought freedom to millions of people around the world;

Whereas the Korean War accelerated the final desegregation of the United States Armed Forces and stands as a milestone along the road to racial equality; and

Whereas it has taken decades for the people of this Nation to understand and appreciate the significance of the Korean War and the lasting accomplishments of those who fought in the war, leaving these veterans without the recognition and respect they so rightfully deserve: Now, therefore, be it

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

(1) declares its appreciation for the significant and enduring accomplishments of our Nation's Korean War veterans;

(2) remains committed to the ideals of freedom, peace, and democracy on the Korean Peninsula; and

(3) affirms its commitment to preserving the memory of those who made the ultimate sacrifice in the Korean War, and to educating future generations about the achievements of our Nation's Korean War heroes.

AMENDMENTS SUBMITTED & PROPOSED

SA 1387. Mr. BINGAMAN (for himself and Mr. LEAHY) 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.

SA 1388. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1389. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1390. Mr. DOMENICI (for Mr. INHOFE) proposed an amendment to the bill S. 14, supra.

SA 1391. Mr. BINGAMAN (for Mr. DURBIN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 14, supra.

SA 1392. Mr. BINGAMAN (for Mr. HARKIN) proposed an amendment to the bill S. 14, supra.

SA 1393. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 14, supra.

SA 1394. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 14, supra.

SA 1395. Mr. BINGAMAN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 14, supra.

SA 1396. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1397. Mr. DOMENICI (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, supra.

SA 1398. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1399. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1400. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1401. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 14, supra.

SA 1402. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1387. Mr. BINGAMAN (for himself and Mr. LEAHY) 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 105, strike lines 6 through 19, and insert the following:

''(C) for property described in subsection (d)(6)—

''(i) $150 for each electric heat pump water heater,

''(ii) $250 for each electric heat pump,

''(iii) $125 for each advanced natural gas, oil, propane furnace, or hot water boiler,

''(iv) $250 for each central air conditioner,

''(v) $150 for each advanced natural gas, oil, or propane water heater,

''(vi) $50 for each natural gas, oil, or propane water heater,

''(vii) $250 for each geothermal heat pump,

''(viii) $50 for an advanced main air circulating fan,

''(ix) $150 for each advanced combination space and water heating system,

''(x) $50 for each combination space and water heating system.''.

On page 109, line 19, strike ''or propane furnace'' and insert ''propane furnace, or hot water boiler'' after ''furnace''.

On page 110, line 3, strike lines 1 through 7 and insert:

''(v) an advanced natural gas, oil, or propane water heater which has an energy factor of at least 0.80 in the standard Department of Energy test procedure,

''(vi) a natural gas, oil, or propane water heater which has an energy factor of at least 0.65 and less than .080 in the standard Department of Energy test procedure,

''(vii) a geothermal heat pump which has an average efficiency ratio (EER) of at least 21,

''(viii) an advanced main air circulating fan used in a new natural gas, propane, or oil-fired furnace, including main air circulating fans that use a brushless permanent magnet motor or another type of motor that achieves similar or higher efficiency at half and full speed, as determined by the Secretary,

''(ix) an advanced combination space and water heating system which has a combined energy factor of at least 0.80 and a combined annual fuel utilization efficiency (AFUE) of 78 percent or higher in the standard Department of Energy test procedure, and

''(x) a combination space and water heating system which has a combined energy factor of at least 0.65 and less than .080 and a combined annual fuel utilization efficiency (AFUE) of 78 percent or higher in the standard Department of Energy test procedure.''.

SA 1388. Mr. BINGAMAN 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 133, strike lines 12 through 16 and insert the following:

''(ii) which has an electrical capacity of no more than 15,000 kilowatts or a mechanical energy capacity of no more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,''.

On page 134, line 4, strike ''(70 percent'' and all that follows through ''capacities)'' on line 10.

On page 136, strike lines 16 through ''section 168.'' on line 22.

SA 1389. Mr. BINGAMAN 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 95, line 17, strike ''ending on—'' and all that follows through ''2007.'' on line 21 and insert ''ending on December 31, 2007.''.

SA 1390. Mr. DOMENICI (for Mr. INHOFE) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 52, after line 22, add the following:

SEC. 1___. RISK-BASED DATA MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Energy shall make grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

SA 1391. Mr. BINGAMAN (for Mr. DURBIN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 209, after line 6, insert:

''SEC. 6 . CONSERVE BY BICYCLING PROGRAM.

''(A) DEFINITIONS.—In this section:

''(1) The term 'program' means the Conserve by Bicycling Program established by subsection (b).

''(2) The term 'Secretary' means the Secretary of Transportation.

''(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the 'Conserve by Bicycling Program'.

''(c) PROJECTS.—

''(1) In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

''(A) dispersed geographically throughout the United States; and

''(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

''(2) A pilot project described in paragraph (1) shall—

''(A) use education and marketing to convert motor vehicle trips to bicycles trips;

''(B) document project results and energy savings (in estimated units of energy conserved);

''(C) facilitate partnerships among interested parties in at least 2 of the fields of transportation, law enforcement, education, public health, environment, and energy;

''(D) maximize bicycle facility investments;

''(E) demonstrate methods that may be used in other regions of the United States; and

''(F) facilitate the continuation of ongoing programs that are sustained by local resources.

''(3) At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

''(d) ENERGY AND BICYCLING RESEARCH STUDY.—

''(1) Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress, a report on a study on the feasibility of converting motor vehicle trips to bicycle trips.

''(2) The study shall—

''(A) document the results or progress of the pilot projects under subsection (c);

''(B) determine the type of duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as weather, land use and traffic patterns, the carrying capacity of bicycles, and bicycle infrastructure;

''(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

''(D) include a cost-benefit analysis of infrastructure investments; and

''(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

''(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

''(2) $300,000 shall be used to by the Secretary to coordinate, publicize, and disseminate the results of the program; and

''(3) $750,000 shall be used to carry out subsection (d).''.

SA 1392. Mr. BINGAMAN (for Mr. HARKIN) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 290, between lines 19 and 20, insert the following:

SEC. 8___. RENEWABLE PRODUCTION OF HYDROGEN DEMONSTRATION AND COMMERCIAL APPLICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to assist projects for the demonstration and commercial application of the production of hydrogen from renewable resources.

(b) SCOPE.—A project funded with assistance under this section may include an element other than production of hydrogen if the Secretary determines that the element contributes to the overall efficiency and commercial viability of the technology employed in the project, including—

(1) joint production of hydrogen and other commercial products from biomass; and

(2) renewable production of hydrogen and use of the hydrogen at a single farm location.

(c) COST SHARING; MERIT REVIEW.—A project carried out using funds made available under this section shall be subject to the cost sharing and merit review requirements under sections 982 and 983, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2004; and

(2) $25,000,000 for each of fiscal years 2005 through 2008.

SA 1393. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 14, to enhance the energy security of the United States and for other purposes; as follows

On page 150, after line 14, insert the following:

SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.

Not later than one year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

SA 1394. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Strike the text starting on page 43, line 19, through page 49, line 19, and insert the following:

''SEC. 112. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

''(a) SHORT TITLE.—This section may be cited as the 'National Geological and Geophysical Data Preservation Program Act of 2003.'

''(b) PROGRAM.—The Secretary of the Interior shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

''(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

''(2) to provide a national catalog of such archival material; and

''(3) to provide technical and financial assistance related to the archival material.

''(c) PLAN.—Within 1 year after the date of the enactment of this section, the Secretary shall develop and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the implementation of the Program.

''(d) DATA ARCHIVE SYSTEM.—

''(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system, which shall provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

''(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies which elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

''(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless it is the agency that acts as the geological survey in the State.

''(4) DATA FROM FEDERAL LANDS.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal lands—

''(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data was collected; and

''(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

''(e) NATIONAL CATALOG.—

''(1) IN GENERAL.—As soon as practicable after the date of the enactment of this section, the Secretary shall develop and maintain, as a component of the program, a national catalog that identifies—

''(A) data and samples available in the data archive system established under subsection (d);

''(B) the repository for particular material in such system; and

''(C) the means of accessing the material.

''(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the World Wide Web, consistent with all applicable requirements related to confidentiality and proprietary data.

''(f) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

''(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties.

''(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities in subsection (g)(1).

''(B) Review and critique the draft implementation plan prepared by the Secretary pursuant to subsection (c).

''(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

''(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

''(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

''(g) FINANCIAL ASSISTANCE.—

''(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2), for providing facilities to archive energy material.

''(2) STUDIES AND TECHNICAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

''(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be no more than 50 percent of the total cost of that activity.

''(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

''(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

''(1) a description of the status of the Program;

''(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

''(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

''(i) DEFINITIONS.—As used in this section:

''(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

''(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior acting through the Director of the United States Geological Survey.

''(3) PROGRAM.—The term ''Program'' means the National Geological and Geophysical Data Preservation Program carried out under this section.

''(4) SURVEY.—The term ''Survey'' means the United States Geological Survey.

''(j) MAINTENANCE OF STATE EFFORT.—It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of fiscal years 2004 through 2008 for carrying out this section.''

SA 1395. Mr. BINGAMAN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 14, to enhance the energy

security of the United States, and for other purposes; as follows:

On page 150, line 24, strike ''(tidal and thermal)'' and insert ''(wave, tidal, current, and thermal)''.

On page 156, line 4, strike ''(tidal and thermal)'' and insert ''(wave, tidal, current, and thermal)''.

SA 1396. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes, as follows:

On page 90, line 24, strike ''2003 through 2011'' and insert ''2004 through 2012''.

SA 1397. Mr. DOMENICI (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 40, beginning with line 13, strike all through line 20 and insert:

''(4) For purposes of this subsection, calculations of payments shall be made using qualified Outer Continental Shelf revenues received during the previous fiscal year.

SA 1398. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 40, strike line 5 and all that follows through line 12, and insert: ''shall not disburse such an amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section or so long as the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.''.

SA 1399. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 286, strike line 10 and all that follows through page 287, line 21, and insert:

''SEC. 814. HYDROGEN DEMONSTRATION PROGRAMS IN NATIONAL PARKS.

''(a) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior and the Secretary of Energy shall jointly study and report to Congress on—

''(1) the energy needs and uses in units of the National Park System; and

''(2) the potential for fuel cell and other hydrogen-based technologies to meet such energy needs in—

''(A) stationary applications, including power generation, combined heat and power for buildings and campsites, and standby and backup power systems; and

''(B) transportation-related applications, including support vehicles, passenger vehicles and heavy-duty trucks and buses.

''(b) PILOT PROJECTS.—Based on the results of the study, the Secretary of the Interior shall fund not fewer than 3 pilot projects in units of the National Park System for demonstration of fuel cells or other hydrogen-based technologies in those applications where the greatest potential for such use has been identified. Such pilot projects shall be geographically distributed throughout the United States.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated to the Secretary of the Interior $1,000,000 for fiscal year 2004, and $15,000,000 for fiscal year 2005, to remain available until expended.''.

SA 1400. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 305, line 23, strike the word ''basic''.

SA 1401. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 37, line 23, ''year. Where'' and insert ''year, except that where''.

SA 1402. Mr. FEINGOLD (for himself and Mr. BROWNBACK) 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 465, between lines 10 and 11, insert the following:

SEC. 1175. AFFILIATE TRANSACTIONS.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

''(i) TRANSACTIONS WITH AFFILIATES AND ASSOCIATED COMPANIES.—

''(1) DEFINITIONS.—In this subsection, the terms 'affiliate', 'associate company', and 'public utility' have the meanings given the terms in section 1151 of the Energy Policy Act of 2003.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Commission shall promulgate regulations that shall apply in the case of a transaction between a public utility and an affiliate or associate company of the public utility.

''(B) CONTENTS.—At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public utility and an affiliate or associate company of the public utility, that—

''(i) the affiliate or associate company shall be an independent, separate, and distinct entity from the public utility;

''(ii) the affiliate or associate company shall maintain separate books, accounts, memoranda, and other records and shall prepare separate financial statements;

''(iii)(I) the public utility shall conduct the transaction in a manner that is consistent with transactions among nonaffiliated and nonassociated companies; and

''(II) shall not use its status as a monopoly franchise to confer on the affiliate or associate company any unfair competitive advantage;

''(iv) the public utility shall not declare or pay any dividend on any security of the public utility in contravention of such rules as the Commission considers appropriate to protect the financial integrity of the public utility;

''(v) the public utility shall have at least 1 independent director on its board of directors;

''(vi) the affiliate or associate company shall not acquire any loan, loan guarantee, or other indebtedness, and shall not structure its governance, in a manner that would permit creditors to have recourse against the assets of the public utility; and

''(vii) the public utility shall not—

''(I) commingle any assets or liabilities of the public utility with any assets or liabilities of the affiliate or associate company; or

''(II) pledge or encumber any assets of the public utility on behalf of the affiliate or associate company;

''(viii)(I) the public utility shall not cross-subsidize or shift costs from the affiliate or associate company to the public utility; and

''(II) the public utility shall disclose and fully value, at the market value or other value specified by the Commission, any assets or services by the public utility that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, the affiliate or associate company, in a manner that is consistent with transfers among nonaffiliated and nonassociated companies; and

''(ix) electricity and natural gas consumers and investors shall be protected against the financial risks of public utility diversification and transactions with and among affiliates and associate companies.

''(3) NO PREEMPTION.—This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public utilities that are more stringent that those provided under the regulations under paragraph (2).

''(4) PROHIBITION.—It shall be unlawful for a public utility to enter into or take any step in the performance of any transaction with any affiliate or associate company in violation of the regulations under paragraph (2).''.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CRIME, CORRECTIONS AND VICTIMS' RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime, Corrections and Victims' Rights be authorized to meet to conduct a hearing on ''Alien Smuggling/Human Trafficking: Sending Meaningful Messages of Deterrence,'' on Friday, July 25, 2003, at 10 a.m., in SD226.

Panel 1: John Malcomb, Esq., Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC; Mr. Charles Demore, Interim Assistant Director of Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Washington, DC; and Mr. Robert L. Harris, Deputy Chief, U.S. Border Patrol, Department of Homeland Security, Bureau of Customs and Border Protection, Washington, DC.

Panel 2: the Honorable Robert Charleton, United States Attorney, District of Arizona, Phoenix, AZ; the Honorable Jane Boyle, United States Attorney, Northern District of Texas, Dallas, TX; and Sharon Cohn, Esq., Senior Counsel, International Justice Mission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

On Thursday, July 24, 2003, the Senate passed H.R. 2555, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2555) entitled ''An Act making appropriations for the Department

of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

TITLE I—DEPARTMENTAL OPERATIONS, MANAGEMENT, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) and executive management of the Department of Homeland Security, as authorized by law, $83,653,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–704 of the Homeland Security Act of 2002 (6 U.S.C. 341–344), $167,521,000: Provided, That of the total amount provided, $30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), $229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by Subtitle A, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201–203), $8,842,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, $4,366,000,000, of which not to exceed $96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $4,000,000 shall remain available until expended.

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511 (e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for ''Salaries and Expenses'' under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, $2,180,000,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081), of which not less than $40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That in addition, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $1,000,000 shall remain available until expended: Provided further, That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $257,291,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $4,523,900,000, to remain available until September 30, 2005, of which $3,185,000,000 shall be available for screening activities and of which $1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United

States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than $2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, $309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and $150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $295,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and section 229(b) of the Social Security Act (42 U.S.C. 429(b)) and recreation and welfare, $4,719,000,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: Provided further, That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed $350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: Provided further, That the Commandant may seek an independent entity to conduct such a study: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are hereby rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,035,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which $178,500,000 shall be available for other equipment, including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program, to remain available until expended; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which $18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,114,737,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That any funds provided under this heading shall be available only after the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 605 of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and

enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, $172,736,000, of which up to $44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,888,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading: Provided further, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with State and local officials and emergency preparedness organizations; and (2) steps the Department proposes to improve the coordination and sharing of such information, if any.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, $826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: $163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; $434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; $165,214,000 shall be for Administrative and Regional Operations; and $64,587,000 shall be for Urban Search and Rescue Teams.

In addition, of the funds appropriated under this heading by Public Law 108–11 (117 Stat. 583), $3,000,000 are hereby rescinded.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 114A–46), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,956,000,000, notwithstanding the matter under the heading ''Disaster Relief'' under the heading ''Federal Emergency Management Agency'' of chapter II of title I of Public Law 102–229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for ''Office of the Inspector General'' for audits and investigations: Provided, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorize nonprofit entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to a disaster declared by the President if the nonprofit entity petitions the Under Secretary for such advanced funding and demonstrates that they would be unable to respond to the disaster absent such funding.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). In addition, for administrative expenses to carry out the direct loan program, $557,000.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), $165,000,000.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That up to 5 percent of this amount may be made available for administrative costs.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $10,460,000; of which $5,442,000 shall be for operations of the Department of Homeland Security Command Center: Provided, That no later than 120 days after enactment of this Act the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity).

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

For necessary expenses for information analysis and infrastructure protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $823,700,000, to remain available until September 30, 2005.

TITLE V—RESEARCH AND DEVELOPMENT

OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), $5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), $866,000,000, to remain available until expended; of which $55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which $70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated, $20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center: Provided further, That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: Provided further, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.

SEC. 603. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year to the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 606. Of the funds appropriated by this Act or otherwise made available, not to exceed $100,000 may be used for official reception and representation expenses when specifically approved by the Secretary.

SEC. 607. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 610. For fiscal year 2004 and thereafter, none of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit

the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 611. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 612. Unless otherwise provided, funds may be used for purchase of insurance for official motor vehicles operated in foreign countries, and for the hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 613. Unless otherwise provided, funds may be used for uniforms without regard to the general purchase price limitation for the current fiscal year.

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

SEC. 615. (a) None of the funds provided by this or previous appropriations Acts may be obligated for testing (other than simulations), deployment, or implementation of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later.

SEC. 616. Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details the progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures; and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

SEC. 617. Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each State in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

SEC. 618. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 619. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

SEC. 620. (a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in a city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and States, but are not included in the resident population of these cities and States; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

SEC. 621. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified by Emergency Preparedness and Response as DR–1174–ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 622. Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committees on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the ''Tipoff'' database, including the process by which classified information shall be secured from unauthorized disclosure.

SEC. 623. Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between

the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

SEC. 624. No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

SEC. 625. It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

SEC. 626. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SEC. 627. Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

SEC. 628. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grants program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

SEC. 629. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

AMENDMENT NO. 1364, AS MODIFIED

Mr. HATCH. Madam President, I ask unanimous consent that notwithstanding passage of H.R. 2555, amendment No. 1364, which was previously agreed to, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 62 of the bill, line 12, after ''investigations'' insert the following:

''*Provided,* That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorize non-profit entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to a disaster declared by the President, if the non-profit entity petitions the Under Secretary for such advanced funding and demonstrates that they would be unable to respond to the disaster absent such funding.''

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Madam President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 86.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. HATCH. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undesigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, John Cornyn, Michael B. Enzi, Jim Talent, Judd Gregg, Jeff Sessions, Ben Nighthorse Campbell, Craig Thomas, Chuck Grassley, Chuck Hagel, Thad Cochran, Richard Shelby, Wayne Allard, Elizabeth Dole, Conrad Burns, Larry Craig.

Mr. HATCH. Madam President, I ask unanimous consent that the live quorum as provided for under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. For the information of all Senators, this will be the third cloture motion with respect to this nomination. This cloture vote will occur Tuesday, so we will notify Senators when the exact vote time is locked in.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that on Monday, the debate on Calendar No. 296 begin at 5:20 p.m.; provided further that immediately after the vote on that nomination, Executive Calendar No. 304 be confirmed, the motion to reconsider be laid upon the table, the President then be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, for the information of all Senators, this will now mean that the first vote during Monday's session will begin at 5:30 p.m.

LEGISLATIVE SESSION

Mr. HATCH. Madam President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 229, 230, and 231, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that the resolutions be agreed to, en bloc; that the preambles be agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to these measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GOOD NEIGHBOR DAY

The resolution (S. Res. 124) designating September 28, 2003, as ''National Good Neighbor Day'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas while our society has developed highly effective means of speedy communication around the world, it has failed to ensure communication among individuals who live side by side;

Whereas the endurance of human values and consideration for others is of prime importance if civilization is to survive; and

Whereas being a good neighbor to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 28, 2003, as ''National Good Neighbor Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

100TH ANNIVERSARY OF THE FOUNDING OF THE HARLEY-DAVIDSON MOTOR COMPANY

The resolution (S. Res. 167) recognizing the 100th anniversary of the

founding of the Harley-Davidson Motor company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas in 1903, boyhood friends, hobby designers, and tinkerers William S. Harley, then 21 years old, and Arthur Davidson, then 20 years old, completed the design and manufacture of their first motorcycle, with help from Arthur Davidson's brothers, Walter Davidson and William A. Davidson;

Whereas, also in 1903, Harley and the Davidson brothers completed 2 additional motorcycles in a makeshift ''factory'' shed in the Davidson family's backyard at the corner of 38th Street and Highland Boulevard in Milwaukee, Wisconsin;

Whereas the design features and construction quality of the early Harley-Davidson motorcycles proved significantly more innovative and durable than most other motorcycles of the era, giving Harley-Davidson a distinct competitive advantage;

Whereas in 1905, Walter Davidson won the first of many motorcycle competition events, giving rise to a strong tradition of victory in motorcycle racing that continues today;

Whereas in 1906, Harley-Davidson Motor Company constructed its first building, financed by the Davidsons' uncle James McClay, on the site of the Company's current world headquarters one block north of the Davidson home site, and manufactured 50 motorcycles that year;

Whereas in 1907, Harley-Davidson Motor Company was incorporated and its 18 employees purchased shares;

Whereas in 1908, the first motorcycle for police duty was delivered to the Detroit Police Department, beginning Harley-Davidson's long and close relationship with law enforcement agencies;

Whereas in 1909, to enhance power and performance, Harley-Davidson added a second cylinder to its motorcycle, giving birth to its hallmark 45-degree V-Twin configuration and the legendary Harley-Davidson sound;

Whereas during the years 1907 through 1913, manufacturing space at least doubled every year, reaching nearly 300,000 square feet by 1914;

Whereas Arthur Davidson, during Harley-Davidson's formative years, set up a worldwide dealer network that would serve as the focal point of the company's ''close to the customer'' philosophy;

Whereas Harley-Davidson early in its history began marketing motorcycles as a sport and leisure pursuit, thus laying the groundwork for long-term prosperity;

Whereas in 1916, Harley-Davidson launched ''The Enthusiast'' magazine, which today is the longest running continuously published motorcycle magazine in the world;

Whereas also in 1916, Harley-Davidson motorcycles saw their first military duty in skirmishes in border disputes along the United States border with Mexico;

Whereas in World War I, Harley-Davidson supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces, and whereas the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley-Davidson motorcycle;

Whereas by 1920, Harley-Davidson was the world's largest motorcycle manufacturer, both in terms of floor space and production, with continual engineering and design innovation;

Whereas during the Great Depression of the 1930s, the company survived when all but 1 other domestic motorcycle manufacturer failed, on the strength of its product quality, the loyalty of its employees, dealers, and customers, steady police and commercial business, and a growing international presence;

Whereas in 1936, Harley-Davidson demonstrated foresight, resolve, and faith in the future by introducing the company's first overhead valve engine, the ''Knucklehead'' as it would come to be known, on its Model EL motorcycle, thus establishing the widely recognized classic Harley Davidson look and the company's reputation for styling;

Whereas Harley-Davidson workers in 1937 elected to be represented by the United Auto Workers of America, thus launching a proud tradition of working with Harley-Davidson to further build the company through advocacy and the development of effective programs and policies;

Whereas William H. Davidson, son of the late founder William A. Davidson, became president of Harley-Davidson in 1942 and would lead the company until 1971;

Whereas Harley-Davidson built more than 90,000 motorcycles for United States and Allied armed forces use during World War II, earning 4 Army-Navy ''E'' Awards for excellence in wartime production;

Whereas Harley-Davidson, during the 1950s and 1960s, recharged its sales and popularity with new models, including the Sportster and the Electra Glide, new engines, and other technological advances;

Whereas the Company developed the concept of the ''factory custom'' motorcycle with the 1971 introduction of the Super Glide and the 1977 Low Rider, under the design leadership of William ''Willie G'' Davidson, vice president of Styling and grandson of company founder William A. Davidson;

Whereas since 1980, as a national corporate sponsor of the Muscular Dystrophy Association, Harley-Davidson has raised more than $40,000,000 through company, dealer, customer, and supplier contributions, to fund research and health services;

Whereas in 1981, a group of 13 Harley-Davidson executives, led by chairman and CEO Vaughn Beals purchased Harley-Davidson from its then corporate parent AMF Incorporated;

Whereas by 1986, Harley-Davidson, against incredible odds, restored the company's reputation for quality and innovation and returned the company to vitality, thus ensuring a highly successful initial public stock offering;

Whereas throughout the 1980s and 1990s, Harley-Davidson became a national role model for positive labor-management relations, product innovation, manufacturing quality and efficiency, and phenomenal growth;

Whereas President Ronald Reagan, President William J. Clinton, and President George W. Bush all have visited Harley-Davidson manufacturing facilities and extolled the example set by Harley Davidson through its practices;

Whereas the Harley Owners Group, with more than 800,000 members and 1,200 chapters worldwide, is celebrating its 20th anniversary year in 2003 as a driving force in the company's heralded ''close to the customer'' operating philosophy; and

Whereas Harley-Davidson Motor Company is today the world's leading seller of large displacement (651 cc plus) motorcycles, with annual revenues in excess of $4,000,000,000, annual motorcycle shipments in excess of 290,000 units, strong international sales, and 17 consecutive years of annual revenue and earnings growth since becoming a publicly held company: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of Harley-Davidson Motor Company, widely regarded as a tremendous American business success story and one of the top performing companies in America, as its employees, retirees, suppliers, dealers, customers, motorcycle enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone;

(2) recognizes the great impact that Harley-Davidson has had on the business, social, and cultural landscape and lives of Americans and citizens of all nations, as a quintessential icon of Americana; and

(3) congratulates the Harley-Davidson Motor Company for this achievement and trusts that Harley-Davidson will have an even greater impact in the 21st century and beyond as a leading force for innovative business practices and products that will continue to provide enjoyment, transportation, and delight for generations to come.

NATIONAL PURPLE HEART RECOGNITION DAY

A concurrent resolution (S. Con. Res. 40) designating August 7, 2003, as ''National Purple Heart Recognition Day'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force, or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force, or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit, or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived out of respect for the memory and military achievements of George Washington in 1932, the 200th anniversary of his birth; and

Whereas the designation of August 7, 2003, as ''National Purple Heart Recognition Day'' is a fitting tribute to General Washington, and to the over 1,535,000 recipients of the Purple Heart Medal, approximately 550,000 of whom are still living: Now, therefore, be it

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

(1) designates August 7, 2003, as ''National Purple Heart Recognition Day'';

(2) encourages all Americans to learn about the history of the Order of the Purple Heart for Military Merit and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for the Order of the Purple Heart for Military Merit.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. HATCH. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 196 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) designating December 14, 2003, as ''National Children's Memorial Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to this measure be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 14, 2003, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Children's Memorial Day'' with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 201, 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. 201) designating the month of September 2003 as ''National Prostate Cancer Awareness Month''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Madam President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas countless families in the United States have a family member living with prostate cancer;

Whereas in the United States, 1 man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas between 1993 and 2003, prostate cancer has been the most commonly diagnosed nonskin cancer and the second most common cancer killer of men in the United States;

Whereas the American Cancer Society estimates that in the United States, 220,900 men will be diagnosed with prostate cancer and 28,900 men will die of prostate cancer in 2003;

Whereas 30 percent of new cases of prostate cancer occur in men under the age of 65;

Whereas in the United States, as the population ages, the occurrence of prostate cancer will also increase;

Whereas African Americans suffer from a prostate cancer incidence rate that is up to 60-percent higher than White males and are more than twice as likely as White males to die of the disease;

Whereas in the United States, a man with 1 family member diagnosed with prostate cancer has double the risk of developing prostate cancer, a man with 2 such family members has 5 times the risk, and a man with 3 such family members has a 97-percent risk of developing the disease;

Whereas screening by both digital rectal examination (DRE) and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages, thus reducing prostate cancer mortality;

Whereas developing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating the people of the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2003 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2003 with appropriate ceremonies and activities.

HONORING THE SERVICE OF KOREAN WAR VETERANS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 62, submitted earlier today by Senators DASCHLE and HAGEL honoring the service of Korean war veterans; that the concurrent resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 62) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas Sunday, July 27, 2003, marks the 50th anniversary of the armistice ending the Korean War;

Whereas nearly 1,800,000 members of the United States Armed Forces answered their Nation's call to duty and served in Korea during the Korean War;

Whereas, during the 3-year period of the Korean War, more than 36,500 Americans died and more than 100,000 were wounded in some of the bloodiest, most horrific fighting in the history of warfare;

Whereas the bloodshed and sacrifice of these soldiers made possible the development of a democratic, prosperous, and peaceful Republic of Korea;

Whereas our troops in Korea were at the forefront of a long and difficult struggle against Communism and oppression that ultimately brought freedom to millions of people around the world;

Whereas the Korean War accelerated the final desegregation of the United States Armed Forces and stands as a milestone along the road to racial equality; and

Whereas it has taken decades for the people of this Nation to understand and appreciate the significance of the Korean War and the lasting accomplishments of those who fought in the war, leaving these veterans without the recognition and respect they so rightfully deserve: Now, therefore, be it

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

(1) declares its appreciation for the significant and enduring accomplishments of our Nation's Korean War veterans;

(2) remains committed to the ideals of freedom, peace, and democracy on the Korean Peninsula; and

(3) affirms its commitment to preserving the memory of those who made the ultimate sacrifice in the Korean War, and to educating future generations about the achievements of our Nation's Korean War heroes.

ORDERS FOR MONDAY, JULY 28, 2003

Mr. HATCH. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Monday, July 28. I further ask unanimous consent that following the prayer and pledge, 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 resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Madam President, for the information of all Senators, on Monday, the Senate will resume consideration of S. 14, the Energy bill. The chairman and ranking member were able to work through a number of amendments today, and they will continue to consider amendments during Monday's session. On behalf of the leader, I encourage Members who want to offer amendments to do so as early as possible next week. Those Members should contact the bill managers for an orderly consideration of those amendments.

Under a previous agreement, at 5:20 p.m. on Monday, the Senate will proceed to executive session to consider the nomination of Earl Yeakel, to be U.S. District Judge for the Western District of Texas. The Senate will vote on the Yeakel nomination at 5:30 p.m., and that will be the first rollcall vote of the day. Members should anticipate additional votes in relation to Energy bill amendments or any other items that can be cleared for action. In addition, the Senate will consider the trade agreements with Chile and Singapore. If all debate has been completed on those bills, the votes would also occur during Monday's session of the Senate.

Next week is the final week prior to the August recess. Senators can, therefore, expect busy sessions with rollcall votes throughout each day, and Members should schedule themselves accordingly.

ORDER FOR RECESS

Mr. HATCH. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order following the remarks of the distinguished Senator from West Virginia, Mr. BYRD, for up to 20 minutes, and the distinguished Senator from Alabama, Mr. SESSIONS, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator from Utah, Mr. HATCH, for his courtesy in arranging for me to speak briefly before the Senate goes out for the weekend.

THE ''REAL BEVERLY HILLBILLIES'' IS REAL GARBAGE

Mr. BYRD. Mr. President, for more than a century now, national commentators of one type or another have stereotyped, mocked, and ridiculed the people of Appalachia.

They continued to do so even as the region and its people were savaged by Northeast industrialists, and as economic forces beyond their control resulted in massive gaps of poverty in the region. When I say ''their control,'' I refer to its being beyond the control of the people of Appalachia. The stereotyping of the Appalachian people as dim-witted, barefooted hillbillies who thrive on incest and moonshine allowed the Nation to laugh at and turn its back on the plight of a people who were being robbed of their land and its resources. It prompted the Nation to perceive and to dismiss Appalachians as the instigators rather the victims of their plight.

Television has certainly been a part of this Appalachian bashing. ''Green Acres'' featured farming mountain folks conversing with a talking pig. The ''Dukes of Hazzard'' featured stereotypical mountain folk jumping into and out of cars, without bothering to open doors, and a car horn that played Dixie.

Even ''The Waltons,''—remember the Waltons?—a series with numerous morally uplifting episodes and storylines that promoted hard work, love of family, honesty, patriotism, and spirituality, can be faulted for its beautifully romanticized version of poverty. It portrayed poverty as a way of life that nurtures, rather than inhibits, that builds character rather than denies opportunity.

I have seen poverty. I am one of poverty's children. I have known poverty, and poverty has known me. I can tell you that poverty is beautiful only if you are not poor.

In this day and age of political correctness, Appalachians may be the last remaining ethnic group that it is still socially acceptable to scorn, demean, stereotype, and joke about. If Jay Leno told such cruel, bigoted, and slanderous ethnic humor about any number of minority groups that he does Appalachians, he would have more than the ratings of David Letterman about which to be concerned.

Incredibly, the Columbia Broadcasting System, CBS, is planning to air a new program, ''The Real Beverly Hillbillies.'' For this program, the brainchild of the CEO Leslie Moonves, CBS plans to pluck a poor, rural family from the hills of Appalachia and plop them down in a mansion in Beverly Hills so the Nation can laugh at them as they try to adjust to big city life. I have read that CBS is already conducting so-called ''hick-hunts'' in which they are searching for the perfect stereotype Appalachian family to amuse a national audience.

The insensitivity and mean spiritedness of this plan has already aroused protests and criticisms from many segments of American society including Appalachian social action groups, labor unions, and various State and national legislators.

The United Mine Workers of America, the Steel Workers Union, and Communication Workers have all protested the network's intent to ridicule good people and make fun of their lifestyles. Forty-three Members of the House of Representatives objected to the proposed program, saying it would be ''an insult to the millions of people living in Appalachia.''

While I am outraged, I am even more curious about just what kind of brain power went into proposing this show. I cannot help but chuckle when I picture these highly paid, supposedly educated television corporate executives sitting around in a plush, ornate boardroom and thinking of such a stupid program. I am sure most of these fellows earn at least a six-figure income. Some of them probably went to Ivy League schools. And this is what they come up with?

It is not even original. It is a plagiarization of an old program, only going a step further and using real people rather than actors.

Highly paid, highly educated television executives sitting around in an ornate boardroom and thinking of low-grade garbage such as this. If this were my staff, I can tell you that I would be looking for some new staffers.

But these CBS executives think it will be funny for city folk to sit back and watch country bumpkins try to blend into the culture of the ''beautiful people'' of Rodeo Drive. Their anticipation is that Americans will tune in and watch and just howl and howl as they watch a poor family from Appalachia adjust to the glitz and glamour of Beverly Hills, to modern appliances, Gucci shoes, and Rolex watches. Boy, I can hardly hold back my laughter, being one of those people from Appalachia, being one of those country bumpkins.

One CBS executive remarked: ''Imagine the episode where they have to interview maids.'' Boy, I am sure that episode will be a real knee slapper.

I have to ask, Is this the best they can do? Is this the best television has to offer? Unfortunately, it is.

Just when you think the television standards can get no lower, they do. Just when you start thinking these bottom feeders have cleansed the bottom and might try to move up the food chain, they find more garbage at the bottom to keep them there.

This is an Appalachian speaking to an Appalachian who sits in the chair today and presides over this great body with such dignity and aplomb.

Television has become more than the ''vast wasteland'' FCC chairman Newton Minnow labeled it 42 years ago, it has become a waste.

This is the industry that brings us ''Buffy the Vampire Slayer,'' ''Fear Factor,'' and ''Jerry Springer.''

Fox Network has featured those unforgettable, morally uplifting hits, ''Temptation Island,'' ''Joe Millionaire,'' and now the latest, ''Mr. Personality,'' which features the show's hostess, the talented Monica Lewinsky.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER (Mr. WARNER.) If the distinguished leader would indulge the Presiding Officer to give the usual admonishment to those privileged to sit in the gallery of the Senate, they are not to enter into vocal expressions or disaffections.

Mr. BYRD. I congratulate the Chair on upholding the rules of the Senate.

Let them laugh. I am laughing, too.

If these executives are looking for new ideas for television reality shows, may I suggest a few. We could take highly paid, well-groomed television network executives and relocate them to the sticks, where they'd have to try to find a job with health care and pension benefits and enough pay to support a family, and adjust to everyday life in rural America. Now that would be funny! And, as the president of the UMWA, Cecil Roberts, has suggested, we could put them to work digging coal from a 30-inch seam in a non-union coal mine. That too would be funny!

I could suggest a program where Americans could watch television anchormen trying to get to work on time each day while driving on hilly, winding two-lane roads behind huge coal trucks going 5 miles an hour up steep hills. We would watch their frustration build and build and could take bets on when they would blow their tempers. We could watch them get their $2,500 made-to-measure suits dirty as they are forced to change tires flattened by huge potholes created by those coal trucks. We could watch them pull their cars into garages and get the estimates for repairs to the damage those potholes have done. Then we could laugh hysterically as they present ''fleecing of America'' awards to Senators who try to get those highways improved.

Or we could watch nightly news programs featuring episodes of journalists embedded with a Marine battalion comprised of the sons and daughters of Bush administration officials as they are being shot at in Iraq and Afghanistan.

That, of course, would not be funny, but it would make an important point that war is a lot more glamorous and macho when it is someone else's kid you are sending into combat.

Television could be such a positive tool in our society and culture. It could be doing so much good. It could be a powerful instrument to bring out the best in us, rather than appeal to our meanest and darker sides. It could be a creative instrument in elevating the standards and values of the American people rather than lowering them. I strongly urge the executives at CBS to reconsider their plans for the ''Real Beverly Hillbillies'' in favor a program that is enlightening, educational, and beneficial.

I yield the floor.

Mr. President, I should not take advantage of my two friends because I have been included in the order. I was given 20 minutes. I yield the floor.

Mr. SESSIONS. If the Senator from West Virginia would like to make additional remarks, I would suggest that Senator MCCAIN had quick remarks he would like to make and I will be glad to have him go ahead of me.

I yield the floor.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 1461 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alabama and I thank also the distinguished Senator from Arizona.

DISASTER RELIEF

Mr. BYRD. Mr. President, in April of this year, Senator COCHRAN, as chairman of the Appropriations Subcommittee on Homeland Security, and I, as ranking member, recognized a looming shortfall in the Federal Emergency Management Agency, FEMA, disaster relief accounts. We urged the President to release monies that he was holding up and also that he request funds to shore up the looming shortfall. Following severe floods in 19 West Virginia counties, I wrote to the administration again, this time pointing out that the Disaster Relief account would likely be empty by the end of July. At the time that I wrote that letter, the disaster relief fund has a balance of $181 million. The balance now, four weeks later, is a mere $89 million, and is expected to be completely exhausted by August 8th.

On July 7th, the President finally sent up an emergency supplemental request. After months of delay, the administration requested the additional funds to assist recovery efforts in West Virginia and over 300 other areas in every State of the Nation that have been hit hard by severe rains, floods, and tornadoes. These funds will help citizens to get back on their feet. The communication from the White House requested fiscal year 2003 emergency supplemental appropriations in the amount of $1.9 billion for the Department of Homeland Security, Agriculture, Interior, and the National Aeronautics and Space Administration, NASA.

The principal item in this request was $1.55 billion requested for the Department of Homeland Security for FEMA to provide support for ''ongoing disaster efforts and to ensure the capacity to respond to future disasters and emergencies.'' In a communication from Homeland Security Secretary Tom Ridge, dated July 24, 2003, the Department now estimates that it will exhaust existing funds by August 8th and that it has no authority to provide assistance in the absence of appropriations.

The supplemental request also included an amount of $253 million for fighting wildfires. As some of my colleagues may recall, 42 major fires, which have consumed over 400,000 acres, are raging in 12 western States. Officials at the Forest Service have told the Appropriations Committee that their fire suppression budget is already $420 million short of what they anticipate needing between now and the end of the fiscal year. Also included in the Administration's request is $50 million for unanticipated costs associated with the recovery and investigation of the Space Shuttle Columbia accident.

In order to expedite the processing of this supplemental, the distinguished chairman of the Appropriations Committee, Senator TED STEVENS, and I, as ranking member, worked together to assure the earliest availability of this emergency supplemental request by incorporating it into the fiscal year 2004 Legislative Branch appropriations bill. On July 9th, only 2 days after receiving the President's supplemental request, the Appropriations Committee ordered reported the Legislative Branch appropriations bill, which included the full amount for disaster relief, emergency firefighting, and emergency NASA needs sought by the President in his July 7th communication, as well as $100 million for a shortfall in AmeriCorps, a program which we were told the administration supports. The AmeriCorps amendment was voted on separately on the Senate floor and the funding was sustained by an overwhelming 71 to 21 vote. Susequently, the Legislative Branch appropriations bill, including the supplemental, was approved on July 11th by the full Senate by a vote of 85 to 7, and conferees were appointed.

So what is the situation? The administration was slow in sending up the emergency supplemental budget request. The Senate Appropriations Committee, under the leadership of Senator TED STEVENS, responded quickly, acting within 2 days of receiving the request. And, within 2 additional days, on July 11th, the measure was approved by the full Senate. We have been waiting for the other body ever since. It has been 2 weeks since we acted on this bill in the Senate. We are advised that the other body plans to depart for the August recess tonight.

What are we to do to cover the costs of recovering from disasters and fire emergencies for the remainder of the current fiscal year? FEMA has already stopped making payments to States for $400 million of infrastructure repairs in the 300 communities with outstanding natural disasters. Communities have already been forced to put projects for repairing damage from past disasters on hold.

In addition, if the Disaster Relief Fund is depleted by the end of July, which is just around the corner, that leaves 2 full months with no means of providing assistance to communities that may be hit hard by hurricanes, tornadoes, and other disasters or emergencies occurring in August and September. The Forest Service budget request of $253 million for fighting 42 major fires in 12 western States is needed now.

Furthermore, twenty thousand AmeriCorps volunteers will lose their positions if supplemental funding is not approved. AmeriCorps volunteers work in our schools teaching our children reading and math. They provide

care to our senior citizens, they help clean up our parks, they teach the Nation's children and adults to read, and they provide other valuable volunteer services to our communities. If we fail to provide the necessary funds for AmeriCorps, we will unnecessarily be punishing the volunteers, the communities that they serve and the children, elderly and the poor who benefit from the skills and energy of the volunteers.

Some 2 weeks ago, the Senate responded positively and in a timely manner to address these emergency requests. Now, the House is about to pass a stripped-down supplemental appropriations bill in the amount of $983 million just for FEMA disaster relief, thus ignoring the Senate's supplemental legislation enacted 2 weeks ago for wildfire fighting, NASA emergency funds, and AmercCorps funding.

I am distressed by the situation in which we find ourselves. It is not the fault of the Chairman of the Appropriations Committee, Mr. STEVENS. He has been trying to find a solution to this problem. The Senate has done its part to solve this problem. Citizens who find themselves victimized by natural disasters and wildfires, and those individuals and communities who would have benefited from the AmeriCorps program, do not appreciate the game-playing now taking place in the Congress.

Mr. President, I yield the floor. I again thank the distinguished Senator from Alabama.

HISTORY OF JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I think it is important, in light of Senator HATCH's remarks and some of the criticisms we have heard of his leadership in the Judiciary Committee a few days ago, that we recall a little history here on how we have handled judicial nominations in the past and why we are having problems today.

The criticism of Judiciary Committee Chairman ORRIN HATCH is simply unfair. He has stood foursquare for fairness, for constitutionality in the process, and for good public policy as we go about confirmations. That has been his record. When he chaired or was ranking member of the Judiciary Committee during the 8 years of President Clinton's administration, 377 Clinton nominees were confirmed to the bench. Only one nominee was voted down. No nominee was voted down in his committee. No nominee was filibustered in his committee.

When President Clinton left office, there were 41 judicial nominees who had not yet been confirmed by this Senate. That is a very good record compared to the situation when former President Bush left office. The Democrats controlled the Senate at that time, and 61 of former President Bush's judicial nominees were left unconfirmed. Those numbers are indisputable.

I know the distinguished Presiding Officer, Senator WARNER from Virginia, remembers the complaints in the Republican Conference that Senator HATCH had been too generous to President Clinton's nominees. Several Republican colleagues fussed at Senator HATCH, and Members were saying, ''you are moving too many,'' or, ''we need to block them,'' or, ''let's consider a filibuster,'' or, ''let's change the blue slip rules on circuit nominees,'' which would give individual Senators more power than they historically had to block Clinton nominees.

There was a conference set aside for the very purpose of resolving these issues. It was quite a battle. We discussed it for some time. Senator HATCH spoke passionately about the process, about what he thought the policy should be, about what he thought the law was, and about what he thought the Constitution required. We finally voted, and we voted not to filibuster and not to enhance the blue slip rule, thereby continuing the historic policies of this Senate. It was a very seriously contested matter. Senator HATCH argued passionately for his view, and at the time no one was sure how the vote would come out. But his arguments won the day.

It is worth considering some other history about the confirmation process.

In the entire history of the American Republic, it is indisputable that we have never had a filibuster of a circuit or a district judge. This tactic was used for the first time 2 years ago by the Democrats. They held a retreat not long after the 2000 election. The New York Times reported that a group of liberal professors met with the Democratic Senators, and they called on the Democrats to change the ground rules about confirmations, to ratchet up the partisanship. They had been complaining for 8 years that President Clinton's nominees weren't getting treated fairly. Overwhelmingly, I suggest, they were in error in those complaints. But in any case, instead of saying ''we are going to act better now that we are in charge''—they were in charge of the Senate for a little less than 2 years—the Democrats decided to change the ground rules and make it even more difficult for President Bush's nominees to be confirmed.

So let me tell you what they did. President Bush announced his first group of judicial nominations in May 2001. He nominated 11 superbly qualified lawyers. As a gesture of good faith, he included 2 Democrats among these 11 nominees. One, an African-American, had previously been nominated by President Clinton. These were men and women of extraordinary accomplishment, with high ratings by the American Bar Association, and with tremendous backgrounds.

For almost 2 years, only the two Democrats were moved promptly. Virtually all of the remaining nine of the eleven original nominees remained unconfirmed by 2002. They were not even voted out of committee. They were blocked in committee.

The Democrats appeared to change the burden of proof—now, the judicial nominee seemed to bear the burden of proving that he or she was worthy of the judicial service. The chairman of the Courts Subcommittee then said that this would change the basic ground rules for confirmation.

The Democrats also insisted on changes in the blue slip policy. The blue slip policy allows home State Senators certain powers to object to the confirmation of Presidential nominees. The Democrats wanted to enhance that blue slip policy in order to block President Bush's nominees. They complained about it when President Clinton was in office and said it was wrong to use it as Republicans were properly doing. But when President Bush sent up nominees, they wanted to enhance the power of an individual Senator to block the President's nominees.

And then, of course, the Democrats started filibustering. They have already filibustered Priscilla Owen and Miguel Estrada. Both of those extraordinarily qualified nominees languish on the floor today. Both were given a unanimous well-qualified rating by the American Bar Association—a man and a woman of extraordinary achievement, great legal experience, superb legal ability, and unquestioned integrity. Yet the Democrats chose to filibuster each—the first filibusters in the history of this country for a circuit judge nominee.

Now, we have begun to see slowdowns in committee. The Democrats effectively have begun to try to filibuster in committee. They misinterpreted Rule IV of the Judiciary Committee rules, saying the chairman could not call a matter up for a vote unless at least one member of the Democratic minority agreed.

That rule was put in to make sure that a chairman had to bring a matter up for a vote, whether the chairman wanted to do so or not, when there were ten overall votes in favor, including at least 1 member of the other party. This rule is a limit on the power of the chairman. It did not stand for the novel proposition that, if the Democrats stuck together, no Republican nominee could be brought up for a vote.

To say that rule IV should be interpreted the way the Democrats on the committee are now complaining would mean the chairman couldn't bring any matter up for a vote without minority support—that a minority in committee could block any nomination moving out of committee. This interpretation is a recipe for disaster: a chairman has to be able to get a matter up for a vote, or the committee cannot do business.

Senator HATCH interpreted the rule as he is empowered to do. The majority of the committee, not to mention two parliamentarians, supported him on that. We should not and are not going to have filibusters in the Judiciary Committee that keep judges from even having a vote in the Judiciary Committee.

I just want to say to my fellow colleagues that it is not correct that Chairman HATCH is acting unfairly. Chairman HATCH has acted with principle in this matter. He brought Clinton nominees to the floor, and he moved them forward, even when some of us objected. Even when Senator HATCH himself may have objected on the merits, those nominees got votes.

Take, for example, the Richard Paez nomination, which I opposed. Several people had holds on that nomination. Some wanted to see if we could work with President Clinton to get some more mainstream nominees for the Ninth Circuit Court of Appeals. We were hoping to negotiate with him on that, as we tried to do with other things. Finally, the Republican Majority Leader, TRENT LOTT, said: It is time for this man to have an up-and-down vote. File for cloture. He filed for cloture, and I supported cloture. ORRIN HATCH supported cloture. TRENT LOTT supported cloture. When Paez was voted on, I am pretty confident that TRENT LOTT voted against him, just as I voted against him. Several dozen votes were cast against him.

I note parenthetically that now-Judge Paez was part of a panel of the Ninth Circuit that overturned the ''three strikes'' law in California. That panel was overruled by the U.S. Supreme Court earlier this year. Judge Paez was also part of the panel that declared the Pledge of Allegiance unconstitutional because it had the words ''under God'' in it.

Notwithstanding indications of such judicial activism during his confirmation hearing and process, Judge Paez was confirmed. He got his up-or-down vote. The Republican leadership moved the nomination forward.

That is all we are asking of the Democratic leader, TOM DASCHLE, with respect to Miguel Estrada and Priscilla Owen. Instead, it looks like we may be heading toward more filibusters. I certainly hope not.

Of the many reasons why we shouldn't have a filibuster, an important one is the Article I of the Constitution. It says the Senate shall advise and consent on treaties by a two-thirds vote, and simply ''shall advise and consent'' on nominations.

Historically, we have understood that provision to mean—and I think there is no doubt the Founders understood that to mean—that a treaty confirmation requires a two-thirds vote, but confirmation of a judicial nomination requires only a simple majority vote. That is why we have never had a filibuster. People on both sides of the aisle have understood it to be wrong. They have understood it to be in violation of the Constitution.

As Senator HATCH has said, the complaint suggesting there was a filibuster on the Fortas nomination is not really correct. They had debate for several days. Apparently, when the votes were counted, it was clear that considering those who were absent, there were enough votes to defeat the nomination, and the nomination was withdrawn.

So there has never really been a filibuster of a judicial nominee in the Senate until now, when our Democratic colleagues have decided to change the ground rules on confirmation. They have said so and done so openly, and seem to be little concerned that the Constitution may be violated in the process.

Mr. President, these nominees are entitled to an up-and-down vote. If a Member does not like them, he or she can vote against them. But it is time to move these nominees. How can they defend voting against nominees of the quality of Priscilla Owen or Miguel Estrada? How can they justify opposing a man of such integrity, ability, patriotism, and courage as Attorney General Bill Pryor, a man of faith and integrity? These are questions that should be answered on the floor. Let us discuss these nominees' records here. And then, let us just vote. That is what the Constitution and Senate tradition demand of us.

I think the American people are getting engaged, and they are telling us ''we are tired of obstructionism,'' ''we are tired of delays,'' and ''we believe these nominees deserve an up-and-down vote.'' I could not agree more.

I yield the floor.

RECESS UNTIL MONDAY, JULY 28, 2003, AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m. on Monday.

Thereupon, the Senate, at 3:35 p.m., recessed until Monday, July 28, 2003, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2003:

THE JUDICIARY

JANICE R. BROWN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE STEPHEN F. WILLIAMS, RETIRED.

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE LAURENCE H. SILBERMAN, RETIRED.

NUCLEAR REGULATORY COMMISSION

JOHN JOSEPH GROSSENBACHER, OF ILLINOIS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2004, VICE RICHARD A. MESERVE, RESIGNED.

JOHN JOSEPH GROSSENBACHER, OF ILLINOIS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2009. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

INTRODUCING THE DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY ACT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PLATTS. Mr. Speaker, I am pleased to rise today to introduce the Department of Homeland Security Financial Accountability Act.

The purpose of this bill is to ensure that the new Department of Homeland Security is subject to the same financial management and accountability requirements as all other cabinet-level departments. This requires adding the new Department to the list of agencies that are covered by the Chief Financial Officers (CFO) Act of 1990 and making adjustments to provisions of the Homeland Security Act of 2002 to make it consistent with the CFO Act. These changes will put the Department's CFO on the same footing as the CFOs at the rest of the cabinet-level departments by ensuring that the Department's CFO is a presidential appointee subject to Senate confirmation, that the CFO reports directly to the Secretary, and that the CFO is a part of the statutorily created CFO Council.

The CFO Act of 1990 increased federal accountability by enacting much needed financial management reforms. Among the most important of these reforms was the establishment of a new leadership structure for federal financial management within the 24 largest departments and agencies as well as within the Office of Management and Budget. The CFO Act created 24 chief financial officers for the major executive departments and agencies as well as 24 deputy CFOs. The CFOs in the 14 cabinet-level departments, the Environmental Protection Agency, and the National Aeronautics and Space Administration are filled by presidential appointees, confirmed by the Senate. These CFOs serve as the leaders of financial management in these departments and agencies. The Department of Homeland Security, as one of our most important departments, should be in this framework.

The newly created Department of Homeland Security is one of the most significant government reorganizations in the history of the United States. The Department faces the challenge of merging 22 agencies, 17,000 employees, and hundreds of computer systems and management processes. As the Chairman of the Subcommittee on Government Efficiency and Financial Management, I have seen how ineffective strategic planning can result in systemic problems in an agency's financial management. The Department of Defense is a good example of a situation where years of insufficient coordination among business units, improper financial planning, and the use of stove piped information systems has resulted in the inability of the Department to obtain a clean annual financial audit or fully account for the way it spends its budget. No one wishes to see these same mistakes made at the Department of Homeland Security. That is why it is extremely important to instill solid financial management practices in the Department from its inception through the establishment of a strong CFO that is on equal footing with the other CFOs at cabinet-level departments.

Mr. Speaker, the Department of Homeland Security Financial Accountability Act makes important, common sense changes to the CFO position at the Department of Homeland Security. It is a good government measure that benefits the American taxpayer. I urge my colleagues to join with me in seeking prompt enactment of the bill.

WELL DONE, SPECTRUM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to commemorate the accomplishments of the SBC/Ameritech employee group SPECTRUM, which holds its annual dinner August 3 in Milwaukee, Wisconsin.

SPECTRUM has been successful in achieving its goals to provide a supportive, diverse, accepting, and respectful work environment for all employees regardless of sexual orientation. Their work both within and outside of their company has served to improve the perception of SBC within the LGBT community and the community as a whole. SPECTRUM has successfully been able to secure company benefits for domestic partnerships. The group should be commended for its perseverance and ability to work with SBC to come closer to achieving SBC's Diversity Vision.

SPECTRUM has done a fine job of celebrating diversity as well as ensuring that rights and benefits in the workplace are applied equally and without discrimination. Groups that promote diversity and equal rights in the workplace are an important part of promoting tolerance and awareness. Organizations such as SPECTRUM have gone to great lengths to secure equal and fair treatment of employees through equal benefits and fair opportunities regardless of factors such as sexual orientation. Although much more work still needs to be done, SPECTRUM has led the way by working with SBC and its employees to set a wonderful example of what should be accomplished in all workplaces and throughout the entire United States.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. KIND. Mr. Speaker, on Wednesday July 23, 2003 I was unable to record my vote on final passage of H.R. 2800, the Foreign Operations Appropriations bill for FY04, and the four recorded votes on amendments immediately preceding. My unfortunate and unavoidable absence was due to the fact that I fell very ill earlier in the evening.

Had I been able to vote I would have voted the following: Rollcall No. 425: ''yes,'' Rollcall No. 426: ''yes,'' Rollcall No. 427: ''no,'' Rollcall No. 428: ''yes,'' and Rollcall No. 429: ''yes.''

REGARDING TURKEY'S INVASION OF CYPRUS 29 YEARS AGO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SMITH of New Jersey. Mr. Speaker, twenty-nine years ago—on July 20, 1974—the Republic of Turkey invaded the independent Republic of Cyprus and seized control of more than one third of the island. In 1983, Turkey declared the seized territory to be the ''Turkish Republic of Northern Cyprus.'' For two decades this entity has received diplomatic recognition only from its creator and protector the Republic of Turkey. United Nations observers are deployed, and the 113-mile barbed wire fence known as the ''Green Line'' continues to divide the island.

The United States has supported efforts by the United Nations to address the continued division. Though not accepted by both sides, the latest plan, the Annan Plan, remains on the table for consideration. Both Greek and Turkish Cypriot leaders have met trying to resolve their differences on this issue.

Over the last several years, the Helsinki Commission, which I chair, has held two briefings focusing on Cyprus. We have heard optimism from some witnesses, and skepticism from others. But the common thread throughout the testimonies has been that Cyprus has been divided too long and must come together to move into the future.

In April, the Green Line was opened to private individuals and groups and their automobiles, and Cypriots flocked across by the thousands into areas denied them for over a generation. Although required to return home each day, families have been able to visit their pre-war homes. In an effort to develop trade between the two areas, the Government of Cyprus announced in June that it would permit Turkish Cypriot trucks carrying goods from the north to cross into the south. The trucks are inspected in accordance with European Union regulations and the laws of the Government of Cyprus Transport Department, which will issue permits to the drivers for the transport of goods, and various fees have been reduced or abolished.

Thus, while we observe the anniversary of a bleak day in the history of Cyprus, we do so in the light of optimism. The people of Cyprus have made clear their desire to overcome the legacy of the past and move toward some

sense of normalcy after decades of division. Regrettably, intransigence on the Turkish Cypriot side remains a formidable obstacle to ending the artificial division of Cyprus. We must encourage and support the efforts of open-minded reformers. I am hopeful that negotiations will resume under the auspices of the United Nations Good Offices Mission for Cyprus and that a new generation of Cypriots will have the opportunity to exercise their fundamental freedoms, including freedom of movement, and enjoy economic prosperity in their own land.

METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my House colleague, Delegate ELEANOR HOLMES NORTON today, in introducing the ''Metropolitan Washington Regional Transportation Act.''

No one would expect the road system and limited transit service that existed in the 1970s to serve us today. Yet much of the transportation infrastructure in this region was designed and built more than 30 years ago and has already reached the saturation point. A disruption on any single thoroughfare, be it rail or road, can overwhelm other roadways and shut down the entire region. Rush hour conditions in this region are becoming a 24-hour phenomenon. For more than a decade we have suffered some of the worst traffic congestion in the nation. According to the Greater Washington Board of Trade, this increased commuting time and congestion costs each man, woman, and child in the region close to $1,600 for each rush-hour driver in lost time, wasted fuel, and environmental damage. Long commutes and traffic congestion have also become quality-of-life issues to area residents, robbing many families of the one commodity Washingtonians never seem to have enough of—time.

Some drivers facing a longer commute have even become a safety hazard as they race recklessly to cut a precious few minutes from their daily commute. For those who lack cars, the distance between employment opportunities and affordable housing has grown more and more difficult to traverse. Our economic prosperity and quality of life hinge on improving our congestion problem.

Unfortunately, as we look to the future the traffic situation only grows worse. Even with the increase in Federal funds that Virginia, Maryland and DC will receive under legislation reauthorizing Federal surface transportation programs, ''TEA–21,'' this region will still fall seriously short of meeting the growing demand for transportation improvements. For the period of 1990 through 2020, this region can expect both a 43 percent increase in population and a 43 percent increase in employment. This growth and increased dependency on the automobile is expected to increase, by 79 percent, the number of vehicle miles traveled in the region by 2020. The Board of Trade estimates that transportation spending is expected to fall short of the region's transportation needs by more than $500 million annually.

Any solution to current and future congestion demands strategic investment in both our road and mass transit system. It demands better land use and planning decisions and better interjurisdictional cooperation. And it also demands that this region come together and raise additional revenue to finance priority transportation projects that will provide immediate congestion relief. It may not be a popular idea, particularly in light of Northern Virginia's failed attempt to enact a regional sales tax for transportation improvements. I think the key to success, however, is with some healthy Federal incentives that encourage this region to do more.

The legislation I am introducing provides a new option to help the metropolitan Washington region more effectively address its transportation needs. It has seven key elements: it turns the National Capital Region Transportation Planning Board into a regional transportation authority with the power to issue bonds, receive Federal grants and local funds; it directs the new authority to develop a list of critical congestion relief projects that have not been funded under current and forecasted Federal, State, or local transportation plans; it directs the authority within two years to contract out through the States, local governments or the private sector to build the approved list of projects; it allows tolls on interstate highways for the purposes of building more HOV and new HOT lanes; it grants consent to the metropolitan Washington region jurisdictions to enter into an interstate compact or agreement to create a more permanent authority that would help meet the region's long-term transportation needs; it provides $100 million annually in Federal grants to leverage more State and local funds; and it provides $5 million annually for expanding the network of non-motorized trails within the region.

This legislation provides the framework under which regional transportation needs could be addressed. It requires consultation with State and local officials at every level and in an effort to win State support, the legislation preciously guards State control of both the corporation and the authority through veto power. It does not raise anyone's taxes, but it does provide a mechanism or a ''vehicle'' through which the local jurisdictions could coordinate and commit future revenues to finance the construction of specific transportation projects that otherwise will not get built or built anytime soon.

The ''Metropolitan Washington Regional Transportation Act'' gives us a choice and helps start a debate on how we should take control and improve our future transportation system and improve our quality of life. Our failure to act and meet our transportation needs will have a much higher cost. The Board of Trade places the cumulative regional economic losses from the failure to meet our transportation needs in the year 2020 at between $70.2 billion to $182 billion. That economic loss includes: a 350 percent or $345 million increase in shipping costs; $1.3 billion to $2.6 billion in higher warehousing and inventory costs; $1,365 per household, per year, higher consumer costs; and more than $1,000 per household, per year, in higher personal travel costs.

In the past, leaders from this region have shared a vision and worked together successfully to address important transportation needs, through such institutions as the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, and the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments. We need a similar vision to carry us forward another 30 years. The Metropolitan Washington Regional Transportation Act will help us craft this vision.

JOHN DAVID GARCIA

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BRADY of Texas. Mr. Speaker, I rise to share with you the personal motto of Deputy Constable John David Garcia, a brave law enforcement officer from Magnolia, Texas, who tragically lost his life in the line of duty one week ago today.

''Always do right. This will gratify some, and astonish the rest.''

These words were written on the back of a Magnolia Deputy Constable's ''officer trading card.'' What make these words so special are not only the meaning, but also the fact that this officer lived by them each day that he protected and served the people of Texas. Garcia was killed in a tragic car accident, on July 17, 2003 while patrolling just outside the city of Magnolia in Montgomery County, Texas.

Born July 25, 1969, Deputy Garcia was a young officer who began his career in law enforcement in 1997, and had been with Precinct 5 since 1999.

Everyone will remember John David Garcia differently. To some, he will be remembered as one of the finest officers in Constable David Hill's precinct—always giving 110 percent. All of Deputy Garcia's fellow law enforcement officers will remember him as a person who was eager and willing to serve, especially with his service to the Hispanic community in the area.

Most importantly, he is known as a loving husband, father, son, and friend. Deputy Garcia leaves behind his wife, Shannon, and 14-year-old daughter, Patricia. Our thoughts and prayers go out to his family and friends during this time.

Deputy Garcia's dedication and values are reflected in his personal creed and the life that creed embodied.

Mr. Speaker, please join me today in honoring the life and service of Deputy John David Garcia. All residents of Montgomery County, Texas and the 8th Congressional District are grateful for his service and dedication.

IN RECOGNITION OF THE 29TH ANNIVERSARY OF THE TURKISH INVASION OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ANDREWS. Mr. Speaker, I rise today in recognition of the 29th anniversary of the Turkish invasion of the Republic of Cyprus, which occurred on July 20, 1974. It is my firm

hope that these Turkish occupying forces, which are still stationed in the northern third of the island, will soon be withdrawn, thus allowing Greek and Turkish Cypriot compatriots to live in peace and unity in the absence of this needless military presence.

For the past 29 years, Cyprus has been a nation divided. Despite the strong desires of Greek Cypriots to return to the homes that they have been barred from since the initial invasion, and the expressed desires of an overwhelming majority of Turkish Cypriots to reunify the island so that all Cypriots can enjoy the benefits of EU membership, the Republic of Cyprus remains torn. There have been recent advancements, such as the signing of the EU Accession Treaty, the partial opening of the Green Line, and the package of measures that was designed and implemented by the Greek Cypriots with the intention of assisting their Turkish-Cypriot neighbors, but none of this has led to the ultimate goal, which is the peaceful reunification of the island. The United Nations, under the leadership of Secretary General Kofi Annan, made a sincere effort at encouraging negotiations between the two sides prior to the signing of the EU Accession Treaty, but the obdurate leader of the Turkish-Cypriots, Rauf Denktash, failed to cooperate. Thus, the division remains.

The failure to reunify the island is certainly not due to a lack of interest shown by the people of Cyprus. Compelled by desires to return to the lands they have been evicted from since the Turkish invasion of 1974, Greek-Cypriots continue to support efforts to reach a settlement through negotiations. Likewise, Turkish-Cypriots have come out in great numbers to demonstrate against their leader's negative approach in hopes of someday reuniting their country and gaining all of the benefits that come with EU membership. Mr. Speaker, I feel that it is vitally important for the United States government to continue its strong support and encouragement of the Cypriot community as they continue their push towards reunification.

I recently introduced a resolution into the House, H. Res. 320, which calls for the immediate withdrawal of the Turkish troops of occupation from the Republic of Cyprus. Given the recent advancements that have been made, I feel that the removal of occupational forces would be an appropriate and meaningful step to continue the momentum towards reunification of the island. With over 30,000 troops currently stationed in Cyprus, the island is one of the most militarized countries in the world, and this is clearly not conducive to peaceful negotiations. I strongly urge each of my colleagues in the House to join me in support of this positive step, and to cosponsor this resolution.

It has been 29 long years since the Republic of Cyprus was first divided by the illegal occupation of Turkish military forces. For 29 years Greek-Cypriots have been barred from the northern portion of their homeland, and Turkish-Cypriots have lived through economic hardships under an illegitimate government. Mr. Speaker, I firmly believe that the time has come for the Republic of Cyprus to be reunified, and I urge my colleagues in the House to join me in support of all efforts towards this end.

IN TRIBUTE TO BERT BOECKMANN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Bert Boeckmann, a close friend, who is being honored tonight for his many years of service to the Los Angeles Police Department and a lifetime of service to the community.

Bert Boeckmann proved his business acumen at an early age. He began selling automobiles at Galpin Ford in 1953 and by age 26 was general manager of the company. As vice president in 1960, he began purchasing company stock. Four years later he became president and majority stockholder. By 1968, the buyout was complete. Galpin Motors now employs more than 835 people and includes not only Ford, but also Saturn, Jaguar, Mazda and Volvo dealerships.

Bert also owns, partners or serves as board chairman in a slew of other companies spanning the spectrum from real estate development, to ranching, to mining to communications.

As anyone who has had dealings with one of Bert's companies can tell you, he has built his success on a recipe of moral character and ethical standards that are rewarded at every level. It works. For 30 of the past 34 years, he has been the Number One profitmaker for Ford Motor Company. For the past 11 years, he has ranked Number One nationally in Ford retail car and truck sales. About 87 percent of Galpin's sales are to customers who are either repeat customers, referrals from customers, or heard about the Galpin reputation.

Bert has given equal energy to bettering his community. He set a precedent by being appointed as a Los Angeles Police Department commissioner by three consecutive mayors. In addition to his Police Department service, which spans three decades, he served as a State of California New Motor Vehicle Board director, on the Mayor's Select Blue Ribbon Committee on Budget & Finance, and is president of the Municipal Improvement Corporation of L.A. He donated a major collection of 80,000 volumes of Spanish language books to the University of Southern California, including the complete history of Central and South America, and created an annual endowment to catalog and maintain the collection.

He has served on the executive board of the Boy Scouts of America since 1965, as a director of the San Fernando Valley Business and Professional Association since 1972, and supported Chambers of Commerces, universities and high schools, and many, many more civic, educational, church and business organizations.

Not surprisingly, Bert Boeckmann has won numerous prestigious awards for his business acumen and community service. To highlight only a few: the Jack Webb Award presented by the Los Angeles Police Department Historical Society, the Albert Schweitzer Award from the Hugh O'Brian Youth Leadership Foundation, and the Presidential Citation for Private Sector Initiatives, presented by President Reagan and Vice President Bush at a special Rose Garden Ceremony.

Mr. Speaker, Bert Boeckmann's life and success proves that ethical and moral capitalism is not only good business, but benefits everyone in the community. I know my colleagues will join me in paying tribute to Bert Boeckmann and thank him for a lifetime of service.

RECOGNIZING THE MISSION OF THE DIAGEO IRAQ HUMANITARIAN AIRLIFT TEAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today, to recognize and pay tribute to the effort of the Diageo Iraq Humanitarian Airlift Team, who in four days, covered 12,000 miles, and delivered school supplies, hygienic and food products to the children of Iraq. The Diageo Iraq Humanitarian Airlift, one of the first U.S. corporate humanitarian missions into Iraq, provided 90,000 pounds of aid and supplies to improve the health and lives of thousands of Iraqi children.

As a project endorsed by both U.S. Defense Secretary Donald Rumsfeld and Commanding General Tommy Franks, this team of Diageo employees and Ground Zero Heroes—current and former New York City Firefighters and Policemen who provided emergency services on September 11th—left for Baghdad on June 22, 2003. This humanitarian team flew from New York to Amsterdam, where they loaded a DC–8 cargo transport plane with supplies that included such things as school materials, infant formula, milk powder, rice and sugar. With temperatures exceeding 115 degrees, the cargo plane carrying these supplies touched down at the Baghdad International Airport. In a city mostly without power and water, the Diageo Iraq Humanitarian Airlift volunteers visited among thousands of small children suffering from malnutrition, severe dehydration and other illnesses at the Habibya Children's Hospital and the Pediatric ward, formerly the Saddam Pediatric Hospital. These supplies have not only helped improve the health of these children, but have offered some relief to the many troubled parents who cannot afford the basic needs for their children.

The Diageo Iraq Humanitarian Airlift, marks the second time Diageo has embarked on a humanitarian airlift. In December 2001, New York Fire Department and Police Department officers participated in the Diageo ''Ground Zero to Ground Zero'' airlift taking food and emergency relief supplies to an orphanage in Kabul, Afghanistan.

Mr. Speaker, I ask that my colleagues join me today in thanking the volunteers of the Diageo Iraq Humanitarian Airlift and Diageo North America, who represent the finest and most compassionate qualities of America.

HONORING THE VILLAGE OF JUSTICE, ILLINOIS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LIPINSKI. Mr. Speaker, I rise tonight to salute the men and women of Justice, Illinois

for their act of positive Americanism. Led by Mayor Mel VanAllen, Clerk Kathleen Svoboda, and my good and longtime friend Jeff Kranig, the village of Justice planned, organized, and presented a magnificent celebration of Americanism dedicated to our men and women fighting terrorism and defending our Nation and people around the world.

This four-day long celebration included athletic events, cultural events, educational events, and culminated in a great parade and awards ceremony for the youth of the community. I was fortunate enough to be selected as parade marshal for this first annual Patriots weekend. I wish to thank the citizens of Justice for this great honor and express my sincere appreciation to them for all their hard work and dedication that brought this patriotic event to fruition. All residents of Justice should be very proud of their contribution to this unique and very special event.

In closing, let me say my Tricorner hat is off and my trusty old colonial musket is raised in salute to the Mayor, the clerk, my old friend Jeff, and the residents of Justice, Illinois.

COMMENDATION AND RECOGNITION FOR MERCATUS CENTER'S REPORT ON THE ''TRANSPARENCY OF ANNUAL PERFORMANCE AND ACCOUNTABILITY REPORTS FROM THE 24 FEDERAL CFO ACT AGENCIES''

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PLATTS. Mr. Speaker, as Members of Congress, we are accountable not only to the constituents who elected us, but to all American taxpayers. We are responsible for making informed decisions, that incorporate a base of knowledge. The Mercatus Center at George Mason University provides a valuable, objective, independent evaluation to Members of Congress and taxpayers, by reviewing the annual performance reports of the 24 CFO Act agencies and ranking them according to three criteria: transparency, public benefit, and forwardlooking leadership. Mercatus evaluates the Annual Performance and Accountability Reports of each of these Agencies to determine how transparently an agency reports its successes and failures, how well an agency documents the tangible public benefits it claims to have produced, and whether an agency demonstrates leadership that uses annual performance information to devise strategies for improvement.

Their analysis and the report I submit to the CONGRESSIONAL RECORD, allows us as Members of Congress to have a common understanding about which agencies report to the public most clearly. Their analysis also allows agencies to learn from their colleagues how best to present useful data about the performance of their organizations. Armed with this report, and upon reviewing performance information provided by agencies, we can and must determine appropriate resource allocations, based not on the amount appropriated and spent last year, but on what benefit was earned from this expenditure. We owe it to the people who pay our salaries, to demonstrate the public benefit created with the money entrusted to us. And where the government is a poor steward of funds, we must intervene to improve the Federal Government's role in providing efficient and effective service to the American people.

I commend the Mercatus Center's report to my colleagues.

EXECUTIVE SUMMARY

Public disclosure is the mechanism used to report on performance to those who are entitled to know. In this Scorecard we assess how effective reports of the agencies of the federal government are in disclosing pertinent information to the American people. We review these reports with the mindset of ordinary citizens, who are interested in looking for the benefits that the agencies provide and the effectiveness of the agencies' efforts. Thus, our research efforts emphasize an assessment of an agency's transparency of communications with the general public, identification and assessment of the public benefits it provides, and its leadership vision for the future.

In an era of increased demand for accountability, disclosure and transparency, the government has a responsibility to supply the American people with quality disclosures on the public benefits it provides. Clear, descriptive disclosure of the public benefits provided by governmental agencies allows ordinary citizens to understand the strategic goals and assess the agencies' performance relative to those goals.

Annual performance and accountability reports are one avenue for agencies to communicate with both citizens and policymakers. The purpose of this Scorecard is to encourage improvement in the quality of reporting on results achieved by government agencies. We do this by evaluating and ranking (1) how transparently an agency reports its successes and failures; (2) how well an agency documents the tangible public benefits it claims to have produced; and, (3) whether an agency demonstrates leadership that uses annual performance information to devise strategies for improvement.

Researchers at the Mercatus Center at George Mason University conducted our fourth annual evaluation of the reports produced by the 24 agencies covered under the Chief Financial Officers Act, using similar criteria to evaluate the fiscal year (FY) 2002 performance and accountability reports. By assessing the quality of agencies' reports (but not the quality of the results achieved), we wish to learn which agencies are supplying the information that Congress and the public need to make informed funding and policy decisions. The importance of quality reporting has taken on added significance in light of the President's Management Agenda that highlights the intent to use agency performance information to make budget decisions.

Best Reports: For FY 2002, the Department of Labor (Labor), the Department of Transportation (Transportation), the Small Business Administration (SBA), and the Department of Veterans Affairs (Veterans) produced the highest rated reports. Three of these agencies, Department of Labor, Department of Transportation, and the Department of Veterans Affairs were rated the top three agencies for FY 2001 as well. The SBA joins their ranks this year.

Reports Most In Need Of Improvement: The Department of Defense (Defense), U.S. Agency for International Development (USAID), the Department of Health and Human Services (HHS), and the Department of Energy (Energy) earned the lowest rankings for FY 2002.

Most Improved Reports: Eleven agencies improved their scores from FY 2001 to FY 2002. Of these, the Small Business Administration, the Federal Emergency Management Agency, and the Department of State showed the most improvement in their rankings. The Small Business Administration moved from 16th to 3rd in the rankings, the Federal Emergency Management Agency jumped from 19th to 8th, and the Department of State moved from 20th to 11th.

Most Common Strengths: (1) accessibility of reports, and (2) clarity of reports.

Most Common Weaknesses: (1) weak or missing explanations of failures to achieve strategic goals, and (2) lack of well-articulated descriptions of changes in policies or procedures to address weaknesses or failures.

Mixed results: The average score of the 24 reporting agencies was 30, a 4.1 percent increase for FY 2002 reports compared to FY 2001. The average scores for seven of the twelve criteria improved this year, led by improvements of 26.9 percent for accessibility and 19.7 percent for better explanations of the linkages between the agencies goals and results to their costs. However, on average, agencies did not make progress in several areas, particularly in providing quality trend data (decline of 13.0 percent) and clearly articulating their goals and objectives as outcomes (decline of 9.9 percent).

Scorecard Rankings for FY 2002 (1) Labor; (2) Transportation; (3) SBA, Veterans; (5) Commerce; (6) EPA, Interior; (8) FEMA; (9) NRC, SSA; (11) State; (12) Agriculture, Education, GSA, Justice, NASA, OPM; (18) HUD, NSF, Treasury; (21) Energy, HHS; (23) USAID; and (24) Defense.

INTRODUCTION

Following the passage of the Government Performance and Results Act of 1993 (GPRA), federal agencies developed strategic plans, performance plans, and performance reports to explain what they are trying to accomplish, identify performance measures, and report on their results. A new reporting requirement for FY 2002 requires agencies to prepare and submit a combined performance and accountability report. The combined Performance and Accountability Report includes the strategic plans, performance plans, and performance reports previously included as well as a financial section, which incorporates the audited financial statements and report of the Office of Inspector General (OIG) on serious management challenges.

President Bush's FY 2002 budget proposal called upon the federal government to produce better results for citizens by enhancing accountability for dollars collected and dollars spent. The administration also began using information on agency performance in the FY 2003 budget for a selected set of programs, a practice that has been expanded for the FY 2004 budget. Performance-based budgeting means that money will be allocated not just on the basis of perceived needs and policy priorities, but also according to the federal government's ability to address those needs and priorities effectively. Program proponents will have to demonstrate that the particular programs actually accomplish their stated goals.

For performance-based budgeting to work, performance information has to be transparent, accessible, and reliable. GPRA and its amendments require federal agencies to produce annual performance reports. The purpose of these reports is to give Congress and the American people accurate and timely information that will let them assess the extent to which agencies are producing tangible public benefits. In line with expectations under the legislation, agencies published their first reports (for FY 1999) in spring 2000, the second series in spring 2001 (covering FY 2000), the third series in spring

2002 (covering FY 2001), and the current series in spring 2003 (for FY 2002). Beginning with FY 2002 reports, agencies are required to consolidate their performance reports with financial reporting information in a combined Performance and Accountability report. With society's increased emphasis on accountability, transparency, and disclosure, it is incumbent on the federal government and its agencies to meet the highest standards in their external reporting efforts. Effective accountability in public service requires that agencies present a comprehensive, concise, accurate, and reliable assessment of the benefits created for the public, as well as the costs of producing those benefits. Equipped with such information, the administration and Congress can allocate federal resources in ways that continually advance government's contribution to citizens' quality of life (The Mercatus Center has developed a seven-step process, called ''Outcome-Based Scrutiny,'' that provides a framework for comparing the results and costs of programs with similar objectives and assessing the likely impact of reallocating resources to the most effective programs. For a pilot study applying Outcome-Based Scrutiny to federal vocational training programs, see http://www.mercatus.org/governmmentaccountability).

To help policymakers assess this year's reports and agencies improve the quality of future reports, a Mercatus Center research team evaluated the reports produced by the 24 agencies covered under the Chief Financial Officers' Act. This marks the fourth year that researchers at the Mercatus Center's Government Accountability Project have evaluated agencies' reports. It is our goal that this annual assessment will not only help to inform decision makers, but that it will also inform the American people more generally. By promoting the American spirit of competition and accountability and applying it to government performance reporting, it is also our hope that agencies can and will improve the quality and cost-effectiveness of the services they deliver.

INTERPRETING OUR FINDINGS

It is important to emphasize that our research team evaluated only the quality of reporting, not the quality of results. Therefore, it would be a mistake to conclude that the agencies with the highest-scoring reports necessarily produced the best results for the country. Ideally, an agency's report reflects more about its managers' capabilities than just their ability to write reports. Instead, a high scoring report reflects an agency's ability to translate what it does into understandable and meaningful results that Americans can appreciate.

Similarly, it would also be inappropriate to draw policy conclusions from our analysis. We offer no recommendations on whether the federal government should or should not be engaged in its current menu of activities.

So what do the findings in this study really mean? By assessing the quality of agency reports, we are trying to evaluate the agencies that are supplying the information that Congress and the public need to make informed funding, budgeting, and policy decisions. An additional word on information quality is also in order. Our researchers assessed the quality of each report's disclosure of data verification and validation procedures. In the interest of producing a timely study, we did not, however, verify the performance information cited in each agency's report. Given the importance of accurate data for sensible decisions, we believe that verification and validation should be a high priority for Inspectors General, Congress, the General Accounting Office, and the Office of Management and Budget.

For the complete report, visit the Mercatus Center's Government Accountability Project website at www.governmnentaccountability.org.

HONORING DONALD SCHNEIDER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to honor Donald Schneider, who served as the Chief Clerk of the Wisconsin State Senate for 26 years.

As the longest-serving Chief Clerk in Wisconsin's history, Don Schneider worked under three Democrat and three Republican majorities. Although it is impossible to quantify his rich legacy, I honor him most for three reasons: his dedication to bring cutting edge technology to the Senate, his expertise in legislative organization, and his non-partisan cooperation in serving the body.

During his tenure, Schneider was instrumental in the modernization and automation of the Senate. The Senate's increased technology allowed for increased efficiency and increased public accessibility. In a world of ever-advancing technology, Schneider's commitment of keeping the Senate technologically current was crucial to the performance of its function.

Secondly, Schneider is recognized both within Wisconsin borders and beyond for his authority in the fields of legislative organization and legislative institution development. This reputation extends nationally and internationally, culminating in his acceptance of the Joseph A. Beek Distinguished Service Award from the American Society of Legislative Clerks and Secretaries in 1998.

Perhaps most importantly, Schneider is honored for his professionalism and nonpartisanship. His collaboration with both sides of the aisle induced the respect that Republicans and Democrats alike feel for him, translating into his lengthy tenure under both majorities. Mr. Schneider's character served to advance and facilitate the legislative function of the Senate both on the floor and behind the scenes.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Mr. KIND. Mr. Chairman, I rise today to thank the Committee for including in the report on the Fiscal Year 2004 Foreign Operations Appropriations bill language reiterating its support for the East Central European Scholarship Program (ECESP). This program has operated successfully for a number of years at the University of Wisconsin-La Crosse and has had positive impacts not only in the various Balkan nations on which it is focused, but also on the La Crosse campus of the University of Wisconsin.

As we look at the situation in Iraq and Afghanistan today, it is clear how critically important it is that we work to ensure that nations taking shape in the aftermath of conflict have the human resources to sustain democratic institutions and free market economies. Over the past 14 years, ECESP has conducted technical training for democratic institution building, health care administration, and financial sector management, among other fields. The program's efforts have resulted in strengthened skills and understanding for over 1200 administrators, managers and government leaders. ECESP alumni include members of national parliaments and the European Council, bank examiners of central banks, hospital administrators as well as administrators of nongovernmental and non-profit organizations.

From 1989 until 1998, ECESP focused its work in the Czech Republic, Hungary, Poland, and Slovakia, assisting in the systemic reforms required for integration into the European community. Since 1998, ECESP has been engaged in similar efforts focusing on Albania, Bulgaria, Macedonia and Romania. I look forward to working with USAID, institutions of higher learning, and my colleagues in Congress to help expand this program model in the former Soviet Republics and Central Asia, as recommended by a recent USAID funded evaluation, and explore similar possibilities in the Middle East.

Over the last decade, the University of Wisconsin-La Crosse, through ECESP, has been able to provide training to some 300 financial managers from all of the participating ECESP countries. That training has provided these managers with expertise in bank risk management, financial management, and supervision of financial institutions, all of which are critically important to stable market economies. At the same time, the program has enabled U.S. students on the UW-La Crosse campus to benefit from interaction with the international students and a greater awareness of international perspectives in these areas.

USAID is currently considering a new multiyear agreement with the Center for Intercultural Education and Development based at Georgetown University, which manages ECESP. As that agreement is finalized, I strongly encourage USAID and the Department of State to maintain the current level of support for this important and successful program. ECESP is an important component in our efforts to stabilize the Balkan region, and it is a commitment that we need to see through.

DISPLACED PERSONS FACING SERIOUS OBSTACLES IN RUSSIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I want to bring to the attention of colleagues two situations concerning internally

displaced persons (IDPs) in the Russian Federation. I recently chaired a Helsinki Commission hearing to assess the plight of IDPs , including those in the Caucasus region.

The first involves IDPs from Chechnya who, according to reliable sources, continue to be pressured by Russian authorities to return to the war-torn capital city of Grozny, despite continuing violence there and a lack of many basic services. According to the State Department's Country Reports on Human Rights Practices for 2002, approximately 140,000 persons remained internally displaced within Chechnya, with 110,000 more displaced in the neighboring republic of Ingushetia. Despite international attention, including a letter initiated last fall by the Helsinki Commission, which I chair, the Russian Government continues to pressure IDPs to return, and in some cases limits the ability of NGOs to provide assistance.

My concern for the safety of Chechen IDPs is well founded, as authorities in the past year closed three IDP camps, two near the village of Znamenskoye in northern Chechnya and the Aki-Yurt camp in Ingushetia, effectively forcing the residents back to Grozny. Reports of violence and human rights violations by both Russian military units and Chechen rebels in Chechnya are disturbing. The ongoing chaos in that war-torn region has kept UNHCR from certifying Chechnya as a safe return destination, which is supported by the fact that many international aid agencies have limited or suspended their operations out of concern for the safety of aid workers.

Despite this lack of security, the United Nations estimates that more than 38,000 IDPs from Ingushetia returned to Chechnya last year, with many complaining of government coercion. While no camp has been closed since December 2002, Doctors Without Borders reports that government officials threaten to cut off assistance in Ingushetia and block future aid in Chechnya for those refusing to leave immediately. The stationing of Russian troops near IDP camps and the limiting of assistance from international agencies to camp residents represent pressure tactics to ''encourage'' the return of IDPs to Chechnya.

Clearly, the Russian Government is not respecting the fundamental right of individuals to seek safe refuge. As a participating State of the Organization for Security and Cooperation in Europe (OSCE), the Russian Federation has committed to facilitate sustainable solutions to the plight of IDPs and the voluntary return of such individuals in dignity and safety. I urge President Putin to intervene to ensure that Russian policy and practice are consistent with these OSCE commitments and that no IDPs be effectively forced to return to their homes in Chechnya until the conditions have been created for their return. To do otherwise would place the lives of tens of thousands of innocent Russian citizens at risk.

The second situation I want to briefly highlight concerns the plight of Meskhetian Turks in the Krasnodar Krai region of the Russian Federation. Also known as Ahiska Turks or Meskhetians, Meskhetian Turks were forced to relocate twice within the past 50 years, first from Soviet Georgia in November 1944 to the Soviet Socialist Republic of Uzbekistan. In 1989, approximately 90,000 Meskhetian Turks fled ethnic conflicts in Uzbekistan to all parts of the Soviet Union, with the largest concentration today found in Krasnodar Krai. Numbering approximately 13,000, these displaced individuals find themselves in a virtual no man's land, denied citizenship and permanent residency permits, as well as many other fundamental rights.

Due to loopholes in the Russian citizenship law and the improper application of this law by Krasnodar Krai authorities, Meskhetian Turks must register as ''guests'' every 45 days, may not legally register the purchase of a house or car, and their marriages and deaths are not officially recorded. Most are denied education above high school, as well. The Krasnodar regional legislature enacted a series of laws in 2002 in an attempt to pressure the Meskhetian Turks to leave. Corresponding with the expiration of the temporary registration held by most Krasnodar Meskhetian Turks, the laws reportedly cancelled leases on land or denied lease renewals for the 2002 crop season.

Furthermore, chauvinistic local authorities have not intervened to prevent local Cossack paramilitary units from repeatedly victimizing Krasnodar Meskhetian Turks through public harassment, robbery, and vandalism. In late May, a mob of around 50 people attacked Meskhetian Turks and other non-Russian-looking individuals in two villages, injuring 30 people and hospitalizing six.

By not granting citizenship or providing permanent residency status, current Russian policy enables the discriminatory practices subjugating the rights of Meskhetian Turks in Krasnodar Krai to continue. Mr. Speaker, President Putin cited the problems of citizenship and stateless persons in his annual State of the Federation address earlier this year. The Russian President pointed out the complexities and uncertainties faced by stateless persons in Russia. I urge him and Members of the State Duma to rectify the status of Meskhetian Turks and other stateless persons. Meanwhile, the Kremlin should intervene to ensure that Krasnodar Krai officials desist in their discriminatory treatment of the Meskhetian Turks until their status is normalized, as well as guarantee the prosecution of violent criminals.

TRIBUTE TO DR. JAMES E. COTTRELL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an outstanding physician, scholar, educator, humanitarian and citizen from the State of New York, James E. Cottrell, M.D. Dr. Cottrell will soon complete his term as national president of the American Society of Anesthesiologists (ASA). I am very proud and pleased that one of New York's own served as the 2002–2003 president of this prestigious national organization that is recognized worldwide for its outstanding work in improving patient safety.

Founded in 1905, ASA is the predominant professional organization that represents more than 36,000 anesthesiologists. Since its founding, ASA has been the leader in the development of patient safety standards and guidelines for the delivery of safe patient care before, during and after surgery. Efforts on the part of the organization and its members are recognized throughout the scientific and medical communities. The Institute of Medicine in its 1999 report on medical errors recognized the successes of organized anesthesiology's efforts to improve patient outcomes.

Anesthesiologists either directly administer or supervise 90 percent of all anesthetics performed throughout this country, in hospitals and outpatient surgical centers, and in urban and rural areas. In fact, anesthesiologists are the predominant provider of anesthetics in rural facilities. Besides the operating room, anesthesiologists are often found treating patients' pain and delivering critical medical care to patients in hospital intensive care units, emergency rooms and diagnostic facilities.

Dr. Cottrell received his medical degree from West Virginia University, Morgantown, WV, and completed his anesthesiology residency at Mercy Hospital, Pittsburgh, PA.

As a recognized expert in the field of neuroanesthesia, he has lectured extensively worldwide, authored or co-authored more than 90 scientific papers, 114 scientific abstract presentations, 20 book chapters, was co-editor of three textbooks and has most recently authored a book that helps patients be better prepared for their surgery and anesthesia.

Dr. Cottrell currently serves on the Board of Directors of Doctors of the World and has served on the Board of Directors of God's Love We Deliver, an organization dedicated to serving and delivering meals to AIDS patients in New York City.

Mr. Speaker, I ask my colleagues to join me today in recognizing James E. Cottrell, M.D., for his notable career, outstanding achievements, humanitarian work and dedication to patient safety.

THE TURKISH REPUBLIC OF NORTHERN CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BURTON of Indiana. Mr. Speaker, since 1974, Cyprus has been divided de facto into the government-controlled two-thirds of the island, the Republic of Cyprus, and the Turkish Cypriot one-third, the Turkish Republic of Northern Cyprus. The anniversary of the events of July 1974 in Cyprus gives rise to misrepresentation of historical events. As the cliché goes, there are two-sides to every story. That is why I would like to share with my colleagues, the Turkish Cypriot point of view regarding the current situation on Cyprus.

The island of Cyprus gained its independence from Great Britain in 1960 and has been divided since 1974. At independence, the Republic's constitution defined elaborate power-sharing arrangements. It required a Greek Cypriot president and a Turkish Cypriot vice president; each elected by their own community. The Treaty of Alliance among the Republic, Greece, and Turkey provided for 950 Greek and 650 Turkish soldiers to help defend the island.

Cyprus' success as a new Republic lasted from 1960–63. After President Makarios proposed constitutional modifications in favor of the majority community in 1963, relations between Turkish and Greek Cypriots deteriorated. In 1964, Turkish Cypriots withdrew from

most national institutions and began to administer their own affairs. Violence between Turkish and Greek Cypriot communities occurred in 1963–64 and again in 1967. Since the 1964 crisis, U.N. peacekeeping troops have been a buffer between the two communities.

In 1974, a military junta in Athens supported a coup against President Makarios, replacing him with a hardline supporter of enosis. Turkey, citing the 1960 Treaty of Guarantee, sent troops in two separate actions and, by August 25, was in control of more than 36 percent of the island. The Athens junta fell and civilian government was restored. The legitimacy of the Turkish intervention was confirmed, among others, by the Consultative Assembly of the Council of Europe, by resolution 573, dated July 29, 1974, in which it is stated, ''Turkey exercised its right of intervention in accordance with Article IV of the Guarantee Treaty of 1960.'' Greece withdrew from NATO's military command to protest NATO's failure to prevent Turkey's action.

According to Turkish Cypriot leaders, the Turkish intervention of July 1974 did not come about as an unprovoked invasion but in response to a coup d'etat; was in accordance with the Treaty of Guarantee of 1960; and therefore, was legal and legitimate. Furthermore, the Turkish Cypriot community saw the 1974 coup attempt as the culmination of a campaign to annex Cyprus to Greece.

Turkish Cypriots celebrate July 20 as their day of liberation. Since Turkey's arrival in Cyprus, peace has prevailed on the island, and the biggest beneficiaries of this atmosphere of peace and tranquility have been all Cypriots, Greek and Turkish. However, the Greek Cypriots enjoy a high level of economic prosperity, while the Turkish Cypriot economy continues to suffer from the embargoes imposed on the Turkish Cypriot North by the Greek Cypriot South.

Turkey's presence in Cyprus is within the confines of a security role and far from preventing a political settlement. Turkey has always supported a just and lasting settlement on the island, within the mission of the good offices of the United Nations Secretary-General. Recently, Turkish Cypriots, with the full support of Turkey, demonstrated their good will by undertaking a series of confidence-building measures, including the opening of the borders to people and traffic from both sides. This has allowed, by Turkish Cypriot estimates, thousands of Turkish and Greek Cypriots to cross over to each other's territory.

This measure was followed-up by an offer to the Greek Cypriot side for the resettlement of the vacant town of Varosha in return for the re-opening of the now-defunct Nicosia International Airport. President Denktas also proposed to meet with Greek Cypriot leader Tassos Papadopoulos directly in order to discuss these and other related issues.

However, it appears that the Greek Cypriot side has shown little interest in a negotiated settlement. In a speech made on July 17, Greek Cypriot leader Papadopoulos again made clear that his side does not accept the ''Annan Plan'' for a settlement as it is, claiming that doing so would mean ''legitimizing the gains accomplished by the occupation'' and that if they did so, the (the Greek Cypriots) ''would become accomplices in the destruction of the Republic of Cyprus.''

It is my hope that efforts to reach a settlement will continue between Turkish and Greek Cypriot leaders. I know there are two sides to the Turkish and Greek Cypriot conflict, and that is why it is important for Congress to adopt a balanced, even-handed approach to the issue of facilitating a just and lasting settlement between Turkish and Greek Cypriots.

INTRODUCTION OF H.R.__ (UNITED STATES NONCONTIGUOUS SHIPPING OPEN MARKET ACT OF 2003), H.R.__ (HAWAII SHIPPING OPEN MARKET ACT OF 2003), AND H.R.__ (HAWAII AGRICULTURE/LIVESTOCK SHIPPING OPEN MARKET ACT OF 2003)

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CASE. Mr. Speaker, today, I introduce three bills to end a century of closed market cargo shipping to, from and within my isolated home state of Hawaii, as well as the other noncontiguous locations of our country. In doing so, we will break the stranglehold on the economics and peoples of these exposed communities which results from just a few shipping companies controlling the lifeline of commerce upon which our communities absolutely depend.

These bills all amend the Merchant Marine Act of 1920, also known as the Jones Act. That federal law mandates that all cargo shipping between U.S. ports occur exclusively on U.S., not foreign, flagged vessels. (A similar federal law of the same vintage, the Passenger Vessels Services Act, provides the same mandate for cruise line and other passenger transit; the same arguments as drive these three bills apply there, but that is another effort, already commenced through limited Federal exemptions.)

The Jones Act was enacted in a protectionist era under the guise of preserving a strong national merchant marine. But today it is just an anachronism: most of the world's shipping is by way of an international merchant marine functioning in an open, competitive market. And those few U.S. flag cargo lines that remain have maneuvered the Jones Act to develop virtual monopolies over domestic cargo shipping to, from and within our most isolated and exposed locales: our island and offshore states, territories and possessions.

My Hawaii is a classic example. Located almost 2,500 miles off the West Coast, we import well over 90 percent of our life necessities by ocean cargo. There are no doubt plenty of international cargo lines who could and would compete for a share of that market. Yet only two U.S. flag domestic cargo lines—Matson Navigation and CSX Lines (fka Sea-Land)—operate a virtual duopoly over our lifeline.

While they are nominally subject to Federal regulation, the fact of the matter is that cargo prices have gone in only one direction—up, and fast—and it is indisputable that there is no downward market pressure which would otherwise result from meaningful competition. These accelerating cargo prices are not absorbed by the shipping lines, but passed through all the way down the chain, to the transporters, wholesalers, retailers, small businesses, mom-n-pops, and ultimately consumers, of all of the elementals of life, from food, to medical supplies, clothes, housing and virtually all other goods. The result is a crippling drag on an already-challenged economy and the very quality of life in Hawaii.

The broadest, deepest effects of the Jones Act on Hawaii result from its impact on westbound imports. But Hawaii is an export location as well, in key products such as agriculture and livestock. Here the Jones Act also effectively stifles meaningful competition in getting those products to their primary markets on the U.S. Mainland. Because the producers of these products and all that rely for their own livelihood on their successful export have to eat inflated shipping costs, these export industries, which any economist knows are the ultimate key to any economy's prosperity, are also crippled.

Let's take a concrete example: Hawaii's once-prosperous ranching/cattle industry, which is so key to the economic health and the very lifestyle of so much of the rural Second District which I proudly represent. That industry depends on getting its product, young cattle, to West Coast pens and transportation hubs in a cost-efficient manner.

There are foreign cargo carriers that specialize, through custom cattle ships and overall sensitivity and adjustment to rancher timetables and needs, in such transport, but the Jones Act outright excludes them from the Hawaii-Mainland market. As a result, Hawaii's ranchers are reduced to two crippling, cost magnifying options.

The first is to ship their cargo by foreign carriers to Canada, where they have to go through a myriad of bureaucratic, cost-magnifying gyrations to get their product eventually to their U.S. markets. The second is to beg for the goodwill of the domestic carriers, to whom this is simply a hindrance rather than a major commitment, to ship directly to the West Coast.

And it shows: most of the cattle are first shipped from Hawaii's Neighbor Islands, where the bulk of the cattle industry is located, to Oahu, in small ''cow-tainers'', where they sit for days in Honolulu Harbor awaiting the return to the Mainland of one of the massive cargo ships designed and utilized for quite another purpose. The result (besides associated higher costs): in-harbor cattle waste disposal challenges; higher in-transit cattle mortality; lower-weight cattle delivery to market. That's what happens when you try to squeeze a square peg into a round hole.

These three bills say: enough is enough. The first, H.R. —, the United States Noncontiguous Shipping Open Market Act of 2003, exempts all noncontiguous U.S. locations, including Hawaii, from the Jones Act. (Frankly I question whether we shouldn't outright repeal the Jones Act, but I leave it to my colleagues from the contiguous U.S. to evaluate that option; the consequences are especially acute in the noncontiguous U.S. and that is my focus.) The second, H.R. —, the Hawaii Shipping Open Market Act of 2003, exempts Hawaii. And the third, H.R. —, the Hawaii Agriculture/Livestock Shipping Open Market Act of 2003, exempts Hawaii agriculture and livestock. Essentially, the bills are intended to lay out the options from broad to narrow; we can get into the issue at any level and work our way up or down.

Let me address directly some arguments sometimes offered up by the domestic shippers in defense of the Jones Act: that it contains important labor and environmental protections that would be lost upon repeal. Of course, the exact terms of repeal are up to this Congress and administration, and all three of these bills propose to retain these important protections. Specifically, these bills provide that all foreign shippers operating under Jones Act exemptions must comply with the same labor, environmental, tax, documentation, U.S. locus and other laws as are applicable to non-U.S. flag ships and shippers transiting U.S. waters today.

Mr. Speaker, these long-overdue bills are of the utmost importance to the localities which have long borne the brunt of the Jones Act. Sometimes it is difficult to pierce the veil of longstanding custom and understanding to see what should instead be, but clearly the time for these measures is overdue. I urge their passage.

PAYING TRIBUTE TO SUPERVISORY SPECIAL AGENT THOMAS M. BOURGEOIS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Supervisory Special Agent Thomas M. Bourgeois for his nearly twenty-two years of service to the Federal Bureau of Investigation. For the past two decades, SSA Bourgeois has selflessly put his own well-being in jeopardy to serve and protect the American people.

Thomas M. Bourgeois reported for duty on October 5, 1981 and was first assigned to the Milwaukee Division of the FBI. He worked in both the Milwaukee and Myrtle Beach offices investigating fugitives, bank robbery, and kidnaping cases before being transferred to the Chicago Division to investigate narcotics and organized crime. During his tenure in Chicago, Tom was responsible for the apprehension of some of America's most dangerous criminals, including the Calabrese Street crew, Anthony Centracchio, and John Serpico. From 1986 until 1997, Tom served as a member of Chicago Division's enhanced SWAT Team. While serving on the SWAT Team, Tom was deployed on several assignments, including the Unibomber case, Hurricane Marilyn in the Virgin Islands, and the Republican National Convention in 1996.

SSA Thomas M. Bourgeois is the recipient of numerous honors for his work at the FBI. He received letters of commendation from FBI director William Webster in May of 1982 and again in March of 1986. Mr. Bourgeois also received the Chicago Crime Commission's Star of Distinction Award in both 2001 and 2003 for his role in the Anthony Centracchio investigation and for his role in thwarting a scheme by Cicero, Illinois public officials to defraud the town of nearly $13 million.

Mr. Speaker, I would like to offer my best personal regards to SSA Thomas M. Bourgeois on his recent retirement from the FBI and I ask my colleagues to join me in thanking him on behalf of the American people for his service and dedication to our collective security.

INTRODUCTION OF THE COBRA COVERAGE ACT OF 2003

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SCHIFF. Mr. Speaker, today I am introducing the COBRA Coverage Act of 2003. As you may know, our Nation's faltering economy has resulted in staggering unemployment, unemployment that has risen from 5.7 percent in January of this year to 6.4 percent in June, leaving millions of Americans out of work. The loss of one's job is often accompanied by the loss of employer-based health coverage and the ability to afford individual health insurance. In this time of economic hardship, we must act to make health care more accessible to the working and middle-class families of America.

In an attempt to reduce the growing population of those without health coverage, Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provided access to group health insurance for workers who had lost their employer-sponsored coverage. COBRA requires employers who offer health insurance to continue coverage for their employees under circumstances such as a change in their employment status. However, this law allows the employer to charge up to 102 percent of the premium for the covered beneficiary and up to 150 percent for disabled individuals who qualify for an additional 11 months of coverage.

The Kaiser Family Foundation estimates that in 2002 health care premiums increased by 12.7 percent, making the average cost for self-only coverage $3,060 while the average cost for the family coverage reached $7,954. These high costs make retaining health coverage extremely difficult for individuals without work, without an income. As a result many people and their families choose to go without health insurance until they find another job. This is unacceptable.

Not only do these prohibitive costs prevent people from maintaining their health coverage, they can also drive up the group costs of employers who offer COBRA coverage. Because health care premiums are so high, those who have costly, preexisting health problems are more likely to enroll in extended coverage than those who are healthy. These costs are often passed onto the employer and onto the others covered by the group insurance.

We can alleviate this problem by making COBRA health coverage more accessible and more affordable. With the COBRA Coverage Act of 2003, laid-off workers would be provided with a 50 percent tax credit toward the cost of COBRA coverage, up to a maximum of $110 for an individual and $290 for a family per month. This credit is entirely refundable, which means one can receive it regardless of one's tax liability, and it is advanceable, meaning that it's available to the recipient immediately. This is possible because the tax credit would be administered through the employer.

While we work diligently to improve our economy, we must not sit idle and turn our backs on the millions of uninsured Americans. We must assist those who are suffering by ensuring they retain access to affordable health insurance for themselves and for their families.

TRIBUTE TO DR. GEORGE ROLOFSON

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. COBLE. Mr. Speaker, Dr. George Rolofson—''Dr. George'' as I call him—has been a good friend of mine for many years and has worked with me on a number of issues relating to the U.S. agrichemical industry. Soon he will be retiring as Senior Vice President of legislative and regulatory affairs from CropLife America, where he has been a tireless champion of the agriculture and chemical industries. As Dr. George prepares to retire, I want to take the opportunity to thank him for these efforts and for his many contributions to the industry and to let him know that he will be greatly missed by all those with whom he has come in contact over the years.

George spent his entire adult life devoted to the study and improvement of the field of agricultural science, specifically as it regarded the use of important agrichemicals. He earned his Bachelor's and Master's degrees in entomology from the University of Nebraska and later went on to receive a Doctorate from Virginia Tech in entomology and toxicology. He then applied those degrees to practical use with the former Ciba Geigy Company in their agricultural division, now known as Syngenta Crop Protection. George worked in product development, toxicology, environmental sciences, and most recently in government relations for CropLife America here in Washington, D.C.

Our nation was largely built upon the back of the agriculture industry. Even here in our Capitol building, we see numerous artistic references to this critical industry and its importance in our nation. I would like to ask my colleagues to join with me in thanking my friend, Dr. George, for the devotion he has demonstrated to such an important part of our nation. George, you have left a legacy of pride and commitment to the American farming industry and we are most appreciative for your dedication and contributions. Best wishes in the next phase of your life.

RECOGNIZING COLONEL DAVID L. HANSEN, COMMANDER OF THE NORFOLK ENGINEER DISTRICT, NORFOLK CORPS OF ENGINEERS, VIRGINIA FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. FORBES. Mr. Speaker, I rise today in recognition of Colonel David L. Hansen, Commander and Norfolk District Engineer, for his loyal service to the United States Corps of Engineers and to the development and progress of numerous projects in Virginia's Fourth District.

Colonel Hansen's dedication and loyalty to the advancement of our district and the Commonwealth of Virginia as a whole is to be commended. He has played an instrumental role in overseeing the growth and preservation

of numerous projects along the river basins in Virginia since he assumed command in July 2001.

Since first enrolling in the U.S. Army nearly 30 years ago, Colonel Hansen's devotion to duty has reflected the highest standards of the military profession. Following four years of Army enlisted service, he was commissioned in the Corps of Engineers through the Officer Candidate School program, Fort Benning, Georgia, in 1978. He has served on numerous assignments both in the United States and overseas. His military education is extensive and includes the Industrial College of the Armed Forces, the Army's Command and General Staff College, Engineer Basic and Advanced Courses, and the Combined Arms and Services Staff School. Colonel Hansen also holds a Bachelor of Science degree, and two master degrees.

Colonel Hansen's decorations include the Legion of Merit, the Meritorious Service Medal with one silver and two Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, National Defense Service Medal with star, and Good Conduct Medal.

Colonel Hansen has shown tremendous commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Colonel David L. Hansen.

75TH ANNIVERSARY OF THE MADONNA OF THE TRAIL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 75th anniversary of the Madonna of the Trail. One of these historic statues stands in my hometown of Lexington, Missouri, where the pioneer mother monument was presented by the Daughters of the American Revolution in 1928. The pioneer mother looks west, up the Missouri River, on area that was settled by American pioneers more than 160 years ago.

In the early 1900's, the Daughters of the American Revolution suggested marking the national Old Trails Road with a series of small markers placed at frequent intervals along the route. This road began with Braddock's Road in 1755. Lt. George Washington surveyed the road, which was cut through the Allegheny Mountains by British soldiers. The road was later continued as the Columbia Pike; the Great Valley Road; the Wilderness Road (cut by Daniel Boone across the Cumberland Gap); the Cumberland Road (also known as the National Road); Boone's Lick Road; and, finally, as the Santa Fe and Oregon Trails.

In 1924, Missouri State Regent, Mrs. John Trigg Moss of St. Louis, a member of the Cornelia Green Chapter, envisioned the idea of placing an identical statue in each of the twelve states crossed by the National Old Trails Road instead of small markers.

The twelve statues, designed by St. Louis sculptor August Leimbach, are made of algonite stone, a poured mass, of which the Missouri granite is used as the main aggregate, thus giving the monument a warm, pink shade. They stand ten-feet tall on a six-foot base with a five-foot foundation (two-feet showing) below.

The Madonna of the Trail is a pioneer woman clasping her baby with her young son clinging to her skirt. The face of the mother, strong in character, beauty, and gentleness, is the face of a mother who realizes her responsibilities and trust in God. It has a feeling of solidarity—a monument that will stand through the ages.

Marking the 67th anniversary of the Battle of Lexington during the Civil War and facing ever Westward, the Pioneer Mother statue was dedicated on September 17, 1928. The presentation of the American Legion Memorial Flag and Flag pole was made by Ike Skelton III. The keynote speaker was Judge Harry S. Truman, President of the National Old Trails Association.

Mr. Speaker, the Daughters of the American Revolution can be proud of the Madonna of the Trail statue and the 75 years it has graced the City of Lexington. I know the Members of the House will join me in saluting the Daughters of the American Revolution for their contributions to preserving American history.

A VOICE OF CUBA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on July 16, 2003 Mrs. Celia Cruz passed away, however, her legacy will be eternal. Celia Cruz was a musical genius and an extraordinary human being, dedicated to improving the lives of all, to the most admirable humanitarian causes, and with a profound love for Cuba and her people. Celia Cruz's exceptional life is a model and inspiration to all people. Her blessed voice combined with her gentle soul brought comfort and happiness to every corner of the planet.

Mrs. Cruz was not only the Ambassador of free Cuba's music, she represented the finest qualities of Cuban-Americans and Cuban exiles, and was a constant voice for freedom on the oppressed island nation.

Mr. Speaker, Mrs. Cruz died longing to return to a free and democratic Cuba, but as Reverend Martin Añorga so eloquently stated during her funeral mass, ''Celia did not leave Cuba because she took Cuba with her when she left.''

Hundreds of thousands of people of all nationalities paid their respects and tribute to the ''Queen of Latin Music'' in Miami and New York. Even at the moment of her death Mrs. Cruz made certain that her physical passing would be a celebration of the happiness she embodied.

The passing of Celia Cruz is cause for deep pain. I send my deepest condolences to her husband, another great Cuban, Pedro Knight.

Mr. Speaker, I would like to submit for the record an editorial by The Washington Post which appropriately honors the life and legacy of Celia Cruz.

A VOICE OF CUBA

Sugar is a symbol of Cuba, not only a core industry but a key ingredient of its history and heritage and a timeless reminder of both sweeter and grittier times for the island's people. And in Spanish, ''Azucar!'' was also the signature trill of Celia Cruz, whose voice has embodied the sound of Cuba for decades.

Ms. Cruz, who died Wednesday of brain cancer, was the voice of a generation, and the one after, and the one after that. She started out singing lullabies to her nieces and until the end continued to shake what her mama gave her. Young couples in the 1950s swayed to her rhythms as part of the band La Sonora Matancera; those same couples' grandchildren got down to her single ''La Negra Tiene Tumbao,'' whose album won a Latin Grammy in 2002.

When Ms. Cruz defected from Cuba in 1960, her songs were banned in her home country, though in recent years Cuban aficionados could listen to her hits by tuning into Miami radio stations. At first, the sensation who left behind stardom in Cuba and sought liberty in the United States had no easy time; her efforts for the next decade stumbled. But like so many immigrants seeking the American dream, she eventually made it: That clear, operatic voice could not be denied.

Hers was a talent that reached far beyond her own culture. In concert, she charmed audiences throughout Latin America, Europe, Africa and Asia, and Ms. Cruz's more than 70 records became a clarion call for music lovers worldwide. She moved, effortlessly between the Afro-Cuban rhythms of her youth to the salsa she defined and redefined; later in her career she embraced hip-hop style and transformed it into eye-popping music videos. For her, it was all part of the same music and a shared experience.

Unlike so many celebrities of the modern era, Ms. Cruz knew firsthand of the atrocities of communism in Cuba, and she spoke frankly of her time and challenges there. Ms. Cruz's voice instantly fills a room with the feel of swaying palm fronds and cigar smoke, bringing back memories of a Cuba before Fidel Castro's dictatorship. But her art transcended any political agenda. Ms. Cruz always remained a lady, coy about her age and decked out in extravagant outfits even in her last public appearances—accompanied nearly always by her husband of 40 years, Pedro Knight.

For thousands of Cuban exiles, listening to her music will remain a time machine, a connection to a homeland that in many ways no longer exists. She, like so many others of her generation, was never able to return to the free Cuba for which she longed. But her message was also one of hope, inspiring fans of all nationalities with her indomitable voice, ringing at once with grace and perseverance every time she cried out, ''Azucar!''

HARRISBURG SESQUICENTENNIAL RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the City of Harrisburg, Illinois, as she celebrates her sesquicentennial. Established in 1853, the people of Harrisburg have prospered while giving so much to this great nation.

The City of Harrisburg was founded as an administrative center for the newly-created Saline County. Since that time, many people have been blessed to call Harrisburg home. Harrisburg boasts of a quality educational system, the unrivaled natural beauty of the Shawnee National Forest and one of Illinois' top

track and field programs. Each fall, the City of Harrisburg celebrates its history with a Past to Present Festival. As well, Harrisburg has served as a vital part of the coal industry in southern Illinois for many years.

I am proud to represent the people of the great City of Harrisburg and to share in this special occasion with them. I thank them for all they give to this great nation and I wish them many successes in the years to come. Congratulations!

IN RECOGNITION OF FORMER MISSOURI GOVERNOR WARREN E. HEARNES AND FORMER MISSOURI STATE REPRESENTATIVE BETTY COOPER HEARNES

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor two great Missourians, Governor Warren E. Hearnes and his wife, State Representative Betty Cooper Hearnes on their birthdays.

I salute the accomplishments of Governor Hearnes and Representative Hearnes. I worked alongside Betty in the General Assembly. In true fashion, she does not want to be recognized for her accomplishments, but I would be remiss not to mention her great contributions to our State as an elected official and First Lady. The Hearnes have shared significant roles in the State of Missouri, shaped and crafted sound public policy, and served as beacons of light for our citizens and our party.

The Hearnes celebrate the same birthday and today marks Warren's 80th birthday and Betty's 76th birthday. I salute the remarkable longevity of their lives together and their lifelong commitment to public service.

Warren Hearnes is renowned for his tenacity and principles as a public official. Governor Hearnes is a graduate from West Point Military Academy, as well as from the University of Missouri Columbia Law School. After serving in the U.S. Army during World War II, he was elected to the Missouri House of Representatives the following year, and later went on to serve as Secretary of State. He will long be remembered for his unwavering stance to promote state autonomy. Governor Hearnes' fight with the Johnson administration often made him disliked by the presidency but admired by his colleagues in the National Governors Conference throughout the sixties and seventies.

During his time in office, the state legislature overwhelmingly approved and the people ratified a constitutional amendment to allow future Governors of Missouri to serve two consecutive four year terms. Thus, Governor Hearnes ran for and won a second term with the largest percentage of popular votes in Missouri history. In his second term he facilitated reforms to improve universities and colleges, ushered in massive road improvements, and supported the troops in Vietnam but questioned the administration's plan to pursue such a war. Following his term in office, he continued his public advocacy by spending sixteen years working as the Executive Director of the Southeast Missouri Legal Services, an agency to assist people with low incomes in dire need of legal counseling.

Like her husband, Betty Hearnes is an amazing mentor and friend to everyone she meets. She was an excellent model and confidante during the seventies and eighties when the Missouri legislature had very few women in office. In 1979, Betty won the same Missouri House seat her husband held years prior. In addition, she served as Chairwoman of the Democratic State Committee, President of the Mississippi County Industrial Development Authority, as a major facilitator of the Warren E. Hearnes Museum, and a volunteer currently involved in countless civic and charity projects. Today Warren and Betty continue to spend time in Charleston, Missouri serving those most in need. Their endless generosity is an inspiration to us all.

I congratulate Warren and Betty Hearnes on this meaningful occasion and shared birthday. I am grateful for their friendship and am honored to recognize them for their vast personal accomplishments and lifetime of public service.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Wednesday, July 23, 2003, the House had a procedural vote on the FY 2004 Foreign Operations Appropriations bill. On House rollcall vote No. 424, I was unavoidably detained. Had I been present, I would have voted ''no.''

NYSSA 100TH CENTENNIAL

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to pay tribute to the community of Nyssa in eastern Oregon's Malheur County and to commemorate the passage of an important milestone in the history of the town. This weekend the people of Nyssa will commemorate the centennial anniversary of the incorporation of their community. This is an event that symbolizes the endurance of the eastern Oregon way of life and the continuity that exists between the earliest settlers of our state and the people who proudly identify themselves as Oregonians today.

There is some debate about the origin of the name Nyssa. Some say it is an acronym for the New York Sheep Shearing Association, which sounds plausible enough given the tradition of shepherding throughout the town's history. Others insist that the town was named by the daughter of a railroad engineer who was reading a book on ancient history and named the town after St. Gregory of Nyssa. Whatever the source of the name, this much is clear: Nyssa stands for the small town values that still echo in the hearts of the people who call it home.

Known as the Gateway City to Oregon, Nyssa is located on the banks of the Snake River on the Idaho-Oregon border. Nearby the historic Oregon Trail, which brought thousands of settlers across the continent to the West, remains visible to this day. Nyssa's history as a town began in 1883 with the arrival of the Oregon Short Line Railroad, though the area was familiar terrain to the fur traders who operated along the Snake River in the early 1800s. The town's first Post Office was established in 1889 and the incorporation of Nyssa occurred in 1903, when the town had gained enough residents to merit elected city officials. In the generations that have followed the founding of Nyssa, the community has been home to hardworking farmers and ranchers who have made their homes in the high desert of Oregon.

The community was immeasurably enriched by the revival of federal irrigation projects in the area, such as the Owyhee Dam which was completed in 1932 to provide water for 120,000 acres of arid land surrounding Nyssa. The miracle of irrigated agriculture made the high desert of Oregon bloom and made possible the way of life that continues today. In the 1930s, many citizens of the Great Plains relocated to the area, drawn by the warmth of the people and the quality of life offered by the community. By the late 1930s, the number of acres being irrigated had attracted the sugar beet industry, and Nyssa saw the opening of the Amalgamated Sugar Company, a sugar processing plant that came into operation in Nyssa in 1938. Agriculture remains the base of the local economy, and most businesses cater to farm production and marketing of products, which include sugar, onions, potatoes, corn, mint, and wheat.

Like many communities in Oregon, the growth in agriculture during the first half of the century brought immigrant families to Nyssa to work the land. Many Hispanic families traveled to the area, where they raised their children and established roots that endure to this day. Nyssa also became home to many Dutch immigrants and later a number of Japanese-Americans who were interned during World War II. Many of these internees remained in the area after the war ended, where they continue to add to the richness of the town's history.

Despite the ups and downs of the Oregon farm economy and the need for many townspeople to find work outside of town, the people of Nyssa have remained loyal to their community. The town has maintained an excellent school system and the population remains stable at 3,100.

Mr. Speaker, since Nyssa was founded it has been home to hearty, self-reliant people who are proud of their history, loyal to their families and community, and representative of the rural way of life that still means as much to the people who live here as it did a hundred years ago. It is both a privilege and an honor to represent the good people of Nyssa in the U.S. House of Representatives. I congratulate them on the occasion of the Centennial of their community, and I look forward to traveling to Nyssa this weekend to share in the celebration with my good friends.

JEFFREY MATTISON WERSHOW: KILLED IN IRAQ

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am here today to speak about a very brave young man, Jeffrey Mattison Wershow, who was killed in the line of duty in Iraq. A specialist in the Florida National Guard who served with the Army's 124th Infantry Regiment, he died at the very young age of twenty-two. Jeffrey was born in Gainesville, a city which is in my congressional district, Florida's third.

Compounding the tragedy of Jeffrey's death is that he was killed in Iraq while trying to keep the peace after the U.S. invasion had already ended. He was assigned to be part of a group of soldiers in a 124-man group assigned to escort U.S. officials. He was killed while guarding a convoy of vehicles while they were parked outside a campus building at Baghdad University when an Iraqi man approached him, pulled out a gun, and shot him.

For his service in ''Iraqi Freedom'' Jeffrey received the Army Commendation Medal, the National Defense Service Medal, the Achievement Medal, the Parachute Badge and the Army Service Medal. The Army in fact, has recommended that he receive the Bronze Star and the Purple Heart for his dedicated and honorable service in combat.

It is truly impressive all that Jeffrey had accomplished during his young life. He began his active duty in the U.S. Army back in June 1999. After he finished his specialized training, he went on to join the 82nd Airborne Division of the Army's 505 Parachute Infantry Regiment. From there, he went on to continue his service with the National Guard.

A curious and bright young man, Jeffrey had a burning interest in history and political science. He was active in Gainesville politics, and served as co-campaign manager to the campaign of one of my close friends, Cynthia Chestnut, during her County Commission campaign in 2002. He also participated in politics at Santa Fe Community College, was elected to the Student Senate, and was intending to run for student body president.

In a photo taken of him for which he will be fondly remembered, he can be seen patriotically waving the flag during last year's University of Florida Homecoming parade. Jeffrey, riding in the veteran's float, in a demonstration of boundless patriotism and limitless energy, jumped out of the boat and ran down the street waving the American flag to energize the crowd.

Jeffrey will be deeply missed by all of the people who knew him. I will keep Jeffrey and his family members with me in my prayers and thoughts.

2003 CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegal occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area. The island's twenty nine years of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing more than a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113–mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. The Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, prohibits Greek-Cypriots from freely crossing the Green Line to visit the towns and communities of their families. With control of about 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

Twenty-nine years later, the forced separation of these two communities still exists despite efforts by the United Nations (U.N.) and G–8 leadership to mend this rift between north and south. The U.N., with the explicit support of the United States, has sponsored several rounds of proximity talks between the former President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the occupied northern part of the island.

In March 2003, the United Nations-sponsored Cyprus peace talks at the Hague between newly-elected President of Cyprus, Tassos Papadopoulos, and Mr. Denktash came to an abrupt halt. Responsibility for this unfortunate setback in the peace process rests largely with Mr. Denktash who rejected U.N. Secretary General Kofi Annan's Plan to end the 29-year division of Cyprus. It is a shame that the Secretary General's personal diplomacy was met by this kind of flat-out rejection. A large share of the blame also rests with the Turkish military and hard-line nationalists in Ankara, who have maintained the illegal Turkish military occupation of Cyprus since Turkish forces invaded the island in 1974. If the Government of Turkey were sincere about settling the Cyprus problem, they could have put the necessary pressure on Mr. Denktash to say ''yes'' to the U.N. Plan.

In sharp contrast to Mr. Denktash, Mr. Papadopoulos said ''yes'' to a public referendum on the Secretary General's plan. His response is consistent with years of efforts by the Government of Cyprus to try to negotiate in good faith to reunify the country—efforts that have been consistently rebuffed by the separatist Turkish-Cypriot regime. I praise President Papadopoulos for stressing that the Greek-Cypriot side will continue the efforts for reaching a solution to the Cyprus question both before and after Cyprus joins the European Union (EU).

In April 2003, the House of Representatives unanimously approved House Resolution 165, introduced by Mr. BEREUTER and myself, which expresses support for a renewed effort to find a peaceful and lasting settlement to the Cyprus problem by declaring appreciation for the efforts of Kofi Annan. The bill also expresses strong disappointment that Mr. Denktash rejected the comprehensive settlement offered by Secretary General Annan, thereby denying the Turkish-Cypriot people the opportunity to determine their own future.

A few days later, Cyprus experienced a major historic event on April 16, 2003, with the signing of the Treaty of Accession to the European Union. For the first time, the people of Cyprus have the opportunity to seal their future when Cyprus becomes a member of the E.U. next year. Upon accession to the European Union, Cyprus will, in its capacity as a full member, be firmly anchored to the western political and security structures, enhancing both geographically and qualitatively the operational capabilities of the Western world.

Needless to say, it would be in the best interest of Turkey to cooperate with the United Nations and the rest of the international community on Cyprus in order to advance its own membership in the European Union. Northern Cyprus will perhaps be the greatest beneficiary of Cypriot membership and resolution of the entire affair. It is currently in a state of economic distress that is being exacerbated by Turkish intransigence. Sadly, the people living in the northern part of the island continue to be mired in poverty as a direct result of their leadership's and Turkey's separatist policies. By joining the rest of Cyprus, it would become part of an already progressive economy, eliminating its financial dependence on Turkey.

So far we have seen that both Turkey and Mr. Denktash have sought to create preconditions on Cyprus' accession by tying that process to the resolution of a comprehensive settlement in Cyprus. The United States should remind Turkey that any threat against the Republic of Cyprus will be met with strong opposition and that Turkey does not possess any veto power over European Union membership. Promotion of Cyprus' membership will remove what has been a stumbling block in comprehensive settlement negotiations, and it will allow Turkey to strive toward the laudable goal of its own accession.

Despite the continued Turkish intransigence, earlier this year the Cypriot Government announced a package of measures aimed at assisting those Turkish Cypriots residing under the control of the Turkish occupation army. This package includes a wide range of political, social, humanitarian, educational and economic measures that will enhance the ability of the Turkish Cypriots to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—as well as to share in the benefits of European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish Cypriot community into the larger Cypriot society as the country prepares to join the EU.

At the same time, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek Cypriots and Turkish Cypriots have crossed the line, to visit homes and areas of their own country that

were inaccessible to them for nearly 30 years. It isn't clear whether opening the border was just a tactic to ease the frustrations, or a sign of a fundamental change of heart. But it has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid-1970s.

Neither the Government's measures for the Turkish Cypriots, nor the partial lifting of restrictions by the occupation regime, should be seen as a substitute for a comprehensive resolution to end the division of Cyprus. We can only hope that the improved climate that has resulted from these steps will contribute to a negotiated settlement based on the U.N. framework in time for the accession of Cyprus to the European Union in May 2004.

We are all standing at the threshold of a historic opportunity that will shape the futures of generations of Cypriots, Greeks, and Turks. We have a responsibility to these ensuant generations to secure their futures by contributing to the efforts to create a peaceful world. We have a moral and ethical obligation to use our influence as Americans—as defenders of democracy, and as defenders of human rights, to reunify Cyprus. There have been twenty-nine years of illegitimate occupation, violence, and strife; let's not make it three decades.

Lastly, I want to bid a fond farewell to Cyprus's Ambassador to the United States, Mrs. Erato Kozakou-Marcoullis, after nearly 5 years of service in our nation's capital. I want to praise the Ambassador for her tremendous efforts and contributions to accomplishing awareness among Members of Congress and Administration officials of Cyprus' desire to be reunified. She will be missed.

CYPRUS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to thank the gentleman from Florida, Mr. BILIRAKIS, for organizing this special order on Cyprus, and for allowing us to reflect on the 29th anniversary of the Turkish invasion of Cyprus. Cyprus has over the last three millennia faced war, devastation and foreign occupation. Today, we highlight the most recent occupation, which Cyprus has endured for 29 years.

Although Cyprus was granted its independence by Great Britain in 1960, as an independent republic composed of two equal communities, in 1974, Turkey exploited a crisis brought about by a military junta to occupy over one third of the island.

To this day, Turkey refuses to remove its troops, despite repeated condemnations by the United Nations.

The Cyprus conflict is one of the longest lasting issues of the international community, which remains unresolved. This conflict has had devastating consequences in terms of lives lost, children orphaned, economic losses and psychological trauma.

The present division of Cyprus, and the presence of 35,000 Turkish troops on the island, is completely unacceptable. We should not accept any further delays or excuses from Turkey on withdrawing from Cyprus.

Numerous resolutions adopted by the United Nations Security Council and the UN General Assembly condemn both the Turkish invasion of Cyprus and the continuing presence of the Turkish military, as illegal acts of aggression.

In addition to the UN, other international bodies of similar stature, like the European Parliament, have also voiced their opposition to the occupation and endorse the reunification of Cyprus as the only acceptable solution to the Cyprus problem.

Faced with a unanimous condemnation by the international community, Turkish leaders have reverted to threats of annexation of Cyprus.

Reports by the European Commission on Human rights state that the Turkish government uses Turkish newspapers to issue threats that the Turkish army will move to occupy the southern part of Cyprus as well, which is under control of the Government of the Republic.

The human rights body of the European Commission adds that Turkey's puppet regime has increasingly threatened to settle, as yet unoccupied areas, with Turks, instead of returning these to the 35,000 lawful inhabitants, the Greek Cypriot refugees of Varosha.

This cannot and will not be tolerated. The United States has put Turkish and Turkish Cypriot leaders on notice.

Not only is it the right thing to do, but it would also benefit American interests in the region to help bring about an expeditious resolution of the tragic division of Cyprus.

Cyprus is a valued partner in the fight against the new global threats of terrorism and terrorist-sponsoring regimes, proliferation, illegal narcotics and international crime.

Cyprus and the United States also have shared values and a shared commitment to building a world based on open markets, democratic principles and the rule of law.

While the Turkish stance, which clearly led to the failure of U.N.-sponsored negotiations between the Greek and Turkish Cypriot communities, must change immediately, we, in Congress, will not waiver on our commitment for Turkish troops to end their illegal occupation of Cyprus once and for all, bringing to an end a tragic period in Cypriot history.

As a U.S. NATO ally and European Union aspirant, Turkey should be held to the highest standards of compliance with its international obligations.

For 29 years, Turkey has ignored the will of the United States and has repeatedly violated the mandates of the United Nations to cease its illegal occupation of Cyprus. Rather than withdrawing, it has reinforced its military presence.

The moment of truth is at hand, and time has run out for Turkish and Turkish Cypriot leaders.

They must undertake concrete steps to forge an agreement on the terms of reunification, and must do so with all deliberate speed.

HONORING MARY LOU STROM

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor Mary Lou Strom of Enfield, CT who is leaving the political arena after 22 years of dedicated service to the people of Northeastern Connecticut.

Mary Lou has set a standard of excellence for those engaged in local politics. Having served for 8 years on the Planning and Zoning Commission and another 14 years on the Enfield Town Council, Mary Lou has become a familiar face to Connecticut politics and has truly made a difference in her community.

What is most exceptional about Mary Lou is her understanding that it is our fellow citizens who are most important in the political process. All of us know that if democracy is to work properly, quality leadership is required at every level of government, and Mary Lou has proven to be that type of leader. Because of Mary Lou's service, Enfield and the surrounding communities are a better place in which to live, work and raise a family.

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in honoring the service of Mary Lou Strom as she leaves the political arena. She has been a blessing to her community and her country and will be greatly missed.

IN RECOGNITION OF PENNKNOLL VILLAGE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the Pennknoll Village located in Everett, Pennsylvania. On July 26, 2003 the retirement community will celebrate 25 years of service, and acknowledge the employees who have worked at Pennknoll Village since the inception of the institution.

In the late 1970s, Diakon Lutheran Social Services, which serves nearly 60,000 people annually, revamped the program and, with the help of the county, built a new nursing facility. Pennknoll Village has grown to become a vital part of the community and now accommodates 133 residents, including those in need of short-term care.

Mr. Speaker, it is an honor that I rise today to recognize Pennknoll Village and its 25 years of service. Central and western Pennsylvania are a better place because of workers like those employed by Pennknoll Village. I wish them continued success over the coming years.

ENSURE FAIR WAGES AND DUE PROCESS FOR DAY LABORERS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the ''Day Laborer Fairness and Protection Act,'' a bill to ensure fair wages and due process for day laborers.

Day laborers are individuals who are hired by agencies to work on a day-to-day basis for employers who pay for the services of temporary laborers. Day labor is not of a clerical or professional nature. Most day laborers perform construction, warehouse, restaurant, janitorial, landscaping or light industrial work—

often taking home far less than the minimum wage.

In the absence of federal guidelines, day laborers are often subjected to long, unpaid wait-periods before being assigned to a job. Commonly, these workers also face dangerous working conditions and are paid lower wages than full-time workers performing the same or similar jobs. Further, day laborers are frequently charged high (often undisclosed) fees for on-the-job meals, transportation to and from job sites and special attire and safety equipment necessary for jobs. Some agencies even ask workers to sign waivers in case they are injured on the job.

Partially due to these unfair labor conditions, many day laborers are caught in a cycle of poverty. A study by the University of Illinois Center for Urban Economic Development found that 65 percent of 510 surveyed day laborers receive $5.15 per hour. Taking into consideration the number of hours spent waiting to be assigned to work (often between 1.5 and 3 hours), the real value per hour of work is reduced to less than about four dollars per hour. This low figure does not reflect transportation and food and equipment fees, which are often deducted from day laborers' wages.

To address these problems, this Act requires day laborer wages that are equal to those paid to permanent employees who are performing substantially equivalent work, with consideration given to seniority, experience, skills and qualifications. Also, it will help ensure that workers are being properly trained before performing hazardous tasks. My bill would also ban fees and wage deductions for health and safety equipment and for transportation between the place of hire and the work site. Further, it requires itemized statements showing deductions made from day laborers' wages. It will also outlaw the unscrupulous practice of charging workers a fee for cashing paychecks. Some companies reap millions of dollars from this deceitful practice. Finally, it mandates that when a day laborer is hurt on the job, the employer who has requested the services of the day laborer provide for coverage of health care costs.

Mr. Speaker, I urge my colleagues to support this pro-labor legislation that will help ensure that people who work hard and pay taxes have the same employment protections as people in other jobs.

INTRODUCTION OF LEGISLATION TO GRANT CITIZENSHIP TO SOLDIERS OF OPERATION IRAQI FREEDOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues a bill that would extend automatic citizenship to those immigrant soldiers who have served our country during Operation Iraqi Freedom.

I introduce this bill in honor of soldiers like Sgt. Riayan Tejeda of Washington Heights, who laid down their lives so that all of the people of the United States, regardless of immigration status, could continue to enjoy the freedoms that our Constitution lays out. To uphold and protect a Constitution that this august body continues to perfect through legislation and debate.

The Riayan Tejeda Memorial Act of 2003 goes beyond current congressional efforts by granting citizenship to all servicemembers that request naturalization and have served in a combat zone designated as part of Operation Iraqi Freedom. It ensures that not only spouses and unmarried children, but also parents of soldiers killed as a result of service in the U.S. military, can apply for citizenship or legalization of status beyond the death of that servicemember. It allows undocumented spouses, dependents and parents of servicemembers to stay in the country while they are legalizing their status. Finally, this bill honors our current and fallen soldiers for their service by prioritizing the naturalization applications of servicemembers and their families.

No one in this country who works hard and abides by the just laws of this country should have to die to receive the citizenship that they crave and deserve. For men and women who decide to don the uniform of the armed forces, their actions on the battlefield should be enough to prove their allegiance and dedication to this land and our families.

HONORING LUCILLE COUGHLIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. EMANUEL. Mr. Speaker, I am proud to rise today in recognition of a truly amazing woman, Lucille Coughlin. Last year, Lucille was named the top usher at Wrigley Field, home of the World Famous Chicago Cubs. While we are all extremely proud of Lucille for becoming the Cubs' ''top usher,'' we are even more impressed that she achieved this at 88 years young.

A true Chicago Northsider, Lucille is a graduate of Lakeview High School—one of Chicago's finest public schools. She was married at St. Andrew Parish and lived 40 years of her life in the Sauganash neighborhood. Lucille raised three children, one of whom is our own Chaplain, Reverend Daniel Coughlin. Today, she lives near Lake Michigan and enjoys spending time with her five grandchildren and eight great-grandchildren.

Approximately 15 years ago, Lucille and her friends at St. Andrew began looking for ways to stay involved in their community. After exploring a few options, they decided on working at Wrigley. Among the original group of St. Andrew's parishioners who began ushering at Wrigley Field, only Lucille remains, working nearly every day. Because she is universally loved and recognized for her cheerful and friendly demeanor, I share the joy felt by so many thousands of Cubs fans who are thrilled she has been honored with the Usher of the Year award for the 2002 season.

During her years at Wrigley, Lucille has witnessed the addition of lights to the field, rejoiced when the Cubs won the National League East title in 1989, lamented the retirement of Cub legend Ryan Sandberg, mourned the loss of Harry Carey, and celebrated many of Sammy Sosa's 505 home runs. Knowing Lucille, she'll be around when the Cubs finally return to the World Series.

But if you ask Lucille why she still works, she will tell you that it's partly to stay active, but mostly because of the great friends she has made. As an usher she has met some of the players, past and present, as well as many important public officials. But, as interesting as the VIPs are, it is the strong bonds she has made with co-workers and fans which keeps her coming back.

Mr. Speaker, I am proud to call Chicago home because of people like Lucille. When she retired, she chose to stay active and involved in the community she has called home for more than 88 years. This August, Lucille will turn 89, and I hope to see her at Wrigley for years to come. Lucille Coughlin is a great Chicagoan. I congratulate her on her successes, and I wish her a happy birthday and the best in whatever life sends her way.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

SPEECH OF

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes:

Mr. HAYWORTH. Mr. Chairman, I rise today to bring attention to a very important issue for my state. My intent is to demonstrate to the government of Mexico that they must start working with us to provide great health care services for its citizens.

As you know, the Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospital emergency rooms to treat all patients who seek care, regardless of immigration status.

The cost of providing free medical care to illegal immigrants is a devastating burden particularly to hospitals in counties along Arizona's southern border. While this problem affects our national health care system, it has resulted in a health care crisis in states such as Arizona.

Many Arizona hospitals face serious financial difficulties. Some have cut back services and state residents are forced to stand in longer lines to see fewer doctors.

Last year, the U.S.-Mexico Border Counties Coalition released a report that should alarm and concern all of us. It found that health care facilities in 28 border counties lost nearly $200 million in one year in costs for the emergency medical treatment of illegal aliens, $31 million of which was lost in Arizona's border counties.

Because the federal government has failed to take financial responsibility for the costs associated with illegal immigration, much of the financial burden of emergency care for undocumented immigrants falls to state and local governments. I support efforts to ease that financial burden and I am proud to be a cosponsor of my colleague Mr. KOLBE's bill—H.R. 819—that will assist border states, localities, and health care providers. In addition, I will be sending a letter soon to Medicare conferees in support of a Senate provision that

provides $250 million a year for 4 years to reimburse state and local governments and local health care providers for emergency health services provided to undocumented aliens.

The Congressional Budget Office says helping border states deal with this problem will cost $1.45 billion a year. The United States should not have to bear this burden alone. The Government of Mexico has an obligation to provide its citizens with greater health care services and help stem the tidal wave of illegal immigrants into this country. One way the Mexican government can be helpful is to provide matching funds for projects like the Nogales Trauma Center. It seems to me that the better job the Mexican government can do to provide medical care for its own people, the fewer Mexicans will be attracted to cross the border to obtain medical care. In Arizona and other border states the Mexican government needs to do more and I will work with you to urge them to take these matters seriously.

However, if the Mexican government is unwilling or unable to work with us over the next year, I fully intend to offer an amendment next year that would eliminate all aid provided to the government of Mexico in the Foreign Operations Appropriations Bill and redirect those funds to states, localities, and health care providers to help deal with the crushing burden of health care costs for illegal aliens.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes:

Mr. KOLBE. Mr. Chairman, I appreciate Congressman HAYWORTH's concern on the issue of medical care for undocumented aliens. He and I are both from Arizona. We know very well the concerns of our state.

Together, we are actively working to get the federal government to compensate state and local governments along the border for the costs resulting from illegal immigration or undocumented entries along the border. There is currently no federal or state policy to reimburse medical care providers for their treatment of illegal immigrants not in custody or who do not possess proof of residency in Arizona. During the past six years, Arizona has experienced a drastic surge in illegal immigration due to recent policy of sealing off Texas and California borders. Therefore, Arizona hospitals and ambulance service providers have had to shoulder an increasingly harsh economic burden.

If we fail to act quickly, our hospitals will go bankrupt leaving the citizens in many areas of Arizona without access to medical care.

Just this week, I introduced H.R. 2807, The Border Hospital Survival and Illegal Immigrant Care Act. This legislation aims to address the shortcomings created by Immigration and Naturalization Service policy instructing the Border Patrol to not apprehend illegal immigrants injured in the process of crossing the border thereby avoiding financial responsibility.

It is a bipartisan effort being supported by several Republicans and Democrats across the border region, including Representatives REYES, FILNER, PASTOR, RENZI, and GRIJALVA.

I know the intent of Congressman HAYWORTH's floor amendment to the Foreign Operations appropriations bill is to get greater Mexican attention and resources on this issue. I think that is appropriate.

There is an innovative pilot project underway that may actually yield commitment on a larger scale from the Mexican government on these issues.

Just recently USAID contributed resources to establish a triage and stabilization unit at the General Hospital in Nogales, Sonora located in Mexico just across from Nogales, Arizona.

This unit would seek to take care of most emergency medical needs of Mexican citizens on the Mexican side of the border in Nogales, Sonora. I encouraged and supported this leadership by USAID and the U.S. government.

In the spirit of public private partnerships, its funding composition has several components:

$350,000 from USAID/Mexico and a USAID Global Health agreement with EngenderHealth, a U.S. NGO,

Nearly $200,000 of cost-sharing support from Arizona partner organizations, principally the USAID grantee, Tucson's University Medical Center Foundation,

2,000,000 pesos from Mexican Federal and State Government, and

1,000,000 pesos from local Mexican business association.

I recognize the goal of Congressman HAYWORTH and I appreciate his willingness to withdraw the floor amendment to the Foreign Operations appropriations bill.

As I continue to work on this issue, I would propose that he and I work together to bring greater focus to this important issue.

Cooperation in support of Mexico's economic and social development and its consolidation of democratic institutions and practices ranks high in the range of U.S. policy interests. This national interest of the U.S. mirrors what is in our intense local Arizona interest.

I plan to work with the distinguished Member of Arizona on this issue. In the near future, I hope you can consider co-sponsoring H.R. 2807, The Border Hospital Survival and Illegal Immigrant Care Act.

HONORING GEN. LESTER L. LYLES ON HIS RETIREMENT

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Gen. Lester L. Lyles, United States Air Force, who will soon be retiring from the U.S. military after 35 years of distinguished service to our nation.

Gen. Lester L. Lyles is currently the Commanding General of the Air Force Material Command, headquartered at Wright-Patterson Air Force Base in the 7th Congressional District. The command conducts research, development, test and evaluation, and provides acquisition management services and logistics support necessary to keep Air Force weapons systems combat-ready.

The general entered the Air Force in 1968 as a distinguished graduate of the Air Force ROTC program. He has served in various assignments, from the Headquarters of the U.S. Air Force, to the Air Force Systems Command (AFSC). The general became AFSC headquarters' Assistant Deputy Chief of Staff for Requirements in 1989, and Deputy Chief of Staff for Requirements in 1990.

From 1992 to 1996, he served consecutively as: Vice Commander and then Commander of the Ogden Air Logistics Center at Hill Air Force Base in Utah, and then commander of the Space and Missile Systems Center at Los Angeles Air Force Base in California.

The general became the Director of the Ballistic Missile Defense Organization in 1996, which is certainly one of the most politically charged offices in the Pentagon.

In May 1999, he was assigned as Vice Chief of Staff at Headquarters, U.S. Air Force. He assumed his current position in April 2000.

I have had the privilege to work with the General on many occasions, since we have the mutual goal of seeing the Air Force (and Wright-Patterson Air Force Base) maintain its role as the preeminent leader in aerospace and advanced technology research.

General Lyles has always understood what has needed to be done, and we have worked very well together to maintain a robust research atmosphere at Wright-Pat. In addition to being a great leader and administrator, General Lyles is also the only African-American four-star general in the Air Force.

This makes him an outstanding role model for the youth of today as an example of what can be accomplished through hard work and perseverance. In fact, in February of this year, General Lyles received the Black Engineer of the Year Award for lifetime achievement. This award is presented on behalf of the Council of Engineering Deans of the Historically Black Colleges and Universities, Lockheed Martin, Daimler Chrysler and U.S. Black Engineer & Information Technology Magazine.

As befitting a leader of his stature, General Lyles has an impressive academic background including: a Bachelor of Science degree in mechanical engineering from Howard University in Washington, D.C., and a Master of Science degree in mechanical and nuclear engineering from the Air Force Institute of Technology Program at New Mexico State University in Las Cruces.

Through his advancement in military rank, he has also attended: the Defense Systems Management College, the Armed Forces Staff College, the National War College, and most recently he completed a National and International Security Management Course at Harvard University.

And, like any successful person, General Lyles is supported by a strong family relationship with his wife of 33 years, Mina, and their four children.

During my tenure in Congress, it has been my honor to work with several consecutive commanding generals of the Air Force Material Command. Each one has been professional, dedicated and a credit to the caliber of general officers in the U.S. Air Force. However, General Lyles has greatly impressed not

only myself, but also many business and community leaders in the Miami Valley. When General Lyles retires, we will be sorry to lose the man I consider to be the best leader in the distinguished history of the command.

As the Congressman who represents Wright-Patterson Air Force Base in the U.S. House of Representatives, I offer my sincere congratulations to Gen. Lyles on his well-deserved retirement and on behalf of the 7th Congressional District and thank him for all he has done to preserve our freedoms.

HONORING WILLIAM STRAUS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. WOOLSEY. Mr. Speaker, I rise today to honor William Straus, rancher, environmentalist, and father of the family whose Straus Family Creamery has set a new standard for organic dairy products. Mr. Straus, who lived in Marshall, CA, died on July 6, 2003, at the age of 88.

Born in Hamburg, Germany, in 1914, Bill, whose father was the first German Jew to earn a doctorate in agriculture, also studied agriculture before fleeing to British-controlled Palestine in 1936. Although he planned to settle there, relatives lured him to California where they were expecting to find oil near San Luis Obispo.

No oil was found, but Bill fell in love with the land. He earned a degree in agriculture from UC Berkeley and purchased a ranch in Marshall. In 1949, fearing he would not find a Jewish girl to marry in West Marin, he traveled to New York twice to meet Amsterdam-born Ellen Prins. The couple married soon after, and Ellen moved to the ranch where she too fell in love with the rolling hills and beautiful landscape.

The Strauses soon became leaders in efforts to protect the land and to develop environmentally sound farming practices. The couple understood that ranchers and conservationists needed to work together to preserve open spaces. Bill was the first rancher to join the Marin Conservation League, and in 1980 Ellen co-founded Marin Agricultural Land Trust (MALT). In 1994, son Albert Straus established the first organic dairy west of the Mississippi.

Bill and Ellen created a warm, hospitable household based on their Jewish roots and were welcoming to friends, family, and a parade of visitors. Ellen Straus died last November. Bill is survived by four children and four grandchildren.

Mr. Speaker, Bill Straus left a legacy based on stewardship of the land, close personal relationships, commitment to agriculture and love of the landscape. His spirit lives on in the beautiful hills of West Marin.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to explain my absence on Friday, July 18, 2003 and Tuesday, July 22, 2003. I attended the funerals of Sgt. Roger Rowe, a Tennessee National Guardsman killed in Iraq, and Rose Barker, a longtime friend. I wanted to pay my respects to Sgt. Rowe and thank his family for his dedicated service to our country. I also wanted to say farewell to a very good friend in Rose.

INTRODUCING THE NATIONAL DROUGHT PREPAREDNESS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with my good friend from Montana, Mr. REHBERG, to introduce the National Drought Preparedness Act. The companion to our bill is also being introduced today in the other body by Senators PETE DOMENICI and MAX BAUCUS.

In 1998, Congress passed legislation creating the National Drought Policy Commission. The Commission was tasked with the responsibility to examine current U.S. policy on drought. To summarize the Commission's fifty-page report in a few short words, ''The U.S. does not have a policy on drought.''

I wish I had just made a joke. The fact that we don't have a drought policy, however, is a joke—and not a good one at that.

Drought is not just an agriculture issue, nor is it only a water management issue. When droughts occur, forest fires erupt, small businesses close, crop yields decrease, and in many instances, people die.

Here in Washington, it's been raining all month, so people aren't talking about drought. However, just because we aren't talking about it, doesn't mean that we shouldn't be doing something about it.

In my home State of Florida, we are always taking steps to mitigate the effects of hurricanes and floods—regardless of what season it is. In the Midwest, similar efforts are made to plan for tornadoes, and in the West, the same could be said for wildfire prevention and earthquakes.

It is time for America to move away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach that focuses on preparation and planning. Coordination between Federal, State, and local governments, in addition to watershed groups, farmers and ranchers, and resource dependent businesses, is the only way we will successfully curb the effects of drought before we find ourselves in one. The bill we are introducing today provides a new focus on an otherwise often ignored natural disaster.

Our bill accomplishes four major goals:

First, the bill begins to move the country away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach focused on preparation and planning. The new national policy will provide the tools and focus for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

Second, the bill will improve the delivery of Federal drought programs. To ensure improved program delivery, integration and leadership, the National Drought Preparedness Act establishes the National Drought Council under the direction of the Secretary of Agriculture. The Council will provide the coordinating and integrating function for the more than 80 Federal drought programs currently in existence.

Third, the bill establishes new tools for drought preparedness planning. Building on current water policy, the Drought Council will assist states, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate state and local planning, but is intended to facilitate the development and implementation of drought plans through the establishment of a Drought Assistance Fund. Importantly, the bill also preserves State authority over water allocation.

Fourth, the bill improves our forecasting and monitoring abilities. Under our legislation, the Drought Council will facilitate the development of the National Integrated Drought System in order to improve the characterization of current drought conditions and the forecasting of future droughts, as well as provide a better basis to trigger Federal drought assistance.

Mr. Speaker, the creation of a coordinated and comprehensive National Drought Council will provide efficient and time sensitive coordination between Federal agencies in preparing for and responding to droughts, as well as assisting Congress in identifying our immediate and long term needs in providing drought relief.

I am looking forward to working with my colleagues and moving this bill forward. Americans are hurting throughout this country today because of water shortages and prolonged droughts. Congress must act immediately, and time is of the essence.

I ask my colleagues to support this bill, and I urge the House leadership to bring this bill to the floor for its swift consideration.

INTRODUCTION OF THE FEDERAL BUREAU OF INVESTIGATION REFORM ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the ''Federal Bureau of Investigation Reform Act of 2003,'' legislation that strengthens the accountability, enhances the security and improves the management of the Federal Bureau of Investigation (FBI). I am joined by Representatives BERMAN, JACKSON-LEE, DELAHUNT, BLUMENAUER, WAXMAN, FARR, and CARSON of Indiana.

The report released today by the joint congressional committee investigating the September 11th attacks was quite disturbing. It provided ample evidence of key clues and signals that astute FBI agents should have picked up on. Line after line of the report reveals incidences of missed opportunities. Beginning with the FBI's neglect of the now infamous ''phoenix'' memo and ending with the mishandling of potentially valuable informants, the FBI engaged in a pattern and practice of activities that did very little, if anything, to protect this nation from the devastating attacks it experienced on 9–11.

To address some of the obvious miscues and intelligence failures highlighted in the report, we are introducing the FBI Reform Act of

2003. There are five key elements of our bill. First, it strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. Second, it addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees. Third, it establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards. Fourth, it establishes an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. Finally, it requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional reforms may prove necessary. Especially important will be the lessons learned from the attacks of September 11th, the anthrax attacks, and implementation of the USA PATRIOT Act. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

HONORING JAMES WILSON JACKSON AND HARRY BELLE FULLMORE ON THEIR GOLDEN WEDDING ANNIVERSARY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. LEE. Mr. Speaker, we rise today to honor the 50th wedding anniversary of James Wilson Jackson and Harry Belle Fullmore, better known as Honey.

James, a lieutenant in the United States Army was stationed at Fort Bliss in El Paso, Texas where he met Honey. And, like her name, Honey was the belle of Texas and James was swept off his feet. After numerous Sunday dinners prepared by Jesse Cook, Honey's mother and James' future mother-in-law, James proposed to Honey and the two married on August 14, 1953.

They had four children: James Wilson Jackson, Jr., Suzan Elizabeth Jackson, Barbara Ann Jackson and Michelle Jackson.

Having chosen a military career, James and Honey traveled throughout the world including the Orient, Europe and from coast to coast in the United States. Everywhere they settled, they developed a host of friends.

Upon retiring from the military, James and Honey chose Cleveland, Ohio as their new home. Since moving to Cleveland in 1970, they have dedicated themselves to contributing to their community and society at large. James chose the civic route, volunteering to serve on various Boards and Commissions. Honey chose to make her contributions more economic in nature, supporting upscale and specialty boutiques from coast to coast.

During the 50 years of their marriage, James and Honey have been faced with many obstacles and hurdles, but working together, they have persevered. We are honored to commend James and Honey Jackson on their Golden Anniversary.

IN RECOGNITION OF WILLIARD MCDONALD ON THE OCCASION OF WILLARD MCDONALD DAY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Willard McDonald on the occasion of the 6th Annual Willard McDonald Day in Ashland, Alabama.

Willard McDonald has a deep faith in God and a deep love for gospel music. He was the founder and editor of ''Deep South Gospel Magazine,'' and the host of ''Gospel Music Review'' and the ''Country Boy Eddie Show'' in Birmingham, Alabama. He used his love of gospel music to organize gospel sings for twenty-five churches and for charity events.

Since his retirement, Willard McDonald has devoted his time to helping others, and six years ago, his friends, his family and the citizens of Ashland organized a Willard McDonald Day to show their appreciation.

Mr. Speaker, I pay tribute today to Willard McDonald as a great Alabamian and American, and I appreciate the House's acknowledgment of his legacy.

CELEBRATING THE 14TH EDITION OF PAN-AMERICAN GAMES IN THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the 14th edition of the Pan-American Games, this year to be held in Santo Domingo Dominican Republic, from August 1st to August 17th.

Since 1951, the games have carried the Olympic spirit of trying to build and strengthen international cooperation through friendly, but no less intense, competition between the countries of the Western Hemisphere. In a time when we are engaged in a global struggle against terrorism, poverty and disease, the sight of some of the region's best athletes coming and sharing the same stage peacefully gives the world hope that our current struggles are just a prologue to better days.

This year's games are also a source of pride to Dominicans all over the world, especially those who live in my district's neighborhood of Washington Heights. While putting on an event of such magnitude is a challenge for any nation, there is no doubt in my mind that the world will be treated to a world-class celebration full of the best of Dominican culture. It is also a chance to sow the seeds of future economic development by showing the world that any stage can shine brightly from Santo Domingo.

So it is with great enthusiasm that I ask my colleagues to join me in congratulating all the participants and organizers in advance for all their achievements and hard work. Let us hope that the Pan-American Games' motto, loosely translated as ''The American spirit of friendship through sports,'' not only lasts beyond these two weeks in August, but also extends beyond sports and the island of Hispañola into the hearts of all of the world's citizens.

INTRODUCTION OF SENSE OF CONGRESS BILL ON LIBERIA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce a resolution expressing the sense of the Congress that while we encourage a regional West African effort to resolve the Liberia crisis, the United States military has no role—either alone or as part of a multinational force—in that country.

We all recognize the tragedy in Liberia. A civil war has raged there for the past 14 years, leaving thousands dead and a million without homes. Horrific stories of atrocities abound. We wish for peace and a resolution to the conflict. But we must recognize that this resolution should come through regional West African efforts. These are the countries involved and affected; these are the countries with the most incentive to resolve the problem. Simply stated, there is no U.S. national security interest at stake in the conflict—no matter how widely ''national interest'' is defined.

But the administration is currently pondering repeated calls by some in the U.S. and especially the United Nations to commit thousands of troops to a full-fledged American operation in Liberia. According to press reports, the Pentagon has just ordered about 4,500 sailors and marines from the Horn of Africa into the Mediterranean Sea, so as to be closer to Liberia—just in case.

Before we commit our troops to yet another foreign intervention, Congress must at the very least consider the implications of further committing our already seriously overextended military. According to recent press reporting, of the 33 brigades that make up the entirety of the U.S. Army's active duty combat forces, all but just three brigades are either currently engaged in Iraq, Afghanistan, South Korea, are committed to other missions, or are reconstituting. This suggests that the U.S. military is in serious danger of becoming over-extended.

Mr. Speaker, there is no U.S. interest in the conflict and U.S. military involvement could well lead to resentment and more violence against U.S. troops, as we saw in Somalia. We must ponder this possibility before yet again putting our men and women in uniform in harm's way.

I hope very much that my colleagues will join me in this effort and that we may see a quick Floor vote on this very important measure.

ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today in remembrance of the 29th Anniversary of the Turkish Invasion of Cyprus and to commemorate this tragedy for the Greek Cypriot people.

On the 29th Anniversary of the Turkish Invasion of Cyprus, we solemnly remember the victims of the invasion. The invasion claimed 5,000 Cypriot lives, displaced 200,000 Greek Cypriots from their homes, and has created one of the most militarized areas in the world, with 40,000 Turkish troops continuing to occupy the island. The invasion also created hatred between Greek Cypriots and Turkish Cypriots that poisoned the way they thought of each other for years.

While we mourn the tragic losses of the past 29 years, we are also able to celebrate the future of a Cyprus integrated into the European Union. This is an historic year for Cyprus, and I would like to commend Cyprus and the Greek Cypriot people for their commitment and determination in reaching a settlement on the reunification of the island and especially membership in the European Union. On April 16, 2003, Cyprus signed the Accession Treaty to the European Union and will now have a host of new opportunities open to its people. Just this week, the Wall Street Journal ran an article describing the emotional meetings of Greek Cypriots and Turkish Cypriots going back to their former villages, and their realization that the hatred melted away once they met and spoke with people on the other side. If this is truly the case, then there is hope for a peaceful future.

Nevertheless, it is the obligation of the U.S. Congress to condemn the violence that separated the island nation of Cyprus, and to encourage Turkish Cypriot leaders as needed to negotiate in good faith with their Greek Cypriot counterparts to settle this dispute. The reunification of the island nation is a priority for this Congress and the international community. On this anniversary of the Turkish invasion of Cyprus, we mourn the deaths of those killed in the invasion and the lost opportunities over the years, and we look forward to a future of a reunited Cyprus in the European Union.

HONORING THE SACRIFICE OF CMDR. KEVIN A. BIANCHI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PAYNE. Mr. Speaker, I rise today to honor a true American hero. Kevin A. Bianchi, 40, was among three members of a Navy helicopter crew confirmed dead in a crash in Sicily on July 16, 2003. The fact that his older brother, Robert, a Navy helicopter pilot, was killed in a crash in the Philippines in 1986, adds to the enormous grief that his family now feels.

Kevin Bianchi came from a proud family tradition of Navy servicemen. Two of his three brothers served honorably with Kevin in the Navy. Indeed, Kevin himself graduated from the U.S. Naval Academy in Annapolis, Maryland, in May 1985 with a Bachelor of Science degree in Applied Science. He led fellow servicemen as captain of the Navy Wrestling team, and was commissioned and assigned to the Naval Academy staff as an Assistant Physical Education Instructor and Assistant Wrestling Coach. In June 1991, Cmdr. Bianchi reported to the Naval Postgraduate School in Monterey California where he earned a Masters of Science degree in Information Systems Technology Management. Finally, in March 2001, he went to Newport, Rhode Island to attend the College of Naval Command and Staff at the United States Naval War College where he was awarded a Master of Arts degree in National Security and Strategic Studies.

His glittering academic career was mirrored by his successful service record. He served with honor on the Naval Air Force Atlantic Fleet in Virginia, and was promoted to the position of Air Operations Officer of the Pacific Fleet in San Diego, California. He was decorated on countless occasions in recognition of his service success. In addition to various service awards, Cmdr. Bianchi earned an Air Medal and Navy Commendation and Achievement Medals.

Mr. Speaker, I am sure that my colleagues here in the U.S. House of Representatives are inspired, as I am, by Cmdr. Bianchi's remarkable patriotism and exceptional valor. He was proud to serve his country, and refused to give up his career even after his family had been struck by tragedy. That Cmdr. Bianchi continued to put his life at risk on a regular basis, even after the loss of his brother in 1986, is proof of his unassailable courage and dedication. Let us join in extending our condolences to Cmdr. Bianchi's parents, who have now lost two sons in service to our Nation. Our thoughts and prayers will be with his loving wife Rita Barrie, and their three children, Kevin, Christopher and Julia.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MOORE. Mr. Chairman, I was unavoidably detained due to a U.S. Airways plane malfunction and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. Had I been present, I would have voted ''yea.''

COMMUNITY PROTECTION AND RESPONSE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. MALONEY. Mr. Speaker, today I introduce the Community Protection and Response Act of 2003 to eliminate confusion in terrorist prevention and response.

One of the major lessons learned in the aftermath of the September 11th, attacks is that timely response is critical. Any delay complicates short-, medium-, and long-term recovery efforts. Sadly, many of the lessons that we have learned have gone without an appropriate response. For example, the Washington Post reported on June 4, 2003, that the United States remains highly vulnerable to a chemical terrorist attack, in large part because the Department of Health and Human Services and the Environmental Protection Agency still have not decided which agency would spearhead chemical testing. Clearly now is the time to learn from our past and prepare for the future. The Community Protection and Response Act does just that.

In response to the attacks of September 11th, Congress took a series of actions to bring relief to affected areas. These legislative actions along with existing statutes, including the Robert T. Stafford Relief and Emergency Act and the Disaster Mitigation Act of 2000, formed the framework for the federal government's response. The magnitude of the attacks and the need for Congress to take action before certain relief could be delivered added to the challenge of the recovery efforts and exposed critical weaknesses in federal authority to respond.

The Community Protection and Response Act would amend the Stafford Act along with other statutes and would give the President a series of policy options to chose from following a homeland security event. A homeland security event is defined as an event that poses a significant risk to the security of people and property and is in such a magnitude that effective response is beyond the scope and capability of the affected state and local government. Many of these options are based on congressional action following September 11th or other policy suggestions in reports by the Congressional Research Service, the General Accounting Office and the New York branch of the Federal Reserve. Specifically, in the event of homeland security event, the President can provide grants for lost tax revenue, aid to school systems, and assistance to medical facilities and utility companies. The bill also establishes guidelines to ensure the public health of area residents and disaster workers.

This legislation was introduced in the 107th Congress (H.R. 5164) and was offered as an amendment to the Bill that created the Department of Homeland Security. While the Committee on Government Reform passed the amendment by an unanimous vote, it was stripped out before floor consideration.

IN RECOGNITION OF JETT WILLIAMS, THE DAUGHTER OF HANK WILLIAMS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Jett Williams, the daughter of the legendary Hank Williams, for her outstanding professional achievements.

Jett Williams was born in Montgomery, Alabama, on January 6, 1953, five days after the death of her father, Hank Williams. She was adopted by her grandmother, Lillian Williams. When Ms. Williams passed away in 1954, Jett was adopted by a family living in Mobile, Alabama. It was not until adulthood that she

began to search for her real identity. In 1989, the Alabama Supreme Court recognized Jett Williams as the daughter of Hank Williams.

Through her fight to be recognized as the daughter of Hank Williams, Jett Williams was assisted by attorney Keith Adkinson, who became her husband in 1986. The next year, she began her professional singing debut in Evergreen, Alabama. In 1990, she published her autobiography. Finally, on the occasion of the anniversary of the 75th birthday of Hank Williams, Jett Williams and Hank Williams, Jr. made their first appearance together, demonstrating their family relationship.

Carrying on the Hank Williams tradition, Jett Williams performs throughout the country, and on August 16, 2003, she will once again return to Alabama for her annual Kowliga Reunion on Lake Martin to honor her father and one of country music's best known legacies, Hank Williams.

A SPECIAL TRIBUTE IN RECOGNITION AND SUPPORT OF THE WORK OF SISTER JANET DOYLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. KAPTUR. Mr. Speaker, I am pleased to take this opportunity today to recognize the contributions to Catholic education made by Sister Janet Doyle, O.P. of the Toledo Catholic Diocese. Sr. Janet leaves her position as Superintendent of the diocese's Catholic Youth and Social Services, having developed the office into a comprehensive network of services for young people including schools, sports, social activities, and ministry.

During her long tenure, Sr. Janet has overseen 83 elementary schools, 10 high schools, 4 private high schools, and 2 colleges in the diocese's nineteen county Northwest Ohio area through which tens of thousands of children have been educated. Under her leadership, the schools expanded enrollment to include children of all faiths, offering opportunities for them to learn in an interfaith environment.

Sr. Janet's stewardship has been marked by the Catholic educators' credo that ''we believe our Catholic School is not only a school, but a community of Faith; we believe those entrusted to us are not only students, but children of God; we believe we are not only educators, but ministers of the Gospel; we believe the values we teach are not only character development, but a call to Holiness; we believe our courses of study are not only academic pursuits, but a search for Truth; we believe the purpose of education is not only for personal gain and the development of society, but for the Transformation of the world.'' Under her capable guidance, the diocese's schools have demonstrated they are at the forefront of a quality education with rigorous academic standards, and at the same time giving students a safe haven in which to learn and grow. Thank you Sister!

Sr. Janet leaves as her legacy the fulfillment of the mission of the office of Catholic Youth and School Services to ''assist the Bishop in his teaching mission by serving, challenging, and supporting the leaders of youth formation and education who minister in schools and parishes in the Diocese of Toledo.'' Though her daily presence will be missed, Toledo's Catholic youth services bear her imprimatur.

TRIBUTE TO EDDIE MURRAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CARDIN. Mr. Speaker, the words most often used to describe Eddie Murray are ''team-player,'' ''reliable,'' ''steady,'' and ''clutch-player.'' What these words fail to convey is just how much fun it was to watch Eddie play, particularly for the Orioles, particularly in Memorial Stadium where he spent his first 12 years as a professional baseball player. He helped the team excel in every way, from winning a World Series and a pair of American League Championships, to being an exciting home team to root for at the ballpark.

This wonderful and often under appreciated ball player known in my hometown simply as ''Eddie'' will be inducted into the Baseball Hall of Fame this weekend in the first year he is eligible. The statistics are important, and they show just how steady and yet remarkable Eddie's career was: Eddie Murray is one of three players (the other two are Hank Aaron and Willie Mays) to hit over a lifetime 500 home runs and 3,000 hits. He is the only switch hitter to accomplish this feat. He homered from both sides of the plate in 11 games—a Major League record. He was the 1977 American League Rookie of the Year, an 8-time All-Star (in both Leagues), a 3-time Golden Glove winner, and shares the distinction with Cal Ripken and Pete Rose of playing at least 150 games in 16 seasons—all in a career that was 20 years long. He ranks 2nd in all-time career grand slams with 19. He ranks 8th all-time in RBIs, 17th in home runs, 12th in hits. He holds the Major League record for games played and assists by a first baseman. He batted in 1,917 RBIs—more than 75 a season in 20 consecutive seasons.

He hit 996 RBIs in the 80's—the most any player hit in the decade—and was known for being able to play his best in situations where his team needed him the most. Murray was a career .410 hitter with the bases loaded. In fact, he hit 117 game-winning RBIs, an American League record, and hit a Major League record 128 sacrifice flies. Murray was in every way the ultimate clutch player and a team player who thought of the team and the game before his own glory. In total, he hit 504 home runs, 3,255 hits, and played for the Orioles, the Dodgers, the Mets, the Indians, and the Angels. But he started his career and hit his 500th home run in Baltimore, and he will be inducted on Sunday as an Oriole. We are proud to claim him.

Eddie Murray told the Baltimore Sun in January when he found out about the induction: ''The 500 home runs, to me, is the most mind-boggling, because I didn't think I was strong enough. I never thought of myself as a home-run hitter.'' He gave back to other players, on the field with his selfless play and off. When Cal Ripken broke Lou Gehrig's record, he singled his former teammate out for praise, saying ''when I got to the big leagues, there was a man—Eddie Murray—who showed me how to play this game, day in and day out. I thank him for his example and for his friendship. I was lucky to have him as my teammate for the years we were together . . .'' Murray also gave to his community, starting, with Ripken, a program giving Orioles tickets to underprivileged children. He also created an outdoor education program in the second largest urban park in the nation, Leakin Park in Baltimore, named The Carrie Murray Nature Center in honor of his late mother.

Of sharing his achievement with Aaron and Mays, Murray said, ''I'm not in their class.'' Mr. Murray, your fans in Baltimore and across the Country beg to disagree.

CELEBRATING NEW YORK'S DOMINICAN DAY PARADE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to one of New York's oldest celebrations of Dominican culture, Manhattan's Dominican Day Parade.

The annual parade, which once ran through the heart of Washington Heights, has grown to become one of August's most anticipated celebrations of cultural and ethnic pride on New York's Sixth Avenue.

This year's parade on August 10th not only comes on the heels of the Dominican Republic's hosting of the 14th edition of the Pan-American Games, it also kicks off Dominican Heritage Week in New York City. From then to August 16th, New Yorkers of all ages will get a chance to learn about some of the ways in which this vibrant community is transforming the nation.

We have begun to hear of Dominicans and Dominican-Americans in the context of stars like baseball slugger Sammy Sosa, designer Oscar de la Renta, and Miss Universe 2002 Amelia Vega. However, there are hundreds of Dominican professionals and an increasing amount of Dominican students that are blazing trails in government, law, science, and technology. They understand that they stand on the shoulders of not only the sacrifices that their parents have made but also on the achievements of members of other freedom-loving people.

In many ways, their journey is similar to other immigrant groups that have landed on our shores. But make no mistake, the people of the Dominican Republic have a style all their own. They are part of the wonderful mosaic that is America whose continuing empowerment can only help this country reach its full potential as a democracy.

LIVING WELL WITH FATAL CHRONIC ILLNESS ACT OF 2003

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. OBERSTAR. Mr. Speaker, I rise today to introduce the ''Living Well with Fatal Chronic Illness Act of 2003'', a bill to build the capacity to meet the challenge of growing numbers of people living with serious chronic illness for some time before death. I am joined

in introducing this bill by my colleague, Representative JIM RAMSTAD.

The early ideas for this legislative initiative came from conversations around the dinner table with my wife, Jean. We have both lost spouses, who succumbed at an unusually early age to cancer, and we have tended to disabled and frail parents.

Many citizens have been personally touched by the experience of caring for disabled and frail parents or for spouses and children as they lived out their final days. My experience in these difficult situations has been that our health care system is a patchwork quilt of mismatched services that carry with them substantial expense. So, the challenges faced by those nearing the end of life, as well as by those caring for loved ones, are particularly meaningful to me.

Just in the last half-century, the way that most Americans come to the end of life has changed dramatically. Today, most people live for many months with a serious chronic illness before they die. In fact, statistics show that, on average, Americans will be unable to care for themselves for the last two years of their lives. However, the services that our health care system makes readily available were designed to cope with short-term threats, such as accidental injuries and heart attacks. Our nation's health care system has not been adapted to meet the needs of people facing the final phase of life or the many challenges faced by their caregivers.

Problems associated with end-of-life care are deeply rooted in federal policy. Unfortunately, we have been slow to see that these lapses are not just personal calamities and challenges, but rather, are built into federal policy. For example, while Medicare coverage makes operations and emergency services readily available to the elderly, services more appropriate for serious disability and dying are not easily found. Medicare, Medicaid, and Veteran's coverage do not provide for continuity in care, advance care planning, family support, or symptom relief for long-term fatal illnesses.

Further, end of life care uses a large portion of funding allocated to health care services. Those last few years of life are tremendously expensive, with the last year alone using 28% of the overall Medicare budget. It is estimated that half of Medicare costs—and even more of Medicaid for the elderly and Veteran's health care—go toward care of those who are very sick and will die, rather than get well. Although taxpayers spend money on end-of-life care, they do not get reliability and quality from that care.

This is a problem that will only increase in the coming years. The numbers of people facing serious illness and death will double within a quarter century, as the Baby Boomer generation reaches old age. Our nation must not only arrange and pay for services that can support the unprecedented number of people who will need care, but we must also learn how to support family caregivers. Facts show that a family member will spend nearly as many years—seventeen—caring for an elderly parent, as raising children—eighteen years. Further, a family caregiver can expect to lose more than one-half million dollars in net worth, (from having a lower pension, more time not covered by health insurance, and lost wages.)

The ''Living Well with Fatal Chronic Illness Act of 2003'' will meet the challenges faced by a growing number of people who must live with serious chronic illness for some time before death. This comprehensive legislation addresses three key initiatives—one affects caregivers, two relate to improving end-of-life care.

First, the legislation proposes a $3,000 per year refundable tax credit for the primary caregiver of a spouse or those they can claim as dependents, and certain other low income individuals, who have long-term care needs. This is important, because the United States is the only developed nation that does not support family caregivers. There is no federal government program to help improve skills, provide respite; indeed, we do not generally demonstrate that we honor caregivers' love and loyalty. The tax credit we propose is admittedly not enough to pay for the financial sacrifices of caregivers who provide long-term care, but it will demonstrate support and respect for the significant commitment and contributions made by those who help loved ones to live well despite serious illness.

We have been so focused on learning how to prevent and cure diseases that we have all but abandoned interest in what occurs as those possibilities run out. Most people now die of long-term irreversible conditions like dementia, frailty, heart failure, emphysema, cancer, and stroke; yet there is very little reliable evidence about serious illness and the end of life. This legislation will help provide guidance that the medical community needs to respond more effectively to unique end-of-life challenges.

In order to begin laying the foundation for evidence-based reforms to health care, the second section of the bill authorizes the Department of Health and Human Services to establish research, demonstration, and education programs to improve the quality of end-of-life care across multiple federal agencies.

Third, the bill authorizes the Department of Veterans Affairs to develop and implement programs to improve the delivery of appropriate health and support services for patients with fatal chronic illness. The Veterans Health Care System has been a leader in end-of-life care delivery and innovation, especially in advance care planning and pain management. This bill aims to support continued excellence through enhanced education and service delivery for this important care system that now serves so many disabled and elderly veterans.

Our nation will face major challenges in the next quarter century as baby boomers approach old age. We must ensure that people suffering from fatal chronic illnesses live out their lives in a dignified, comfortable, and meaningful way, and we must support and honor the invaluable work of caregivers.

HONORING ETHAN LINK FOR HIS OUTSTANDING INVOLVEMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Ethan Link of Gallatin, TN, for being selected as Gallatin High School's first YMCA Youth Governor.

Ethan has been involved in the YMCA Youth Legislature since the sixth grade. In 2001, at his freshman conference, he received the Outstanding Bill award for legislation concerning DNA testing for death-row inmates awaiting execution. During his junior year, he received the Outstanding Bill award for a measure to create a death penalty review commission and served as the Senate Floor Leader. This year, he was selected to attend the Conference on National Affairs and to serve as the Youth Governor for 2004.

Ethan marked the highlight of the conference as meeting with members of the White House staff, representatives and senators from several states—including myself—members of the Washington media, Judy Schneider of Congressional Research Service and many other ''inspiring speakers.''

Another aspect of Ethan's involvement in public service programs is his participation in the Model United Nations Program. He has been involved with this program for 4 years. At the 2002 MUN conference, he served as Jamaica's ambassador on the Security Council. The following year, he served as China's ambassador, giving him a more powerful role. Ethan will serve as Security Council president in 2004.

I commend Ethan for his many accomplishments and awards, and wish him the best of luck in future endeavors.

29TH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to express my encouragement on behalf and to the international community for their continued efforts at resolving the Cyprus crisis. Twenty-nine years ago, without justification, and against international law, Turkish armed forces invaded the nation of Cyprus and today because of a lack of willingness from the Turkish Cypriot leadership; the international community's goal of attained peace is yet to be achieved.

I want to commend United Nations Secretary General Kofi Annan for his committed efforts to resolving this issue. From the international community's perspective, on several occasions there has been an initiative to resolve this issue, and yet because of the unwillingness of the Turkish Cypriot leadership and specifically Mr. Rauf Denktash, negotiations have collapsed. The most recent negotiations held this past March shows a prime example of unwillingness on the Turkish side. During the negotiations, Republic of Cyprus President Tassos Papadopoulos, accepted the Annan Plan aimed at reunifying Cyprus. However, Mr. Denktash bluntly rejected the plan, therefore denying his own Turkish Cypriot citizens the right to vote on the issue. In early April, after the meeting, Secretary General Annan issued a report to the Security Council, firmly declaring that Mr. Denktash bears the sole responsibility that lead to the failure of the UN effort.

Additionally, Mr. Speaker, there are several strong warnings in the form of protests for the UN peace process, that the Turkish Cypriot community does not support Mr. Denktash's obstructionist approach to governing their community.

Mr. Speaker, I strongly urge Congress to support the continued efforts of the United Nations led by Secretary General Annan, to bring

peace and the reunification of Cyprus, through talks between the International community and the Turkish Cypriot leadership. The world must hold the Turkish Cypriot Leadership and specifically Mr. Denktash responsible for their actions. If this issue is not resolved, the people of Cyprus will not be re-united. These are the same Turkish Cypriots who support the reunification of Cyprus and the same Turkish Cypriots who Mr. Denktash thinks he is leading. Let Mr. Denktash know, that if he does not endorse the UN peace process, he will be doing a great disservice to his own people.

I thank the Speaker for allowing me to address the House today to express my concerns to my fellow colleagues regarding this issue.

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND, NY, May 17.—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony. This year's event was dedicated to our armed forces.

This year's ceremony date coincides with that of National Armed Forces Day. As such, we would like to pay special tribute to the men and women serving in the U.S. armed forces both here and abroad. Several of our Medalists also serve in the armed forces; many more are honored veterans.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century. ''Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations,'' said NECO Chairman William Denis Fugazy. ''In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity.''

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 2000 American citizens have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with lifethreatening medical conditions. NECO has founded The Forum's Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board Directors.

Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson, Dr. Michael DeBakey, Senator John McCain, Rudy Giuliani and Attorney General Janet Reno.

Congratulations to the 2003 Ellis Island Medals of Honor Recipients:

Ruth J. Abram, President, Lower East Side Tenement Museum, Romanian/Irish/Prussian; Danny Aiello, Actor, Italian; Hon. Hagop S. Akiskal, Professor of Psychiatry, University of California at San Diego, Armenian; Hon. William Vollie Alexander, Managing Partner, Alexander & Associates, Scottish/English/Irish; Menelaos Anastasios Aliapoulios, M.D., Medical Director, General Electric Company, Hellenic; Hon. Hushang Ansary, Parman Group, Iranian; Angela Susan Anton, CEO & Publisher, Long Island Community Newspapers, Czechoslovakian/Italian; William Austin, Chairman & CEO, Starkey Laboratories Inc., English; Robert P. Badavas, Chief Operating Officer, Atlas Venture, Hellenic; Peter Balakian, Professor, Colgate University, Armenian; Roger Ballou, President & CEO, CDI Corporation, English/Scottish/French; Salvatore A. Balsamo, Chairman, Tac World Wide Companies, Italian; Peggy L.S. Barmore, Assistant to the President, NYSUT, African/Irish; Peter J. Barris, Managing General Partner, New Enterprise Associates, Hellenic; Anthony J. Bifaro, Assistant to the President, NYSUT, Italian; Michael Bolton, Bolton Music Company, Russian/English; Capt. Craig E. Bone, Commanding Officer & Commander of the Port NY & NJ, Coast Guard Activities, English/Irish/German; George Boyadjieff, Chairman, Varco International, Inc., Bulgarian/Russian; Albert A. Boyajian, President & CEO, Global Bakeries, Inc., Armenian; Albert A. Boyajian, President & CEO, Global Bakeries, Inc., Armenian; Roscoe C. Brown, Jr., President Emeritus, Bronx Community College—CUNY, African; Bishop William Brown, Pastor, Founder & Chairman, Salvation & Deliverance Church, South African;

John A. Canning Jr., President, Madison Dearborn Partners, Irish/Italian; Terrel L. Cass, President & General Manager, WLIW 21—NY Public Television, Irish/English; Myron Z. Chlavin, CEO, Desser Tire & Rubber Co., Austrian/Latvian; Msgr. Eugene V. Clark, Rector, St. Patrick's Cathedral, Irish/Dutch; Maj. Gen. Richard S. Colt, Commander, 77th Regional Support Command US Army Reserve, Scottish; Francis X. Comerford, President & General Manager, WNBC, Irish/Italian; Leo P. Condakes, President, Peter Condakes Co., Hellenic; Alexander A. Conti, Financial Representative, Northwestern Mutual Financial Network, Italian; Thomas J. Corcoran, Jr., President & CEO, FelCor Lodging Trust Inc., English; Thomas M. Coughlin, President & CEO, Wal-Mart Stores & Sam's Clubs USA, Irish; Hon. Anthony J. Cutrona, Supreme Court Justice—NYS Supreme Court, 2nd Judicial Department, Italian;

Salvatore A. Davino, President, Fidelity Land Development Corp., Italian; Commander Carlos Del Toro, US Naval Forces, Cuban; Vincent DeMentri, Anchor/Correspondent, WPIX–TV, Italian; John E. Durante, President, Rockledge Equities, Italian; Umberto P. Fedeli, Jr., President & CEO, The Fedeli Group, Italian; Charles A. Feghali, President, Interstate Resources, Inc., Lebanese; John J. Flynn, President, IU Bricklayers & Allied Craftsworkers, Irish; Colonel Warren J. Foersch, Commander, First Marine Corps District—US Marines, French/German/Irish; Hon. James S. Gallas, US Magistrate Judge, US District Court—Northern District of Ohio, Eastern Division, Hellenic; Luther R. Gatling, President, Budget & Credit Counseling Services, Inc., African; Richard Goldstein, Chairman & CEO, International Flavors & Fragrances Inc., Russian; Hon. Joseph G. Golia, Associate Justice, Appellate Term, 2nd & 11th Judicial District, Supreme Court of the State of NY, Italian; John George Gonis, D.D.S., Chairman & President, Dental Associates, LTD, Hellenic; Andy Granatelli, Former CEO & President (Retired), STP Corporation, Italian;

James T. Hackett, Chairman, President & CEO, Ocean Energy, Inc., Irish/German; Val J. Halamandaris, Esq., President, National Association for Homecare & Hospice, Hellenic; Thomas E. Hales, Chairman, President & CEO, Union State Bank, Italian/Irish; Taek Sun Han, Founder & CEO, Han Yang Supermarket/Han Yang Cultural Center/Morning Glory Stationery World, South Korean; Michael J. Handy, Director, Mayor's Office of Veterans Affairs, African/English/Native American; Russell Hotzler, Interim President, York College, CUNY, Italian/German; Sayed Jemal Houssein-Afghani, Inc., Humanitarian, Afghan/English; Ronald C. Jones, Secretary, United Federation of Teachers, Italian;

Georgia Kaloidis, CEO, Diskal, Inc., Hellenic; Frank S. Kamberos, Former VP Operations, Treasure Island Foods, Inc., Hellenic; I. Pano Karatassos, Founder/President, Buckhead Life Restaurant Group, Hellenic; Bruce E. Karatz, Chairman & CEO, KB Home, Russian; Elaine Kaufman, President, Elaine's Restaurant, Russian; Stella Kim, Executive Vice President, By Design L.L.C., South Korean; Michael B. Kitchen, President & CEO, CUNA Mutual Group, Canadian; Thomas M. Lamberti, Esq., Partner, Putney, Twonbly, Hall & Hirson, LLP, Italian; Lou Lamoriello, President, CEO & General Manager, New Jersey Devils, CEO, NJ Nets, Italian; Henri Landwirth, Founder & Chairman, Give Kids the World & Dignity-U-Wear Foundation Inc., Belgian/Polish; Stewart F. Lane, President, Theatre Venture, Inc., Russian/Polish; A. Alexander Lari, Founder & Chairman, Claremont Group, LLC, Iranian; Denis Leary, President, The Leary Firefighters Foundation, Irish;

Chung Wha Lee, President, Lee Chung Wha Diamond Corporation, Korean; Howard H. Lee, President & CEO, World Journal, Chinese; Simon S. Lee, CEO & President, STG, Inc., South Korean;

James P. Lemonias, Chairman & CEO, Whitman Company, Inc., Hellenic; Lt. Gen. William J. Lennox, Jr., Superintendent US Military Academy, Scottish/Irish; Hon. Phil Leventis, State Senator, State of South Carolina, Hellenic; Michael Yi-Sheng Liao, VP/Chief Information Officer, GM Asset Management, Chinese; Tony Lo Bianco, Actor, Director and Producer, Italian; Richard A. Loughlin, Vice Chairman, Willis, Irish; Constantine S. Macricostas, Chairman, Founder, Photronics, Hellenic; Sheldon Harris Malinou, DDS, Assistant to the Director, Cabrini Medical Center, Russian/Ukrainian; Anastasios E. Manessis, President, Manessis Marketing Corp., Hellenic; Puzant A. Markarian, Principal (Retired), Arlington Textiles, Inc., Armenian; John L. Marks, Chairman & CEO, Mark IV Realty, Inc., Hellenic; Patrick F. Martin, Chairman, President & CEO, StorageTek, Irish; Stanley Matthews, Founder, Matthews Diner & Pancake House, Hellenic; Hon. Roslynn R. Mauskopf, US Attorney, Eastern District, New York, Czechoslovakian; Hon. James E. McGreevey, Governor—State of New Jersey, Irish; Raymond Melville, Assistant Business Manager, Local Union #3, I.B.E.W., Irish; Robert G. Miller, Chairman & CEO, Rite Aid Corporation, Russian/English; Veronica Montgomery-Costa, President, Local 372 NYC Board of Education Employees Union, African; Patrick J. Moore, President & CEO, Smurfit-Stone Container Corporation, Irish/Scottish/Swedish; Donal J. Murphy, President, D.J. Murphy Assoc, Irish;

Albin D. Obal, President, Condor Contracting Company, Inc., Owner, Midland Enterprises, Polish; James E. O'Connor, Chairman & CEO, Republic Services, Inc., Irish; James F. Orr, Chairman, President & CEO, Convergys Corporation, Scottish/Irish/English/German; Nacy Panzica, Chairman, Panzica Construction Company, Italian; Steven Peter Papadatos, President, Papadatos Associates PC Architects, Hellenic; Frank Pellegrino, Sr., CEO, Rao's Specialty Foods, Italian; Stan Pelofsky, M.D., President, Neuroscience Specialists, Polish; James Tung Chiang Pi, President, Pi Trading Company, Inc., Chinese; John Politis, President & CEO, Apartment Realty Group, Inc., Hellenic; Gerry Puccio, Sr., Founder, Rockleigh Country Club/CEO Carrington Real Estate & Investment Group, Italian;

Lewis S. Ranieri, Chairman, Hyperion Partners, LLP, Italian; Subash Razdan, Advisor, Procurement Advisory Council, Coca Cola Company, Indian; Paul V. Reilly, President, Chairman & CEO, Mail-Well, Inc., Irish; Mary Lou Retton, U.S. Olympic Gold Medallist, Italian; Richard Romanoff, President, Nebraskaland, Inc., Russian; E. John Rumpakis, Owner, N.E.W.S., Hellenic; Michael Schenkler, Publisher, Queens Tribune, Russian/Polish; Martin Scorsese, President, Cappa Productions, Italian; Myron P. Shevell, Chairman & CEO, New England Motor Freight Inc./The Shevell Group, Russian/German; David J. Shim, Chairman & CEO, Riverside Park, Inc./Kiku Restaurant Inc., Korean; Richard Silverman, Vice-Chairman, Fleet Bank N.A., Romanian/English; Hon. Nirmal K. Sinha, Commissioner Ohio Civil Rights, Assistant Director Department of Public Utilities, Columbus, Indian; Curtis Sliwa, Founder and President, The Alliance of Guardian Angels, Italian/Polish; Thomas A. Smith, President & CEO, Oglethorpe Power Corporation, Norwegian/Scottish/German; Ralph Snyderman, M.D., Chancellor for Health Affairs, President and CEO, Duke University Health System, Russian; Rajesh K. Soin, Chairman & CEO, Soin International, Indian; Hon. Maria Sotiropoulos, Protocol Officer, The White House/US Department, of State, Cypriot; Sy Sternberg, Chairman & CEO, New York Life Insurance Company, Romanian/Polish/Lithuanian;

Nicolas Tabbal, M.D., F.A.C.S., Plastic Surgeon, Manhattan Eye Ear & Throat Hosp-NYU, Lebanese; Hon. Patrick N. Theros, Ambassador, President & Executive Director, US Qatar Business Council, Hellenic; Demetrios E. Tsintolas, President, Tsintolas Realty Company, Hellenic; Ben Vereen, Vereen Productions, African; Nicholas S. Vidalakis, Co-Founder, Chairman & CEO, VFP LLC, Hellenic; Vuksan Vuksanaj, President, New York Travel Agency, Inc., Albanian; Mike Wallace, Senior Correspondent, CBS News/60 Minutes, Russian; Donald Washkewicz, President & CEO, Parker-Hannifin Corporation, Polish/Czechoslovakian; Hon. Jim Wright, Speaker of the House 1987–1989, Texas Christian University, Australian/Irish/Scottish; Jeffrey Yarmuth, President & COO, Sonny's Franchise Co., Russian/Polish; Pan A. Yotopoulos, Distinguished Professor, University of Florence, Hellenic; Xenophon Zapis, Radio Broadcaster, Zapis Communications Corporation, Hellenic; Detective Sergeant Wallace R. Zeins, Commanding Officer, Manhattan Night Watch, NYPD, Russian.

A TRIBUTE TO THE CITY OF CORAL SPRINGS, FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the City of Coral Springs, FL, as the residents celebrate the fortieth birthday of this ''City in the Country''.

Incorporated in July of 1963, Coral Springs was a master-planned city established in the northwest corner of Broward County on 5,000 acres of land which had previously been used for farming and cattle ranching activities. The developers envisioned a family oriented city with a population projected at over 50,000 residents living in small neighborhoods throughout the community. The first land sale was made on July 22, 1964. In 1965, an additional 5,000 acres was acquired, increasing the area within the city to 16 square miles. The city's first official resident, George Knobel, moved into his home on July 9, 1965. In 1971, the last large increase in land was given to the city bringing the total to 13,400 acres.

Anxious to create a beautiful and natural looking town, the developer, Coral Ridge Properties, immediately enacted strict landscaping and sign ordinances. These rules have ensured that despite its growth, Coral Springs has maintained the ambiance that attracted so many of its residents, which now number over 116,000. In fact, as illustration of the strength of the sign restrictions, the Coral Springs McDonald's was the only one built without the famous golden arches.

Throughout its 40 years of existence, Coral Springs has seen its share of celebrities and firsts. In 1965, entertainer Johnny Carson helped with the second Coral Springs ''Land Rush Sale'' and bought 55 acres himself. Two U.S. presidents, President Ford and President Reagan have visited the city. In 1966, Coral Ridge Properties was acquired by Westinghouse Electric Corporation who viewed the new city as an ''urban laboratory'' to evaluate new products. In 1970, Westinghouse built the Electra Lab house which showcased new modern conveniences such as motion-detecting lights, electric kitchens and home security systems. Arnold Palmer stayed in the state-of-the-art home that year when he played in the Coral Springs Open. In 1982, actor Burt Reynolds filmed Smokey and the Bandit, Part 3, in Coral Springs.

In 1993, as growth accelerated, Coral Springs city government implemented a management program based on a business model with the goal of performing as a high performance municipal corporation, customer focused and quality-oriented. In 1997, Coral Springs became the first municipality to receive the Governor's Sterling Award for Corporate Excellence, modeled after the internationally acclaimed, Baldridge Criteria for Performance Excellence. In 2003, the City of Coral Springs became the first past recipient, public or private, to receive the award for a second time.

Today, Coral Springs is a premier South Florida community, known for its attractive neighborhoods, open spaces and parks, schools and youth programs. Mr. Speaker, I am proud to represent the City of Coral Springs in the U.S. House of Representatives and extend best wishes to the residents of Coral Springs as they celebrate their first 40 years.

IN HONOR OF THE MOSES AND AARON FOUNDATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. NADLER. Mr. Speaker, I rise today to call attention to a worthy organization, one committed to special children and their families. The Moses and Aaron Foundation's significant and enduring efforts deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation ''Special Fund for Children'' is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, financial, and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions, collects, purchases, and distributes clothing for children in need, and remembers them with presents at holiday time or when they are hospitalized.

In cooperation with Bally Fitness Centers and under the direction of its President Rabbi

Yaacov Kaploun and Executive Vice President Yehuda Kaploun, the Foundation has been able to establish 27 physical fitness and therapy centers and has arranged for sound and musical equipment in other institutions.

In conjunction with Downtown Film Productions, The Moses and Aaron Foundation produced ''Chazak—A Testament of Strength,'' an award winning documentary highlighting the effect of music on special children. This monumental documentary serves as a vehicle to sensitize and educate the entire community on the needs of its special and outstanding citizens.

On Saturday night, August 9th, 2003, at the Monticello Raceway in Monticello, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Eli Weisel, will sponsor its seventh Summer ''Chazak—Strength'' concert paying tribute to special children. The guests of honor will be the special and outstanding children, some of whom will perform with the entertainers on stage.

The corporate and individual sponsors of the Moses and Aaron Foundation include Metropolitan Lumber, Bally Total Fitness, Cohen's & General Vision Services, CD Inc, Mr. David Buntzman, Mr. Jonathan Fleisig, Mr. Robert Gans, Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. David Hirsch, Mr. and Mrs. Ira Rennert, Mr. Charles Rosenay, Mr. Eli Rothman, Mr. Mark Selden, and Mr. and Mrs. Neil Cohen. I recognize Mr. and Mrs. Clifford Stowe and Mr. and Mrs. Jules Cohen for their support for the Foundation, improving the quality of life of special children.

I also recognize the support given to the Moses and Aaron Foundation by Steve and Shirley Slesinger, who have brought a literary treasure into millions of young American hearts by bringing Winnie the Pooh and other characters to the screen and printed world, with particular credit to Shirley Slesinger Lasswell and Patti Slesinger for bringing to life one of the most adored bears in history.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in American society.

THE 29TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. LEE. Mr. Speaker, I rise today to join my colleagues in the Hellenic Caucus in remembering the 29th anniversary of the Turkish invasion of Cyprus, which took place on July 20, 1974.

On that day, in clear violation of international law, Turkish forces invaded northern Cyprus expelling 200,000 Greek-Cypriots from their homes. Many of these Greek-Cypriots literally had to flee for their lives, taking what little belongings they could as paratroopers dropped from the sky.

Over 5,000 Cypriots were killed in the conflict, and to date 1,400 Greek-Cypriots are still missing. Today, Turkey occupies 37 percent of Cyprus, an island smaller than the State of Connecticut, with a force of 40,000 troops in a country of just under 1 million people.

Despite numerous United Nations General Assembly Resolutions urging Turkey to withdraw its forces, and the stationing of U.N. forces on the island, Turkey—in a further violation and disregard for international law—unilaterally declared the independence of the occupied territory of northern Cyprus in 1983. Aside from Turkey, no other country in the world has recognized the so-called ''Turkish Republic of Northern Cyprus.''

But in spite of the island's artificial division, Cyprus has managed to make considerable progress over the last three decades even as it continues to seek a peaceful resolution with Turkey. And now with a vibrant democracy and a robust economy, Cyprus is also poised to officially join the European Union next year and to bring the benefits of membership to all Cypriots.

Yet Turkey's intransigence continues. In November of 2002 U.N. Secretary General Kofi Annan presented both Greek and Turkish Cypriot sides with a comprehensive new plan aimed at reunifying Cyprus in advance of the island's accession to the EU. Though by no means perfect, this plan was a good faith attempt to create a workable solution that was fair to both sides. Initially, negotiations based on the U.N. plan provided hope to many that the Cyprus problem could finally be resolved after 30 years, due to the personal commitment of the Secretary General.

However, it soon became clear that the leader of the Turkish-Cypriot side, Mr. Rauf Denktash, and the Turkish government were not fully invested in the negotiating process.

In a last ditch effort to salvage the negotiations prior to the signing of the EU accession treaty, Secretary General Annan requested both Mr. Denktash and the Cypriot President, Tassos Papadopoulos, to join him at the Hague last March to discuss placing the U.N. plan before the Cypriot people in a separate, simultaneous referendum. Although President Papadopoulos was ready and willing to do so, Mr. Denktash, with support from Turkey, rejected that proposal.

The international response to the rejection of a referendum by the Turkish side was clear and unanimous in its characterization of Mr. Denktash as the principal impediment to negotiating a solution that all Cypriots very much want.

The current relaxation of longstanding travel prohibitions by the Turkish-Cypriots does not make up for a strong commitment to a negotiated settlement. In many cases this has only helped to underscore the depth of feeling of many Greek and Turkish Cypriots who long for the chance to return to their homes and villages.

I hope that this will one day be possible, and I fully expect that once a settlement is concluded and Cyprus is finally re-unified, that both Greek-Cypriots and Turkish-Cypriots will live together side-by-side in harmony.

But, today we stand in remembrance of those who were killed and those who were never found as a result of the illegal Turkish invasion. I hope that if Turkey is truly serious about joining Cyprus and Greece in the European Union that it immediately and unconditionally withdraws its forces and demonstrates a true commitment to a negotiated settlement.

HONORING THE PEOPLE OF LASALLE PARISH

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ALEXANDER. Mr. Speaker I rise today to honor the people of LaSalle Parish for their tireless efforts to bring economic development to Northern Louisiana. Since I came to Congress, I have been working with local officials to encourage the Federal Government to use an empty prison located in the Town of Jena, Louisiana, and I have been impressed by their vigorous commitment to see their community prosper.

Recently, officials from the Department of Justice and the White House toured the LaSalle Correctional Facility to study the possibility of using this vacant prison as a place to detain illegal aliens or low-security Federal inmates. I had the pleasure of accompanying these officials on this tour and was personally impressed with the state-of-the-art, recently-constructed prison and its design. Furthermore, the prison is situated near two existing Federal prisons and a short drive from the U.S. Marshal's transportation hub in Alexandria. I believe its location and its design make the prison a logical choice for use by the Federal Government.

Mr. Speaker, I also wish to draw attention to two provisions contained in the Committee Report accompanying the Commerce, Justice, State, and the Judiciary Appropriations Bill we passed yesterday afternoon. These two provisions should benefit LaSalle Parish because they give the Federal Government the authority to use an empty private prison, such as the LaSalle Correctional Facility. One provision directs the Office of the Federal Detention Trustee to use existing state, local, and private detention space to house excess detainees; the other provision directs the Bureau of Prisons to use existing state, private, and local prison capacity to house excess BOP inmates. I want to thank my colleague from Louisiana (Mr. Vitter), the Vice Chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee for the strong support he has provided to these efforts.

Mr. Speaker, my colleague and I are working through both legislation and old-fashioned persuasion to get the LaSalle Correctional Facility back in use. This is a win-win situation for everyone involved. We can help our law enforcement agencies with their overcrowding problems and do so at a fraction of the cost it takes to build a new prison. Also, we can bring jobs and economic growth to Northern Louisiana. These provisions in the CJSJ Committee Report can really help us to re-open this facility, and I trust the two agencies will pay heed to this directive. I know my Louisiana colleagues in both the Senate and the House will join me in fighting to see that we make real progress on this issue, which is of such great importance to the honest, hard-working people of my district.

COMMEMORATING JULIE M. AUSTIN'S SERVICE WITH FOOTHILL TRANSIT JULY 24, 2003

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to pay special recognition to Ms. Julie M. Austin. On July 30, 2003, the Foothill Transit Executive Board will wish a fond farewell to Ms. Austin, who is leaving her position as Executive Director of Foothill Transit and Vice President of Transit Management for ATC/Forsythe & Associates, Inc., a post she has held since 1997.

Foothill Transit was created in 1988, making it one of the largest public-private transit partnerships in the United States. Since this time it has delivered cost-effective, safe and efficient bus service to commuters and residents in the San Gabriel and Pomona Valleys, located in the eastern portion of Los Angeles County in southern California. Foothill Transit now operates on 32 routes with nearly 300 buses and almost 17 million annual boardings, a marked increase from the 9.5 million boardings at the time of the creation of the transit agency. As Executive Director, Ms. Austin is responsible for implementing Executive Board policies, developing policy recommendations and providing leadership and vision for the nationally recognized Foothill Transit.

Throughout her tenure with Foothill Transit, Ms. Austin has ensured that southern California commuters are provided with the safest and most efficient transit system possible. Under her leadership, the American Public Transportation Association (APTA) recognized Foothill Transit in 2001 with a ''Bus Safety Gold Award,'' dubbing Foothill Transit the safest transit agency of its size. Foothill Transit was also named ''Outstanding Transit System'' of its size by APTA in 1993 and 1995. The Greater Los Angeles Chapter of the National Safety Council recognized Foothill Transit in 1995, 1996, 1997, 1998 and 2001 with first-place awards for its safety programs.

Ms. Austin was also instrumental in both expanding and modernizing Foothill Transit's mode of operations. In 2002, Foothill Transit opened a new era in fuel-efficient technology by beginning its conversion to a compressed natural gas (CNG) fleet with plans to have an all-CNG fleet by 2011. That same year, Foothill Transit opened its second operations and maintenance facility in Irwindale, joining its first agency-owned facility in Pomona, which opened in 1997.

She has contributed to the success of public transit in Los Angeles County as Director of Management Support from 1993 to 1995 at the Los Angeles County Metropolitan Transportation Authority and as Senior Transit Analyst/Manager of Transportation Policy from 1989 to 1993 at the Los Angeles County Transportation Commission, where she oversaw a three-year evaluation of the Foothill Transit Zone. She also worked for the Southern California Association of Governments for three years and spent several years as a transportation consultant.

A resident of the City of Monrovia, California, Ms. Austin has a bachelor's degree in journalism from California Polytechnic State University, San Luis Obispo. She is active in the American Public Transit Association (Legislative Committee), California Transit Association (Executive Committee), San Gabriel Valley Commerce and Cities Consortium Board, Women's Transportation Seminar, San Gabriel Valley Council of Governments Transit Committee, and West Covina Chamber of Commerce.

I ask all Members of Congress to join me today in honoring this truly remarkable leader in the field of public transit and to wish her all the best in her future endeavors.

HONORING FALLEN HEROES OF OPERATION IRAQI FREEDOM

HON. MAX BURNS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BURNS. Mr. Speaker, I rise today to honor those who have made the ultimate sacrifice for this nation. During Operation Iraqi Freedom, Georgia's Third Infantry Division proudly led the way to Baghdad. The road to Baghdad, however, presented substantial challenges and, unfortunately, some of these brave soldiers will not return.

Today, I acknowledge this Congress' deep appreciation for lives that were dedicated to the safety and security of our citizens. The soldiers epitomized the best of our country through courage, selfless service, and honor. Their lives will be remembered by family and friends; their service will be appreciated by us all.

I pay tribute to Mrs. Chanel Pedersen and her daughter of Savannah, Georgia, who lost her husband Sergeant Michael F. Pedersen in the Iraqi conflict.

I pay tribute to Mrs. Meighan Adamouski of Savannah, Georgia, who lost her husband Captain James F. Adamouski in the Iraqi conflict.

I pay tribute to Mrs. Maria Forey-Aitken of Savannah, Georgia, who lost her husband Captain Tristan N. Aitken in the Iraqi conflict.

I pay tribute to Ms. Annette Hale of Savannah, Georgia, who lost her stepson Captain Edward J. Korn in the Iraqi conflict.

I pay tribute to Mrs. Jenna Cosbey Kaylor of Savannah, Georgia, who lost her husband Second Lieutenant Jeffrey J. Kaylor in the Iraqi conflict.

I pay tribute to the stepchildren and niece of Sergeant Keman Mitchell, who live in Hephzibah, Georgia, and lost their father and uncle in the Iraqi conflict.

Mr. Speaker, many families and friends mourn the loss of these and other lives lost during Operation Iraqi Freedom. I express my condolences to their families and friends and thank them for their dedication to a grateful Nation.

Thank you, Mr. Speaker.

HONORING MR. HARLEY COON OF BEAVERCREEK, OHIO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Harley Coon who resides in Beavercreek in the 7th Congressional District. I have had the honor of meeting Harley at different community events over the years, and it is very appropriate that he was honored today on Capitol Hill by the Korean War Veterans' Association on the 50th anniversary of the armistice that ended the Korean War.

At the age of 19, Harley Coon was captured on Nov. 17, 1950 while serving with the 25th Infantry Division in Korea. Over the next three years Mr. Coon suffered greatly as a prisoner of war from hunger, exposure, and brutal conditions in the various prison camps where he was detained.

On Aug. 31, 1953, Harley Coon was released to U.S. Forces after 33 months and four days of imprisonment. After the war, Coon became a successful businessman, never forgetting how lucky he was to be around to enjoy his freedom.

Coon was inducted into the Ohio Veterans Hall of Fame for all his, commitment and caring in Ohio. He continues to travel nationally and internationally as the National President of the Korean War Veterans Association.

Harley received the Purple Heart, the Korean Service Medal with 10 battle stars, the U.N. Service Medal and the Presidential Unit Citation.

As the Congressman who represents Beavercreek in the U.S. House of Representatives, I offer my sincere congratulations to Harley Coon for this public recognition of his service to our country.

HONORING JOHN SEXTON OF CHICAGO, ILLINOIS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. EMANUEL. Mr. Speaker, I rise to congratulate John J. Sexton of Chicago on his recent retirement from his position as Superintendent of the Meter Division of the City of Chicago's Water Department.

For the last 30 years, John Sexton has risen through the ranks with the City, from machinist, to foreman, to Assistant Superintendent of the Meter Division, and finally Superintendent. His dedication to his job and the city he loves is an example of why Chicago is known as ''The City That Works,''

John Sexton is very proud of the northwest side of Chicago, the area he has called home for his entire life, and of the Hiawatha Park neighborhood, the area where he and his wife have raised their family. John has been very active at the part and is a past president of the Hiawatha Boys Baseball Organization.

As church life plays such an important role in the lives of so many Chicagoans, John has been a member of several esteemed Northwest side parishes. He grew up in Presentation Parish, attended grammar school at St. Angela's and high school at St. Michael's. He currently is a member of St. Francis Borgia Parish.

The Northwest side has produced some of Chicago's finest leaders, and John Sexton has played an active part in the success of many of their careers. John's work in Chicago politics began when he was 16 as a precinct worker for former Alderman Thomas Casey. He is now a precinct captain in the mighty

36th Ward Regular Democratic Organization, working with Alderman William J.P. Banks and State Senator James A. DeLeo.

John would be the first to tell you that his family is his first priority, and they have provided support for all of his activities. He has been married for 31 years to his wonderful wife, Rosetta. His family also includes his daughter, Laurie Moran, and her husband Joseph, his son, John Jr., his daughter, Diana, and his sister Mary Kay Kuhter.

Mr. Speaker, I join with the people of Chicago in wishing John Sexton a happy and successful retirement, and wish him all of the best in the future.

TRIBUTE TO RINBAN KOSHO YUKAWA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to Rinban Kosho Yukawa. Rinban of the Sacramento Betsuin is one of Sacramento's greatest citizen leaders. Rinban Kosho is retiring after forty-two years of wonderful service as an ambassador and teacher of Buddhism; Rinban Kosho will be retiring on August 31, 2003. As his friends and family gather to celebrate Rinban Kosho's numerous achievements, I ask all of my colleagues to join with me in saluting one of Sacramento's most respected and honorable citizens.

Rinban Kosho comes from a long line of Buddhist ministers of the Jodo Shinshu sect. A prominent branch in Japan and the faith embraced by the Buddhist Churches of America. Rinban Kosho's family has maintained a temple for about 250 years. Rinban Kosho's parents had immigrated to the United States, and he was born in Tacoma, Washington as the Depression started. In 1940, Rinban Kosho and his family moved to Japan, where they stayed until 1949. At the encouragement of his father, Rinban Kosho returned to San Francisco on his own to finish high school and junior college.

Rinban Kosho joined the U.S. Army and worked as an interrogator during the Korean War. Rinban Kosho's experience during the war affected him deeply, leading him to pursue a career in the ministry. After completing a seminary program in Japan, Rinban Kosho was ordained and assigned to the Sacramento church in 1961. During his first decade of service in Sacramento, Rinban Kosho served as a youth minister at a time when the baby boom was at its peak. At one time, Rinban Kosho had about 650 children enrolled in the Dharma School.

After his stint in Sacramento, Rinban Kosho worked at churches in Union City and San Jose before taking a five-year hiatus from the ministry to work in his brother's publishing business. The call to serve came back when Rinban Kosho was assigned to the Tacoma Buddhist Temple where his father had served.

In 1996 Rinban Kosho returned to the Buddhist Church of Sacramento. During his tenure, Rinban Kosho successfully made the Jodo Shinshu sect of Buddhism relevant to third and fourth generation Japanese Americans, as well as to other ethnic groups. Because of his great reputation as a minister, mentor, teacher of the Dharma and his popularity as a caring friend, the Sacramento Buddhist Church has become the largest membership temple within the Buddhist Churches of America.

Rinban Kosho's unparalleled success in the ministry and in the community truly makes him one of Sacramento's most accomplished and treasured citizens. His commitment to help others is a shining example to everyone who follows his leadership. In his retirement, Rinban Kosho plans to return to his native Tacoma/Seattle area with his wife, Michiko. The Yukawas look forward to being near and enjoying the company of their children and their families.

Mr. Speaker, as Rinban Kosho friends and family gather for his honorary farewell banquet, I am honored to pay tribute to one of Sacramento's most honorable residents. His success are considerable, and it is great honor for me to have the opportunity to pay tribute to his contributions. I ask all my colleagues to join with me in wishing Rinban Kosho Yukawa continue success in all his future endeavors.

TRIBUTE TO THE VILLAGE AND TOWNSHIP OF CALUMET, MICHIGAN ON ITS SELECTION AS A MICHIGAN MAIN STREET COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the achievements of historic Calumet, Michigan, which was named as one of four Michigan Main Street communities for 2003 in a statewide competition.

Calumet is in the northernmost part of my 1st Congressional District, halfway to the tip of the Keweenaw Peninsula. Between 1867 and 1884, Calumet alone produced half of this country's copper from the Calumet & Hecla Mining Company mines.

Parts of its historic downtown have formed an integral part of the Keweenaw National Historical Park, which tells the riveting economic and cultural story of the migration of miners and their families to the wilds of northern Michigan to work the copper range in the 19th and 20th centuries.

Recognizing the value of its historic resources and the economic benefits of the Main Street program, in January 2003 Calumet formed a steering committee and this spring submitted its application for the Main Street designation. A hallmark of the presentation was communitywide cooperation between public and private resources.

The managing director of the team from the Michigan Economic Development Corporation which administers the program said that out of literally hundreds of communities MEDC has worked with, Calumet's combination of public/private sector effort was very rare. As reported by the Houghton Daily Mining Gazette, the director described Calumet's presentation before an MEDC and Michigan State Housing Development panel in Lansing by saying, ''[Calumet was] absolutely the top presentation we had in those two days . . . [It] left a buzz in that room.''

Calumet had to come up with substantial seed money toward administrative costs, and it has done that through pledges from the Village of Calumet, Calumet Township, the Downtown Development Authority, Keweenaw National Historical Park and local businesses. Main Street program professionals will visit Calumet on a regular basis to work with local participants as they market Calumet's historical community and encourage economic development.

The aim of the program is to stimulate economic growth, and Calumet's successful application may result in a return of nearly $40 for every dollar it spends, according to Main Street's 2001 national re-investment statistics. The program was developed by the National Historic Preservation Trust.

Calumet already has embraced the concept of preserving its historical resources. It welcomes and entertains the many visitors it receives every year with proudly preserved facilities such as the Calumet Theatre, the Upper Peninsula Fire Fighters Memorial Museum, Larium Manor and the Keweenaw Heritage Center at St. Anne's. The work that resulted in the Main Street designation is just one more example of Calumet's legacy of community effort in support of its history. Calumet already knows the value of sharing that history with visitors and scholars, and will bloom even more beautifully as a Main Street community.

I ask you, Mr. Speaker, and my Colleagues in the House of Representatives to join me in congratulating everyone in Calumet who put their effort, heart and history into Calumet's selection as a Main Street community. I offer my heartiest congratulations.

With this honor, Calumet will move even more quickly to transform its downtown into a thriving, appealing Main Street center of commerce.

HONORING CHESTERFIELD SMITH

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Chesterfield Smith, a man of the highest principle, who in his long legal career has touched the lives of countless Floridians and left his mark on our state's and Nation's legal system.

After receiving a Bronze Star and a Purple Heart in World War II, Chesterfield returned to Florida to study law. He quickly rose to partner of Holland, Bevis and McRae and helped lead the firm through a successful merger with Knight, Jones, Whitaker and Germany in 1968. Under his watch, Holland & Knight LLP grew to become the Nation's eighth largest law firm.

Chesterfield had a passion for his work. Whether his client was rich or poor, as partner of Holland & Knight, he worked long hours fighting for justice with irrepressible conviction. Born and bred in a segregated society, Chesterfield was a leader in integrating the legal profession by hiring women and minorities.

In addition, Chesterfield, who strongly believed in the need to give back to one's community, pushed to incorporate pro bono work as regular practice for attorneys. Donating

countless hours of service to Floridians in need helped earn him the nickname ''Citizen Smith,'' as well as the Laurie D. Zelon Pro Bono Award, which was presented to him in 2002 by Supreme Court Justice Ruth Bader Ginsberg.

Chesterfield also served as president of the Florida Bar Association and chair of the Florida Constitutional Revision Commission, which drafted what became the new state Constitution of 1968. In 1997, former Gov. Lawton Chiles and the Cabinet, recognizing this work, named Chesterfield Smith one of the state's ''Great Floridians.''

However, Chesterfield may best be remembered for his service as president of the American Bar Association. Shortly after Chesterfield took the helm of the ABA in 1973, President Nixon dramatically fired special prosecutor Archibald Cox, assigned to investigate the Watergate scandal. The next day, Chesterfield became one of the first national leaders to publicly call for the President's resignation. In an ABA statement Chesterfield stated, ''No man is above the law,'' and bravely refused to back down from the legal principles that he so cherished.

I am proud to have called Chesterfield a friend. I believe Justice Ginsberg said it well when she described Chesterfield as ''among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA.'' Chesterfield was a wonderful person.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Chesterfield's family. The people of Florida and of the Nation will always remember his enormous contributions.

CONGRATULATING THE CITY OF PAWTUCKET, RI

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate the city of Pawtucket, RI. The U.S. Conference of Mayors chose to profile Pawtucket as one of 28 cities exemplifying the nation's best small business practices. The city's Arts and Entertainment Initiative is an example of how government policies can encourage creativity, innovation, development and economic growth.

Pawtucket has been attractive to artists since Samuel Slater founded America's textile industry there in 1783. In 1998, Pawtucket created a 307-acre Arts and Entertainment District, which has gained nationwide recognition in four short years for being a great place to create and sell artwork.

The Pawtucket city government has encouraged artists to relocate by forgiving within the district sales tax for limited production works of art and state income tax for artists. In addition, studio space is available for one-third the rental rate of nearby Boston.

Mayor James Doyle has capitalized on the fact that artists fuel economic growth and has stated, ''Some say a picture is worth a thousand words. But here in our City, we know that it's worth a lot more.'' The Rhode Island Statewide Planning Program estimates that for every three artists that relocate to Pawtucket, an additional two jobs are generated in the state's economy. The Arts and Entertainment District is generating more than $1 million annually for the statewide economy.

I am proud that a city in my state of Rhode Island has earned this distinction, and I hope that other cities follow Pawtucket's lead and develop innovative small business practices to contribute to economic growth.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MANZULLO. Mr. Speaker, I rise today to inform you that on House rollcall vote No. 429, the Foreign Operations Appropriations Act for Fiscal Year 2004, I intended to vote ''aye'', but inadvertently voted ''nay''. I would like this statement to be included in the appropriate section of the CONGRESSIONAL RECORD.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. BONILLA. Mr. Chairman, I rise in support of the Fiscal Year 2004 Commerce, Justice, State and the Judiciary Appropriations Act. This bill includes funding which will help protect and strengthen the many communities in the 23rd district. I am particularly pleased that the report to accompany this bill includes language which will be beneficial to those communities which contract with the Federal Bureau of Prisons for the detention of inmates. The report originally included language encouraging the Bureau of Prisons to use existing state and private prison capacity to meet their bed space needs. At my request, this language was amended to add local prisons to the list of facilities which the Bureau of Prisons is directed to use. This small but important change will direct the Bureau of Prisons to take advantage of existing locally run detention facilities such as the Reeves County Detention Center. It is my sincere hope that the newest 1,000 bed facility at the Reeves County Detention Center will be utilized by the Bureau of Prisons to provide cost effective housing to federal prisoners. Use of this facility would be particularly beneficial to the Bureau given the low cost of housing inmates in this area. I thank Chairman FRANK WOLF for his attention to this matter which is of great importance to Reeves County and saves taxpayer dollars.

THE 29TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. SOLIS. Mr. Speaker, twenty-nine years ago, on July 20, 1974, Turkish forces invaded the Republic of Cyprus and seized control of over one third of the island. As a Member of the Congressional Caucus on Hellenic Issues, I rise today to remember that Cyprus remains divided by the green line, a 113–mile barbed wire fence that runs across the island, and partially occupied. Such division and occupation is harmful to both Greek and Turkish Cypriots: and must end.

The Turkish invasion of 1974 claimed the lives of 5,000 Cypriots, expelled another 200,000 from their homes and took control of 37 percent of Cyprus's territory. Such human devastation is deeply saddening. I stand with the Cypriot-American community and the Hellenic-American community in condemning this black anniversary hope that a settlement to the Cyprus problem can be facilitated. I am pleased that the House of Representatives unanimously passed a resolution ''to give any assistance necessary for finding a just and durable settlement for the Cyprus problem,'' but we must not stop working on this issue until Cyprus is reunited and Greek and Turkish Cypriots can live peacefully together.

TRIBUTE TO BOYNE CITY, MICHIGAN ON ITS SELECTION AS A MICHIGAN MAIN STREET COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the achievements of Boyne City, Michigan, which has been named one of four Michigan Main Street communities for 2003 in a statewide competition sponsored by the Michigan Economic Development Corporation.

Boyne City in northwestern Lower Michigan recognizes as its greatest downtown assets scenic water resources and historic turn-of-the-century architecture. With the comprehensive community-wide proposal it developed over a period of several years, Boyne City could not be a better candidate for the kind of downtown makeover that Main Street communities receive as part of this commercial revitalization program.

The seeds of Boyne City's application to be a Main Street community were planted about five years ago, when local resident Tom Johnson, of the Northern Michigan Economic Alliance, attended a national Main Street Program conference. Recognizing the value of its historic resources and the economic benefits of the Main Street program, in 1999 a collaborative Boyne City group including citizens, business people, the Downtown Development Authority and City representatives formed the Boyne City Main Street committee with the goal of becoming a Main Street community.

Boyne City's years of effort met with success on June 19, 2003, when MEDC announced that Boyne City was one of four

statewide winners in the very first year of operation of the Michigan program. Boyne City's selection was based on physical characteristics of the proposed Main Street area, the capacity of their downtown business organization and broad based support that evidenced willingness of the whole community to participate.

Along the way Boyne City had to commit to providing a minimum of $35,000 per year for three years for a full time Main Street coordinator.

National and state experts who work with the Main Street program will make dozens of visits to Boyne City over the next three years to work with local participants as they develop ways to market Boyne City's historical downtown, encourage economic development, develop loft apartments with the assistance of the Michigan State Housing Development Authority and preserve and rehabilitate historic structures.

The aim of the program is to stimulate economic growth, and Boyne City's successful application may result in a return of nearly $40 for every dollar it spends, according to Main Street's 2001 national re-investment statistics. The Main Street program was developed by the National Historic Preservation Trust.

With this honor, Boyne City will move even more quickly to transform its downtown into a thriving Main Street center of commerce and economic vitality.

I ask you, Mr. Speaker, and my colleagues in the House of Representatives to join me in congratulating everyone in Boyne City who put in the years of effort and community wide collaboration that made Boyne City a charter member of what I sincerely believe will be a long line of successful Michigan Main Street communities. I offer my heartiest congratulations.

IN HONOR OF THE 150TH ANNIVERSARY OF THE ARCHDIOCESE OF SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to the Archdiocese of San Francisco on its 150th anniversary. When the Archdiocese was first established on July 29, 1853, it included all of Northern California. Joseph Sadoc Alemany, the first Archbishop of San Francisco, who served from 1853 to 1884, was a Dominican priest who was born in Spain and immigrated to the United States in 1840. Alemany initially was reluctant to come to California, but was told by Pope Pius IX, ''You must go to California—Where others are drawn by gold, you must carry the cross.''

In the first three decades of its history, the Archdiocese built an extensive system of schools, orphanages, hospitals, and homes for the elderly and other institutions of charity. These agencies could not have existed without the heroic efforts of the orders of women religious. By 1884, the Catholic Church was firmly established in San Francisco and Northern California. The Dominican Sisters, Notre Dame de Namur Sisters, Sisters of Charity, Presentation, Sisters, Mercy Sisters, Sisters of the Holy Family and women in other Catholic religious congregations served a significant role in forming the safety net of social services and built a continuing legacy of Catholic education.

In the Teamsters' Strike of 1901, Father Peter Yorke placed the Church of San Francisco firmly on the side of working people, making impassioned speeches to thousands of workers. To those who questioned a priest's involvement in the labor struggle, Yorke answered, ''As a priest my duty is with workingmen, who are struggling for their rights, because that is the historical position of the priesthood and because that is the Lord's command.''

The Archdiocese of San Francisco has served as an anchor for numerous immigrant groups from Europe, Asia and the Philippines and Central and Latin America and the Archdiocese of San Francisco continues to serve the people of San Francisco, San Mateo and Marin Counties in parishes and institutions of enormous historical, cultural and social value to the Bay Area like the Mission San Francisco (Dolores) (1776), Mission San Rafael (1817), St. Francis Shrine (first parish in 1849); Mission Dolores School (1852); St. Mary's Hospital (1857); St. Matthew's Parish, San Mateo (1863) St. Vincent's School for Boys (1855); and especially the 93 parishes and missions serving Bay Area Catholics.

The Archdiocese of San Francisco continues its mission of education in San Francisco, San Mateo and Marin Counties in its 66 Catholic elementary schools serving 28,266 students, and its fourteen high schools serving 8,262 students.

The parishioners of the many parishes of the Archdiocese make contributions to the economic, cultural and civic life of the San Francisco Bay Area. I commend the leadership of the Archdiocese of San Francisco on this occasion of its 150th Anniversary and offer best wishes for many more years of service.

CALIFORNIA GREY BEARS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the 30th Anniversary of an invaluable organization in my local community, the California Grey Bears. The Grey Bears is an organization of senior citizens, which encourages local seniors to contribute to their community while reaping the benefits of their work. The Grey Bears have been an integral force in the recycling movement in Santa Cruz County, keeping 11,000 tons of material out of landfills each year. They run a local thrift store, completely operated by senior volunteers, and each year they distribute over one million pounds of food to 2,100 local senior citizens.

They have instituted an outreach program to collect recyclables from businesses in the unincorporated areas of Santa Cruz County, and have also started a number of recycling projects at local landfill sites.

While donating their time and efforts, these seniors strive to combat loneliness while promoting self-reliance and prolonged independent living. The Grey Bears sponsor a number of gatherings each year, ranging from potlucks, and picnics, to Christmas parties. Through these events, local seniors can find much needed companionship. Additionally, they support other local charities with surplus food. Their commitment to Santa Cruz County is that no senior will go hungry.

The California Grey Bears has continuously worked for the past thirty years to effectively empower and ameliorate the lives of local seniors. Their accomplishments are truly honorable and the contributions they have made to their community are vital to the well being of a large number of people in Santa Cruz County.

HONORING THE SERVICE OF COURTNEY STADD

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DELAY. Mr. Speaker, I rise today to recognize the outstanding service of Courtney Stadd, who recently left his position as Chief of Staff and White House Liaison at the National Aeronautics and Space Administration.

As I tell my constituents who live in the Clear Lake area in Houston, Texas, where the Johnson Space Center is located, I greatly admire the dedication, genius and passion of the people who dedicate their lives in the pursuit of exploration.

Courtney Stadd exemplifies those qualities.

For over twenty-five years, in both the public and private sectors, Courtney has remained committed to the importance of American leadership in technology, aeronautics and space. I have known Courtney in his various space-related roles for several years and have always been impressed by his creativity and passion for space exploration.

Courtney has led a distinguished career. He served in senior policy positions in both the Reagan and previous Bush Administrations, where he played leading roles in developing U.S. space policies. In the private sector, he has been associated with pioneering efforts, involving the establishment of the commercial launch industry, the emergence of the high resolution commercial remote sensing industry and efforts to protect and foster commercial applications of the Global Positioning System.

In December 2002, Courtney was appointed by President George W. Bush to lead the NASA transition effort, ensuring an effective and smooth agency transition into the new Administration. He has served the President and nation well. Courtney has demonstrated strong, compassionate leadership, put the needs of the NASA workforce paramount and remained steadfast in his support for a strong space program.

We will miss Courtney as he turns to the next chapter of his career. He leaves a legacy of solid leadership behind him at NASA. I wish Courtney the very best in his future endeavors and look forward to seeing his next achievements.

VA–HUD APPROPRIATIONS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. KIRK. Mr. Speaker, I will offer a technical amendment tomorrow that calls on the Department of Veterans Affairs (VA) to submit a report to Congress reporting on resource sharing agreements for services, programs and facilities the department undertakes with the Department of Defense (DoD).

Every American knows that the face of health care has changed dramatically over the past decades. This is no less true for military and veterans' health care. It is clear from all the studies undertaken by the departments of Defense and Veterans' Affairs that the integration of health care services—where possible—will enhance the quality of care for the men and women who are serving our country today and those who served our Nation in the past.

My district is home to the North Chicago VA Medical Center and the Great Lakes Naval Hospital. During the last Administration, officials made two attempts to close the North Chicago VA Medical Center. On June 19, 2001, the VA released its Capital Asset Realignment for Enhanced Services (CARES) study. The CARES study developed four options to improve veterans health care in the Chicago area, each of which recommended the preservation of services offered at North Chicago. The CARES study also recommended increasing the level of cooperation between North Chicago VA and the Great Lakes Naval Hospital, located less than a mile apart.

Integration of the two medical facilities is both practical and also urgent in North Chicago, Illinois, where the Great Lakes Naval Training Center Hospital and the North Chicago Veterans Medical Center both sit underutilized and in such close proximity. Combining these two facilities in a state of the art, federal health care center will maximize the use of tax payer dollars, enhance the training opportunities for young naval medical corps personnel and, most importantly, bring the health care we promised these men and women into the twenty-first century. By directing the VA to report to Congress on the issues facing resource sharing, Congress will be able to better understand and utilize resource sharing agreements when moving forward with the cost shaving approach.

I have met with Secretary Principi and Secretary Rumsfeld to discuss enhanced cooperation and health care resources sharing between the DoD and the VA. Both secretaries are committed to providing our men and women in uniform, veterans and retirees with world-class health care in an efficient manner. Both agree that cooperation between the two agencies, when possible, will enable the departments to meet the growing needs of active and retired soldiers.

As an officer in the Naval Reserve and fellow veteran, I understand the sacrifices made by the men and women who wore their country's uniform. Therefore, I urge my colleagues to support this amendment.

I would like to thank Chairman WALSH, ranking member MOLLOHAN, and the staff of the VA–HUD subcommittee for their help with this amendment. I hope to continue working with them on this issue as this bill moves into a conference committee with the other body.

ROBERT A. BORSKI POST OFFICE BUILDING

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, it is my honor to recognize the accomplishments of my dear friend and former colleague, Robert A. Borski. Today, we acknowledge his legacy with H.R. 2328 by designating a post office in his former district, the Robert A. Borski Post Office Building.

I've known Bob Borski for 25 years. He is a man who has always had the courage of conviction to fight for the City of Philadelphia. He is a man who spent 20 years ''paving the way'' for many people whose voices were not previously heard—how fitting that he was a member of the prestigious Transportation and Infrastructure Committee. He is a man that refused to be anything less than a tireless and forceful advocate for his community.

A role model to us all, Bob has spent his life as a public servant. Shortly after the completion of his educational pursuits, he became a member of the Pennsylvania State House. After three terms, he successfully won the bid for the Third Congressional District which encompassed Northeast Philadelphia, the River Wards, Society Hill and portions of Queen Village.

Bob Borski retired after 20 years of distinguished service to the Philadelphia area, the Commonwealth of Pennsylvania, and the United States of America. His mission has always been simple—to serve and represent the people of the great City of Philadelphia. I am proud and privileged to have had Bob as a colleague, a friend, and a mentor.

Although his tenure in the House has finished, Bob remains an active advocate for the City of Philadelphia and the Commonwealth of Pennsylvania here in Washington, DC.

Mr. Speaker, I urge you and all of my distinguished colleagues to honor Robert A. Borski with the passage of H.R. 2328.

SUPPORT FUNDING OF UNFPA, H.R. 1950: STATE DEPARTMENT APPROPRIATIONS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise before you today to speak on the matter of the U.N. family-planning program or the UNFPA. Last year, President Bush cancelled three years' worth of funding to the UNFPA after allegations that the UNFPA's program in China violated the Kemp-Kasten law. This law prohibits the United States from providing funding to any organization that supports or participates in involuntary sterilization. In May of last year, President Bush sent his own three person team to China to investigate but even after they returned finding no evidence in support of these rumors, the President still cancelled funding to this much needed organization, endangering the lives of women across the globe.

Over the past 33 years, the UNFPA has provided more than $6 billion in assistance to more than 160 countries for voluntary family planning and maternal and child health care. It has provided life-saving reproductive health services in over 150 poor countries around the world, but has not provided or paid for abortion services anywhere in the world. The UNFPA has actually worked to reduce the need for abortion by promoting voluntary family planning.

The fact remains that today nearly 600,000 die each year from causes related to pregnancy; 99 percent of these women are from developing countries. Many of these deaths could have been prevented by providing the means or information to choose the size and spacing of their families. And while contraceptive use has increased, there are 350 million women in developing countries who do not have access to a range of safe and effective family planning methods.

With the UNFPA program, it will provide reproductive health care, including family planning services but not abortion, to the world's poorest women. The loss of each year's funding will have a severe impact in the developing countries the UNFPA serves: $34 million would prevent 2 million unintended pregnancies; nearly 800,000 abortions; 4,700 maternal deaths; nearly 60,000 cases of serious maternal illness; and more than 77,000 infant and child deaths. These numbers are astounding and certainly something I would want to prevent.

The evidence is clear: funding to the UNFPA must be restored. The UNFPA has time and time again proven to be a necessary organization ensuring the safety and well being of women and their families. It will continue to provide safe methods of contraception to women, giving them a choice with their health and with their lives.

HONORING AMERICAN PRISONERS OF WAR FROM THE GREATEST GENERATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise to introduce legislation aimed at honoring American Prisoners of War from the Greatest Generation.

Over two years ago, two of my constituents who were POWs during World War II in the Pacific Theatre approached me about awards they felt they should have received. The Japanese has imprisoned each of the men, one of whom was a survivor of the Bataan Death March. These men were beaten, tortured and starved—one weighed 70 pounds when he was liberated. After their release, each of them was awarded the Prisoner of War Medal because of their internment. However, despite the harsh and sometimes violent treatment received at the hands of their captors, neither received the Purple Heart.

Current law for POWs held prior to 1962 requires documentation from the camps or detailed statements from former POW commanding officers in order to be eligible for the

Purple Heart. But the Japanese, and later the North Koreans, certainly provided no documentation. Now when World War II and Korean war vets are dying by the thousands every day, it is becoming even harder to find survivors from specific camps.

The bill I am introducing recognizes the hardships borne by World War II and Korean war POWs by providing additional assistance to those who would have earned the award if they had today's record keeping. It requires the Department to provide some additional historical information from the period and gives them some benefit of the doubt with respect to injuries.

This legislation is not about lowering the standard for a sacred award—the Purple Heart. Instead it is about properly recognizing the realities of the horrible suffering endured in the Japanese and North Korean POW camps for a small number of surviving heroes.

CONGRATULATIONS TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION (APSA) CONGRESSIONAL FELLOWSHIP PROGRAM ON ITS 50TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise to commend and congratulate the American Political Science Association on the occasion of having reached a milestone of 50 years of existence, 50 years of growth, and 50 years of providing opportunities for individuals to obtain first-hand experiences in learning about and being involved about and being involved in the art of public-policy decisionmaking. It has been my experience to have talented, energetic, and eager to learn individuals interact with me and members of my staff in a very professional and sincere way as we worked together in pursuit of mutual goal. I also take this opportunity to express my thanks and appreciation to the American Political Science Association (APSA) Congressional Fellowship Program for doing an excellent job of helping to prepare many of our future leaders. We thank you APSA and I yield back the balance of my time.

TRIBUTE TO THE MISCOWAUBIK CLUB ON THE 100TH ANNIVERSARY OF ITS FOUNDING

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I would like to take a few minutes today to extend my heartiest congratulations to the members, past and present, of the Miscowaubik Club in Calumet Township, Michigan. On August 16th, 2003, the Miscowaubik Club will proudly celebrate 100 years of existence with an evening of music, dancing and, no doubt, storytelling about the club's rich history.

Named after an Ojibwe Indian word for ''copper,'' the Miscowaubik Club was founded in January, 1903 as a social haven and athletic facility for the executives of the Calumet & Hecla Mining Company and local businessmen, who were then placing their mark on the remote and spectacular Keweenaw Peninsula of Michigan. The club was modeled after the Tennis and Racket Club of Boston.

The period of the club's founding coincided with the heyday of community prosperity that accompanied the mining activity in Upper Michigan's copper range. At the peak of that activity between 1867 and 1884, Calumet & Hecla mines produced half of this country's supply of copper.

In 1903, 175 invitees paid $36 in fees and dues to become charter members. Guest book logs show visits to the club from visiting celebrities, including boxers Jack Dempsey, Jack Sharkie, and Max Schmelling.

Present membership has recognized the changing times, and the club elected its first woman president in 1994.

Mr. Speaker, I ask that you and my House colleagues join me in raising a figurative glass to toast the Miscowaubik Club on its 100th anniversary. I wish the club and its members a second happy century of social discourse.

CONGRATULATIONS TO MS. NICOLE JONES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to congratulate Ms. Nicole Jones on her graduation from Harvard University, July 24, 2003:

Whereas, Harvard University, which celebrated its 350th anniversary in 1986, is the oldest institute of higher learning in the United States of America; and

Whereas, Harvard University has grown from nine students with a single master to an enrollment of more than 18,000 degree candidates, including undergraduates and students in ten graduate and professional schools; and

Whereas, Seven Presidents of the United States of America, John Adams, John Quincy Adams, Theodore and Franklin Roosevelt, Rutherford B. Hayes, John Fitzgerald Kennedy and George W. Bush were graduates of Harvard; and

Whereas, its faculty has produced nearly 40 Nobel laureates; and

Whereas, Harvard University continues to be recognized as one of the very best and most outstanding academic institutions in the world today; now therefore, be it resolved that I Danny K. Davis take this opportunity to congratulate my next door neighbor, Ms Nicole Jones on this outstanding milestone in her career; and be it further

Resolved, That I commend and congratulate my neighbors Mr. George and Ms. Jenny Jones, her proud parents, for the contributions which they have made to Nicole's nurturing and development. We all wish her well as she moves on to the University of Michigan Law School to make further preparation for a lifetime of service.

GOD BLESS YOU, JONATHAN DAVID ROZIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak of a brave young Dallas area resident, 2nd Lt. Rozier, who was killed in combat in Iraq on July 19, 2003. I am humbled and grateful that he was willing to make the ultimate sacrifice to this Nation.

He is our fallen hero. A grateful Nation should never forget that he had family, friends, and plans for the future. He was just 25 years of age, old enough to dedicate his life to protecting our country. The attack happened just three days after his birthday.

Lt. Rozier was born in Dallas. In 1991 moved his family to Katy, Texas. He is a graduate of the Texas A&M University with a bachelor's degree in economics, where he and his wife served in the Corps of Cadets together.

Lt. Rozier was a distinguished and decorated soldier. He earned a Bronze Star by bravely helping to rescue injured soldiers under fire, and by enlisting to serve our country in the armed forces he demonstrated his courage and sense of duty. Lt. Rozier made the ultimate sacrifice for all of us, and we all owe him immeasurable gratitude.

His uncle, a good and close friend of mine, former DeSoto Mayor Richard Rozier expressed to me the sadness of Rozier family the grief of those who knew and loved him, including his wife, Jessica and his son, Justin.

Mr. Speaker, Lt. Rozier will always be remembered by his friends, family and loved ones and will surely be honored by the entire constituency of the Dallas/Forth Worth Metroplex community for his bravery and heroism.

I join with this House and with the people of Dallas/Forth Worth Metroplex and Americans all across the country in saying God bless you, Jonathan David Rozier. And God bless America.

PASSING OF PAUL BERNAL, PUEBLO INDIAN ELDER

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. UDALL of New Mexico. Mr. Speaker, the Taos Pueblo and Native Americans across the country are mourning the loss of an elder, statesman, and military veteran. I rise today to pay tribute to this extraordinary man, whose death is a great loss not only for all Indian Nations but also for the entire country.

Paul Bernal, a Taos Pueblo leader in the fight for religious freedom, died this month at the age of 92. Also known as ''Pa chal ma,'' or Deer Catcher, Paul was an activist who devoted his life to returning control of the Sacred Blue Lake to his Pueblo.

In creating the Carson National Forest in 1906, President Theodore Roosevelt carved away thousands of acres of Taos Pueblo land. This land, viewed as sacred by the Indians, surrounded and included Blue Lake, a vital religious shrine in Pueblo religion. Sixty-four

years passed before the United States returned the land to the Indians.

According to Pueblo tradition, the Taos tribe was created out of the sacred waters of Blue Lake. The lake, a place of ritual worship and historical importance, was under U.S. Forest Service control beginning in 1906. Instrumental in the fight for the return of Blue Lake and the surrounding wilderness, Paul, served as the key interpreter for news reporters and government officials.

Returning the lake to the tribe was strenuously opposed by some powerful opponents: U.S. Senator Clinton Anderson, the U.S. Department of Agriculture, and the U.S. Forest Service. Under the Anderson proposal, jurisdiction would have remained with the U.S. Forest Service, which the Pueblo considered insensitive to their religious beliefs.

In 1966, Taos Pueblo turned down $10 million and land concessions from the federal government to settle the dispute.

My father, Stewart Udall, former Secretary of the Interior, championed the cause of returning Blue Lake to the Taos Pueblo. He met many times in the 1960's with Paul Bernal and other members of the Pueblo. My father has said many times that Paul Bernal was the ''most effective leader in the fight to win back Blue Lake.''

As Secretary of Interior in the 1960's, my father testified every two years before House and Senate committees to advocate for the return of Blue Lake.

In 1970, when Senator Anderson was ill and ailing but still in the Senate, an extraordinary bipartisan group of senators—Barry Goldwater (R–AZ), Fred Harris (D–Okla), and George McGovern (D–S.D.)—came together to pass the Blue Lake legislation.

President Nixon signed the legislation into law on December 15, 1970. Reflecting on his career, Richard Nixon later said that making the bill law was, ''one of the most significant achievements of my administration.''

Paul was a respected tribal elder, an icon whose knowledge and experience carried the native-rights movement forward for many decades. He served as Taos Pueblo tribal secretary for 24 years. He was also humble and gracious in sharing credit for restoring tribal control of the lake. During a celebration in August 1971, Paul was asked about being the leader of such a monumental struggle. His reply, ''No one man. All together. The governor, the council, all the people.''

I was honored to have known this distinguished man, and his death is a great loss for all of us. However, I am certain Paul would not have wanted his death to create a void where his work is concerned. We can all learn from this accomplished man and continue his work for Native American sovereignty and spiritual integrity of the land. There could be no better tribute to such a man as Paul Bernal.

INTRODUCTION OF LEGISLATION IN SUPPORT OF DESIGNATION AND GOALS OF HIRE A VETERAN WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HOLT. Mr. Speaker, as our nation honors and supports the ongoing efforts of our troops in Iraq and prays for the safety of all of our uniformed men and women still in the Gulf and Afghanistan, now is also an opportune time for Congress to do more to help our nation's new and old veterans in need. To this end, I am introducing legislation to urge the establishment of a ''National Hire a Veteran Week'' and to urge a presidential proclamation calling upon employers, labor organizations, veterans service organizations, and federal, state, and local governmental agencies to employ more veterans.

In spite of the best efforts of the U.S. Departments of Defense, Labor, and Veterans Affairs, imposing barriers continue to impede many deserving veterans from securing employment and achieving self-sufficiency. Unfortunately, many veterans struggle to find jobs, even with opportunities for increased training and education offered through government programs. Little more than half of our nation's veterans are employed today. Most startlingly, according to the 2000 Census, nearly 20 percent of Gulf War veterans are unemployed.

Moreover, it is troubling and shameful that so many of our veterans who risked their own lives to defend our freedom can't find jobs and must endure homelessness and lives of poverty after they return home. Indeed, American veterans comprise one-third of the homeless male population in America, while an estimated 250,000 veterans live on our city streets. In fact, the number of homeless Vietnam War veterans today exceeds the number of service persons who died during that war.

Mr. Speaker, even as we tend to the well-being of our men and women currently on active duty, we cannot forget those who have already served their country and deserve more assistance in moving to the next phase of their civilian lives. A presidential proclamation of ''National Hire a Veteran Week'' would provide an effective and more focused way to do more to help all of our veterans find good jobs and ensure better living standards for themselves and their families. I hope that all of my colleagues will support this legislation and will take one more step to help repay the debt we owe to all of our nation's defenders. I also hope it can be promptly enacted and signed into law in the next few weeks.

CELEBRATING NEW YORK'S DOMINICAN DAY PARADE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to one of New York's oldest celebrations of Dominican culture, Manhattan's Dominican Day Parade.

The annual parade, which once ran through the heart of Washington Heights, has grown to become one of August's most anticipated celebrations of cultural and ethnic pride on New York's Sixth Avenue.

This year's parade on August 10th not only comes on the heels of the Dominican Republic's hosting of the 14th edition of the Pan-American Games, it also kicks off Dominican Heritage Week in New York City. From then to August 16th, New Yorkers of all ages will get a chance to learn about some of the ways in which this vibrant community is transforming the Nation.

We have begun to hear of Dominicans and Dominican-Americans in the context of stars like baseball slugger Sammy Sosa, designer Oscar de la Renta, and Miss Universe 2002 Amelia Vega. However, there are hundreds of Dominican professionals and an increasing amount of Dominican students that are blazing trails in government, law, science, and technology. They understand that they stand on the shoulders of not only the sacrifices that their parents have made but also on the achievements of members of other freedom-loving people.

In many ways, their journey is similar to other immigrant groups that have landed on our shores. But make no mistake, the people of the Dominican Republic have a style all their own. They are part of the wonderful mosaic that is America whose continuing empowerment can only help this country reach its full potential as a democracy.

HONORING HOUSTON WALES—INTERN IN MY WASHINGTON, DC OFFICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GRAVES. Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mr. Houston Wales, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Houston will be a freshman in the fall at the University of Missouri-Columbia and has distinguished himself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Houston joined my staff for the 108th Congress as part of the House of Representatives intern program at the United States Capitol In Washington, D.C., a program designed to involve students in the legislative process through active participation. Through this program, Houston has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During his time as an intern in my office, Houston has successfully demonstrated his abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Houston has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of his knowledge and skills acquired prior to his tenure as an intern and through a variety of new skills he has acquired while serving the people of Missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Mr. Houston Wales for his many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to him our very best wishes for continued success and happiness in all his future endeavors.

HONORING MARGARET ELDER

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Margaret Elder, a teacher at Anaheim High School for being selected as one of 32 teachers tapped for Disney's annual American Teacher Awards.

The 32 selected teachers are chosen from a field of over 185,000 from across the nation.

Award winners are selected for their innovative approaches to teaching that are above and beyond the standard school curriculum.

In these tough economic times, as teachers work with limited resources and many programs in our schools being hurt by budget cuts and lack of proper funding, it is particularly inspiring to have teachers like Ms. Elder in our schools.

It is my privilege to congratulate her on this accomplishment. Our educational system and our teachers are our most important asset and we must support them: Not just for our children, but for our future.

AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT AMENDMENTS ACT OF 2003

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RAHALL. Mr. Speaker, I am pleased to join our colleague Congressman MARK UDALL in introducing the ''American Indian Trust Fund Management Reform Act Amendments Act of 2003.'' This bill is a sound proposal for the reform of the management of assets and funds held in trust by the United States for individual Indians and federally recognized Indian tribes.

For well over a century the Federal Government has been the trustee of funds generated from leases on Indian lands. For almost as long, the Federal Government has been charged with mismanaging these funds. To this day tribal and individual Indian account holders cannot be assured that the balances the Department of Interior claims are in their accounts are accurate.

Much attention has been given to the Cobell v. Norton class action lawsuit which was filed in 1996 on behalf of some 300,000 individual Indian money account holders. But regardless of what happens in this case, the current management and administration of Indian trust lands and trust funds by the Department of the Interior (DOI) is inadequate and must be reformed.

Enactment of this bill would elevate trust fund management within DOI, affirm trust standards, and ensure Indian tribes have a greater management role over their assets and funds. These are all elements needed for reform of the system as determined by the Task Force on Trust Fund Reform, the Intertribal Monitoring Association and the National Congress of American Indians.

I commend Mr. UDALL for introducing this important bill and thereby starting the trust fund reform discussion in the House of Representatives. I remain open to other legislative proposals and am committed to working with Indian country towards true reform and protection of Indian trust funds.

HONORING THE TOWN OF CUMBERLAND GAP, TENNESSEE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the historic town of Cumberland Gap, Tennessee as they celebrate their 200th anniversary of postal service.

Cumberland Gap has long been a place of historic passage. In pre-Colonial America, the Gap served Native Americans as a pivotal crossing for their trading and hunting routes through the Appalachian Mountains. Later, Daniel Boone and his 29 ''axe men'' blazed a 208 mile trail into central Kentucky providing a route for pioneer families to travel west. During the Civil War, Cumberland Gap gained military significance, becoming known as the ''Gibraltar of America'' and the ''Keystone of the Confederacy.''

Today however, in the age of flight, travelers through Cumberland Gap come not to get through the mountains, but to escape into them. The natural beauty of the surrounding area and the Gap's rich cultural history make it a popular destination for travelers of all ages and interests. From hikers to historians, people continue to be drawn to the ''gap between the mountains.''

Time has almost stood still in the small Appalachian town of Cumberland Gap. As you walk through the quiet streets, you are greeted with architecture from the late 1800's and the 1920's. The streets are snap shots from the past, illustrating the progression of history even through today. The town's rich history, quiet charm and natural beauty are especially appealing for cultural tourism.

Just as the historic parade marched through the Gap for more than 200 years, the procession is not yet finished. Today the town of Cumberland Gap, the natural starting point for an journey into the Cumberland Gap National Park, is a haven for day hikers, adventure hikers and cycle enthusiasts. Whether you are seeking history, culture or adventure, Cumberland Gap is always a great place to be.

On July 19, this historic town celebrates 200 years of postal service with a day of interpretive presentations of what life was like in the early 1800's including ''living history'' exhibits throughout the town. Mr. Speaker, I am honored to join them on this important day and I wish the town of Cumberland Gap many years of continued success.

CELEBRATING THE 14TH EDITION OF PAN-AMERICAN GAMES IN THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the 14th edition of the Pan-American dames, this year to be held in Santo Domingo Dominican Republic, from August 1st to August 17th.

Since 1951, the games have carried the Olympic spirit of trying to build and strengthen international cooperation through friendly, but no less intense, competition between the countries of the Western Hemisphere. In a time when we are engaged in a global struggle against terrorism, poverty and disease, the sight of some of the region's best athletes coming sharing the same stage peacefully gives the world hope that our current struggles are just a prologue to better days.

This year's games are also a source of pride to Dominicans all over the world, especially those who live in my district's neighborhood of Washington Heights. While putting on an event of such magnitude is a challenge for any nation, there is no doubt in my mind that the world will be treated to a world-class celebration full of the best of Dominican culture. It is also a chance to sow the seeds of future economic development by showing the world that any stage can shine brightly from Santo Domingo.

So it is with great enthusiasm that I ask my colleagues to join me in congratulating all the participants and organizers in advance for all their achievements and hard work. Let us hope that the Pan-American Games' motto, loosely translated as ''The American spirit of friendship through sports,'' not only lasts beyond these two weeks in August, but also extends beyond sports and the island of Hispaniola into the hearts of all of the world's citizens.

HONORING STEPHANIE MCCRAY—INTERN IN MY WASHINGTON, DC, OFFICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Stephanie McCray, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Stephanie is a senior public policy studies major and economics and religion minor at Duke University and has distinguished herself as an intern in my Washington office by serving the great people of the 6th district of Missouri. Stephanie joined my staff for the 108th Congress as part of the House of Representatives intern program at the United States Capitol in Washington, D.C., a program designed to involve students in the legislative process through active participation. Through this program, Stephanie has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During her time as an intern in my office, Stephanie has successfully demonstrated her abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Stephanie has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of her knowledge and skills acquired

prior to her tenure as an intern and through a variety of new skills she has acquired while serving the people of missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Ms. Stephanie McCray for her many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to her our very best wishes for continued success and happiness in all her future endeavors.

CONGRATULATIONS TO ST. JOSEPH BALLET COMPANY IN SANTA ANA, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to offer my congratulations to the St. Joseph Ballet Company in Santa Ana, California, for receiving the 2003 Coming Up Taller award.

The Coming Up Taller award recognizes programs that involve students in the arts and humanities.

The St. Joseph Ballet Company offers 42 dance classes every week, provides one on one tutoring with students at the University of California, Irvine and along with assistance in the college admission and financial aid process.

St. Joseph is more than just a dance program. They have been teaching children about dance, self-discipline, and the importance of academic excellence for over 20 years.

Children are given a sense of accomplishment, motivation in all aspects of life and an education that goes beyond standard core curriculum.

In these difficult economic times for education, I am pleased that there are still programs like St. Joseph's Ballet that provide invaluable tools to prepare our children for the future.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I rise in support of the Gutknecht bill.

I have always argued that while the reimportation safety-issues are of paramount importance, they are not insurmountable.

This bill includes many of the safety-provisions I've been calling for in my bill H.R. 2652, the ''Internet Pharmacy Consumer Protection Act''. In fact, when I first looked at the reimportation language included in the GOP prescription drug bill, I was glad to see many of these safety provisions included—until I noticed the ironic ''poison pill'' provision found in this language that would give the HHS Secretary the power to kill reimporation. The Gutknecht bill would remove this ''poison pill'' provision.

I have questioned the FDA in the past as to why they have refused to follow their own safety guidelines when importing prescription drugs for U.S. consumers under the ''personal use'' exemption. I have not received a satisfactory answer from the FDA and I've concluded that their decision to ignore their own guidelines was based on politics rather than public-safety. I was further convinced of this fact when I received highly unusual lobbying call from the FDA against this bill last week.

The truth is, this bill will force the FDA's hand—they can and they will be required to implement a safe reimportation program within six months.

The lobbying campaign by the Pharmaceutical Industry in opposition to this legislation has been very distasteful—many of the tactics they employed were just plain dishonest. Americans continue to pay prescription drug prices that are 30 to 300 percent more than in European and other industrialized nations including Canada. This bill will finally force the most profitable industry in the world to give American citizens some relief from this outlandish price discrimination.

Thank you Mr. Speaker and I yield back the balance of my time.

HONORING ELISHA GRAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KIRK. Mr. Speaker, one hundred and thirty-three years ago, a man named Elisha Gray helped found the picturesque Chicago suburb of Highland Park, Illinois in my district. This extraordinary man was not only a pioneer in developing Chicago's North Shore, but also a prolific inventor.

Born in 1835 in a small Midwestern town, young Elisha Gray grew up among humble surroundings. Following the death of his father, he took on a part time job at the age of 12 in order to help support his family. Mr. Gray paid his way through college by using his boat building skills, acquired in his early years, to make specialized equipment for the science departments at Oberlin College.

Although he considered a life in the ministry, Mr. Gray always knew that his true calling was in engineering. In 1867, he received his first patent, capturing the interest of the Western Union Telegraph Company. Mr. Gray would have a lifetime association with the company. Soon after in 1870, Mr. Gray co-founded the firm of Gray and Barton, then relocated the company, named Western Electric Manufacturing Company, in the Chicago area.

While working in Chicago, Mr. Gray helped found the town of Highland Park, one of the many fine suburbs located today within my 10th Congressional District of Illinois. At home, Mr. Gray worked tirelessly on his inventions and scientific breakthroughs. In 1876, he filed a caveat, or a preliminary patent application, for an invention soon to be called the telephone. A. Edward Evenson, Gray's biographer and author of The Telephone Patent Conspiracy of 1876, believes that Mr. Gray's caveat predated that of Alexander Graham Bell's well known patent, which was filed on the same day. Regardless, Mr. Gray is undoubtedly a contributor to the vast body of science that underscored the modern uses of the telephone.

Throughout a life dedicated to the pursuit of technological prowess and the scientific advancement of mankind, Elisha Gray patented over 50 inventions in the United States. Besides his contributions to the telephone, Mr. Gray is most noted for his work on the first commercially successful fax machine, the Telautograph. Businesses and homes throughout the world are indebted to Mr. Gray's early work on this now widely used technology.

Elisha Gray also led the field in scientific publications and academic achievements. He wrote four books. He was a lecturer and professor at his alma mater, Oberlin College, and received a number of honorary degrees.

The entrepreneurial spirit of Mr. Gray must not pass unnoted. His Chicago area firm helped foster the growth of greater Chicagoland and Northeastern Illinois. In recognition of a life dedicated to the improvement of mankind, Mr. Gray received numerous awards, including the French Legion of Honor Medal, France's highest award. Elisha Gray should be honored as a man who not only founded one of my district's cities, but who, from that bucolic place, invented many things that we take for granted today.

HONORING THE DOMINICAN RESTORATION DAY HOLIDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to recognize a very important national holiday in the Dominican Republic, Restoration Day or El Día de la Restauración, celebrated annually on August 16.

Although the Dominican Republic declared its independence from Spain in 1821, it wasn't until February 27, 1844, that they established constitutional self-rule. However, years later a series of internal events led a faction of government to call on Spain to reclaim their former Caribbean colony. With the United States in the middle of its own civil war, the Dominican people were left to their own resources to wage another battle for their country's freedom. Starting on August 16, 1863, nationalists launched a counteroffensive against the Spanish crown, ultimately leading Spain to withdraw from the island of Hispaniola on March 3, 1865.

For Dominicans, August 16 is a second Independence Day, a lasting symbol of the dedication of their community to be free. In the Dominican Republic, it has been, among other things, the traditional day when victorious candidates assume the presidency. In the United States, the day serves as a cultural holiday around which many hold concerts, festivals and other celebrations. In my own city of New York, there is a grand parade down Sixth Avenue, from 36th to 56th Streets. This year, it also marks the end of Dominican Heritage week, a time when New Yorkers of all ages get an opportunity to learn about this vibrant Latino community.

So I ask my colleagues to join me in celebrating this holiday with Dominicans all over the world. The success of our current democracy in many ways depends on us never forgetting the sacrifice of those who have fought for the cause of freedom and peaceful self-rule all over the world.

HONORING SARAH RICE—INTERN IN MY WASHINGTON DC OFFICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Sarah Rice, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Sarah is a senior political science major at Northwest Missouri State University and has distinguished herself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Sarah joined my staff for the 108th Congress as part of the House of Representatives intern program at the United States Capitol in Washington, DC, a program designed to involve students in the legislative process through active participation. Through this program, Sarah has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During her time as an intern in my office, Sarah has successfully demonstrated her abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Sarah has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of her knowledge and skills acquired prior to her tenure as an intern and through a variety of new skills she has acquired while serving the people of Missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Ms. Sarah Rice for her many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to her our very best wishes for continued success and happiness in all her future endeavors.

TRIBUTE TO DR. BILL MADIA

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. WAMP. Mr. Speaker, just over 3 years ago, the University of Tennessee-Battelle team took over the contract to operate the Department of Energy's Oak Ridge National Laboratory in Oak Ridge, TN. Our Lab Director, Dr. Bill Madia will soon be leaving ORNL to take a new position. I would like to take a moment today to recognize Bill's tremendous accomplishments and thank him for all he has done in East Tennessee.

Bill came to ORNL with over 25 years of experience in research and research management, with more than 15 years leading public and private research labs. That experience is evident in all the recent successes of ORNL, including receiving the laboratory's first-ever ''outstanding'' rating for overall performance from the Department of Energy for fiscal year 2002.

Under his watch, the construction of the Nation's largest civilian science project, the Spallation Neutron Source, has moved forward on time, on budget and on scope. Adjacent to SNS, atop Chestnut Ridge, is the site for the Center for Nanophase Materials Science, the first of DOE's Nanoscience centers. Another new facility is the recently completed Center for Computational Sciences, one of the world's most modern computer laboratories.

Along with these examples of cutting edge major research user facilities, Bill tackled the needs of a laboratory that dated back to the Manhattan Project. In June 2003, only 16 months after breaking ground, ORNL celebrated completion of the first of 12 new facilities in the Laboratory's ambitious modernization program. The new buildings represent an unprecedented partnership among the private, state, and federal sectors. This unique effort can be attributed to Dr. Bill Madia.

In the Oak Ridge community, Bill Madia has been active in promoting economic growth and providing leadership in the role that science and technology can play in education, the workplace, and our daily lives. He has served on the boards of the Oak Ridge Chamber of Commerce, East Tennessee Economic Council, and the Tennessee Technology Development Corporation. He has also been supportive of the next generation of scientists by supporting funding for high school science laboratories and the University of Tennessee's Academy for Math and Science.

Mr. Speaker, Bill has contributed mightily to the Lab's success during his tenure in East Tennessee. I am pleased he will continue his commitment to the lab and our community by serving as a member of the UT-Battelle Board of Directors. In my judgment, he is by far the greatest, most innovative ''lab director'' in the United States. He is my personal friend and I will miss him very much.

However, because of his amazing vision and tireless work, the people of Oak Ridge, East Tennessee and the Nation face a brighter, more prosperous future. I would like to thank Dr. Bill Madia for his remarkable leadership and extraordinary commitment to the great state of Tennessee.

CONGRATULATING MS. ADA SANDERS ON HER RETIREMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KIRK. Mr. Speaker, I would like to honor Ms. Ada Sanders, who has recently retired from 30 years of teaching primary school in the state of Wisconsin.

Ada Sanders was originally hired as a substitute teacher but after demonstrating her immense talent and love of teaching, she was quickly hired as a full time teacher. In Ms. Sanders' 30 years devoted service to third and fourth grade students in Stevens Point, WI, she taught for 18 years at the Madison School and spent her last 12 years at the Bannach School.

Her caring demeanor and loving devotion to students has allowed her to touch the lives of many. Ms. Sanders is not only an extraordinary individual, but a role model to all.

Mr. Speaker, Ada Sanders deserves this special recognition for her 30 years of devotion to America's children. I wish her much success in all of her future endeavors.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. STUPAK. Mr. Chairman, I rise in strong opposition to H.R. 2210, the Republican Head Start reauthorization bill. This legislation tears at the heart of successful early childhood development services in the United States that have been in place since 1965.

Across the Nation, Head Start has helped to combat poverty and provide children with an enriched social, academic, and healthful base before kindergarten. In my own northern Michigan communities, Head Start has long provided valuable services to the 5,598 children and their families enrolled in 148 programs throughout the 1st Congressional District.

I am dismayed H.R. 2210 provides only a 2.9 percent increase over the last year in the already under-funded Head Start programs—barely keeping up with inflation, and I have very serious concerns about several of its provisions.

In particular, the bill completely fails to support Head Start teachers. These dedicated professionals earn about half of what typical kindergarten teachers make. Yet, H.R. 2210 only provides about $400,000 for teacher salaries and education next year—more than $300 million less than needed in fiscal year 2004. Funding for the following years is no better—$2 billion less than needed over the next 4 years.

To add insult to injury, H.R. 2210 increases teacher credential requirements so that 50 percent of Head Start teachers must have a Bachelor's degree by 2008. But the bill provides almost no money to help teachers advance their education, and it doesn't pay to increase teachers' salaries after they earn a Bachelor's degree! What incentive does that provide for quality teachers to remain dedicated to Head Start programs?

I am also concerned about block grant provisions in the bill. Shifting program money to state block grants, even in the eight test states, could allow states to change the Head Start program in substantive ways that may jeopardize the successes Head Start programs have long achieved. It is a pilot program as proposed, but as we all know these pilot programs tend to grow.

In the name of so-called ''reform'', H.R. 2210 allows selected states to increase Head Start class size and the child-to-staff ratio; decrease parental involvement; hinder disability assessment and treatment; and eliminate comprehensive health care services like vision, dental, and mental health screenings. Moreover, the Republican Head Start bill lets the eight test states move funds currently intended for local Head Start agencies to other pre-school and child care programs that may not offer the same critical services on which children and families depend.

Head Start has made a valuable contribution to the education of our Nation's children,

and I will do everything possible to protect these locally designed and administered programs in northern Michigan.

I urge my colleagues to vote no on H.R. 2210. Vote no to dismantling Head Start.

FLORINE WARDEN'S 85TH BIRTHDAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RAHALL. Mr. Speaker, on August 26, Mrs. Florine Warden will be celebrating her 85th birthday. Her story is one of success. From the coalfields of West Virginia she has endlessly battled to preserve the liberties of her community. As her birthday approaches I wish to thank Mrs. Warden for the extraordinary effort she has put into our State.

Thomas Jefferson once said, ''none deserve better than those who contribute to the amelioration of that form (government).'' Mrs. Warden's life has been one of great service and citizenship. She has dedicated her life to voicing her opinion and striving to improve our form of government. Those who reside in Southern West Virginia know of her unwavering dedication to encouraging others to become active citizens. She has fought diligently on the political battlefield at the grassroots level. She brings a special enthusiasm to her community and the State of West Virginia. She has donated her time to improve and enhance our political process.

Mrs. Warden has spent countless hours working for the underprivileged. From picket lines to food drives, Mrs. Warden is a force for the less fortunate. She has sought to better her community by working as a booster for local high schools and colleges. This amazing woman has also devoted her time to the West Virginian Department of Highways, as well as the Department of Natural Resources. She has worked for the State, but more importantly for the people of West Virginia, which she cares for so dearly. She has worked tirelessly for the United Mine Workers of America. She is the true embodiment of the Mother Jones's mantra, ''Mourn the dead, and fight like hell for the living.''

Mrs. Warden's hard work has not gone unnoticed. Her many honors include the Distinguished West Virginian Award, the Beautification Award ''Make West Virginia Shine,'' and an induction into the Democrat Hall of Fame. Just last year I was at hand when Mrs. Warden was presented the labor award in the 17th Annual Celebrate Women Awards. With these awards, the word of her hard work has spread from Southern West Virginia to the rest of the State, and across our great Nation. In her amazing eighty-five years, she has been dedicated to promoting labor services in West Virginia and with her hard work she is irreplaceable in the political world. She has continually fought for the betterment of our form of government. I agree with Mr. Jefferson and feel that none deserve better than Mrs. Warden.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SMITH of Washington. Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 227: H. Res. 159. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable vote on rollcall No. 228: H. Res. 195. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 229: H.R. 1465. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 230: S. 222. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 231: S. 273. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 232: S. 763. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 233: H. Amdt. to H. J. Res. 4. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 234: Final passage of H. J. Res. 4. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 235: Motion to suspend the rules and pass H. Res. 231. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 236: on agreeing to H. Res. 257. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 237: Motion to suspend the rules and pass H. Res. 177. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 238: Motion to suspend the rules and pass H. Res. 201. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 239: H.R. 1954. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 240: H. Amdt. 154 to H.R. 760. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 241: Motion to Recommit to H.R. 760. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 242: final passage of H.R. 760. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 243: On Ordering the Previous Question for H. Res. 256. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 244: H. Res. 258. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 245: H. Res. 258. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 246: on passage of H.R. 1474. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 247: S. 222. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 248: S. 273. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 249: H.R. 1610. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 250: H. Con Res. 162. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 251: S. 763. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 252: H. Res. 263 to H.R. 2143. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 253: H. Res. 263 to H.R. 2143. Had I been present, I would have voted ''No.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 254: H. Amdt. 159 to H.R. 2143. Had I been present, I would have voted ''No.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 255: Passage of H.R 2143. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 256: H. Res. 252: Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 257: On ordering the previous question for H.R. 2115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 258: On agreeing to the rule for H.R. 2115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 259: On passage of H. Con. Res. 110. Had I been present I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 260: On passage of H.R. 1320. Had I been present I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 261: H.R. 2350. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 262: H. Amdt. 5 to H.R. 2115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 263: H. Amdt. 4 to H.R. 2115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 264: On passage of H.R. 2115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 265: H. Res. 269 to H.R. 1115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 266: H. Res. 269 to H.R. 1115. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 268: H. Amdt.

168 to H.R. 1115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 269: H. Amdt. 169 to H.R. 1115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 270: H. Amdt. 170 to H.R. 1115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 271: Motion to Recommit to H.R. 1115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 272: Passage of H.R. 1115. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 273: H. Res. 270 to H.R 1308. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 274: Rule for H.R. 1308. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 275: Motion to Instruct Conferees H.R. 1308. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 276: H.R. 2254. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 277: H. Con. Res. 220. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 278: S. 703. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 279: H. Res. 276. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 280: H. Res. 171. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 281: Passage of H.R. 658. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 282: S. 342. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 283: Passage of S. Con. Res. 43. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 284: Previous Question to H. Res. 281. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 285: H. Res. 281 to H.R 8. Had I been present, I would have voted ''no.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 286: Approving the Journal. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 287: H. Amdt. 171 to H.R. 8. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 288: Passage of H.R. 8. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 289: H. Res. 283 to H.R. 660. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 290: H. Res. 283 to H.R. 660. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 291: H. Amdt. 172 to H.R. 1528. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 292: Motion to Recommit H.R. 1528. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 293: Passage of H.R. 1528. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 294: Kind amendment to H.R. 660. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 295: On motion to recommit with instructions to H.R. 660. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 296: On final passage to H.R. 660. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 297: H. Res. 264. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 298: H. Res. 177. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 299: H. Con. Res. 209. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 300: Passage of H.R. 2465. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 301: Previous Question to H. Res. 293. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 302: Agreeing to H. Res. 293. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 303: Passage of H.R. 923. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 304: H.R. 1460. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 305: On sustaining the ruling of the chair on H.R. 2555. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 306: Sustain ruling of the chair on H.R. 2555. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 307: H. Amdt. 176 to H.R. 2555. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 308: H. Amdt. 183 to H.R. 2555. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 309: H. Amdt. 188 to H.R. 2555. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 310: Passage of H.R. 2555. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 311: Passage to H.R. 1416. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 312: S. 858. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 313: H.R. 2474. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 314: H. J. Res. 49. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 315: H. Con. Res. 49. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 316: H. Res. 199. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 317: H. Res. 294. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 318: On the Hastings amendment to H.R. 2417. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 319: On the Kucinich amendment to H.R. 2417. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 320: On the Lee amendment to H.R. 2417. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 321: H. Res. 299 to H.R. 1 and H.R. 2596. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 322: H. Res. 299 to H.R. 1 and H.R. 2596. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 323: H. Res. 297 to H.R. 1 and H.R. 2596. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 324: Ordering the previous question on H. Res. 298. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 325: Passage of H.R. 2559. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 326: Passage of H. Res. 277. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 327: On approval of the Journal. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 328: H.R. 2596. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 330: H. Amdt.

197 to H.R. 1. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 331: Motion to recommit with instructions to H.R. 1. Had I been present, I would have voted ''yes.''

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 332: Final passage of H.R. 1. Had I been present, I would have voted ''no''.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 333: On passage of H.R. 2417. Had I been present, I would have voted ''yes.''

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of this legislation because it will provide our seniors and all American consumers the relief they need from skyrocketing drug prices through safe, FDA-approved prescription drugs reimported from Canada and Europe.

And I am pleased that a broad bipartisan coalition has come together to advance this important measure.

Currently, the same exact prescription drugs purchased in Canada and Europe cost only a fraction of the prices charged in the U.S.

This does not make sense when a number of our seniors must choose between spending their limited income on food or taking on their daily dosage of a prescribed medication.

Some have raised concerns about the safety of importing prescription drugs from outside the United States.

As a nurse, I am always concerned about safety and doing no harm.

This bill takes important steps to actually improve the safety of prescription drugs through:

State-of-the-art technology to prevent tampering with the packaging (the same type of technology used by the Dept. of Treasury to secure our currency);

Strict inspections by wholesalers to test each shipment;

And by allowing only FDA-approved drugs from FDA-approved facilities into the country.

Further, the legislation's enforcement authority is clear and very strong—Manufacturers or importers can be heavily fined or even face up to 10 years in prison for failing to comply with safety requirements.

The plain fact is that more than one million Americans already purchase their medicines from outside the American market and there has not been one reported death or illness from Americans taking such products.

Mr. Speaker, reimportation is a commonsense thing to do. It is probusiness, pro-consumer and it's a safe and effective way for Americans to pay less for prescription drugs.

I urge my colleagues to join me in voting ''yes'' for this legislation, our seniors can't wait.

HONORING THE CONTRIBUTIONS OF DOMINICAN BASEBALL PLAYERS TO THE ECONOMY OF THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I wanted to take this time to highlight some of the contributions that baseball players of Dominican decent are making not only to America's national pastime, but also to communities in the Dominican Republic.

It isn't long into SportsCenter or any other sports highlight show before one notices that some of the game's greatest contemporary players hail from the DR. Perennial All-Stars like Sammy Sosa, Pedro Martinez, Alex Rodriguez and Manny Ramirez, joined now by youngsters like Odalis Perez, Albert Pujols, Carlos Delgado, Alfonso Soriano and Miguel Tejada, are redefining the game by challenging long-established records and moving the bar of excellence higher than many would have imagined.

Baseball has a long established tradition in the DR, showcasing Negro-League stars like Satchel Paige and Josh Gibson in winter league games at a time when the color-line barred African-Americans from playing with white players in America. And these new stars know that they follow in the footsteps of major league trailblazers like Felipe Alou, Joaquin Andujar, George Bell, Rico Carty, Tony Fernandez, Pedro Guerrero, Juan Marichal, and Jose Rijo.

However, what makes these ballplayers different from athletes of the past is that they can afford not only to be positive role models of behavior, but also economic role models of philanthropy. According to Major League Baseball, the 79 Dominican major league baseball players earn a combined salary of $210 million. Like many immigrants, they send money directly home to family members. However, they also contribute to the local economy by building homes, investing in business ventures and making contributions to charities based in their hometowns.

Their success in the major leagues has also brought in Major League Baseball as a partner in the island's economic development. According to a recent study, MLB has created 1,200 jobs, with $14.7 million going directly to the country through the operation of 30 baseball academies that are all looking to find the next diamond in the rough. These are academies that not only provide services, but also buy from local merchants, which has lead to the creation of as many as 900 new jobs.

Success in baseball is not based on the play of one player but on the efforts of the entire team. These Dominican athletes know that the best way that they can truly honor the sacrifices of their family and friends is making sure that they give back with both their hearts and their wallets. Collectively, they and other Dominicans around the world are helping to shatter the myth that some people are forever destined to be the recipients of handouts and hand-me-downs. That with an investment of faith and money, talent can surface to change a game—and the world.

WE MUST WORK TOWARD WINNING AND SUSTAINING PEACE IN IRAQ AND AFGHANISTAN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, since President Bush declared an end to major combat operations on May 1, 2003, we continue to have loss of life of our brave service men and women in Iraq at a rate of one per day.

Just look at the figures—491 wounded and 93 killed. We've lost 7 soldiers in the last week alone.

Why? Because the administration failed to adequately plan for post-war peacekeeping in Iraq. And experts are beginning to warn that the window for postwar success is closing.

We need to make a decision—and we need to do it quickly—about increasing the end strength of our military. Two days ago, the Pentagon announced that our troops in Iraq and Afghanistan should expect one-year deployments.

We are walking a very fine line on having enough troops to support our missions around the globe, especially Iraq and Afghanistan.

Asking our troops to stay for longer and longer tours is not the answer. Our troops are stretched thin, and we must start talking about doing everything in our power to win and sustain the peace.

BILL TO REFORM AMERICAN INDIAN TRUST FUND MANAGEMENT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to provide the basis for reforming the way the federal government discharges its responsibilities regarding the assets and funds it holds in trust for federally recognized Indian tribes and individual Indians.

The bill is also sponsored by Representative RAHALL, the Ranking Democratic Member of the Resources Committee, and is identical to a measure being introduced in the Senate by Senators MCCAIN, DASCHLE, and JOHNSON. It is based on a bill (S. 175) they introduced earlier, with revisions that reflect comments and suggestions from a number of tribes and others who have interest and expertise in this subject, including representatives of the Great Plains tribes, the Native American Rights Fund, the National Congress of American Indians, and the InterTribal Monitoring Association.

We are introducing the bill today in the interests of contributing specific legislative proposals for consideration as part of what we hope and expect will be a bipartisan effort to develop legislation to resolve many of the problems in this important part of the duties of the Interior Department.

As we all know, Mr. Speaker, the Interior Department's management of Indian trust funds is the subject of deserved criticism and

ongoing controversy. Last week, during debate on the Interior appropriations bill, the House was told that Chairman POMBO has indicated his commitment to having the Resources Committee work on resolving problems associated with that management—a commitment we welcome. Our bill is intended to be part of that effort.

Our bill includes two major changes to the 1994 American Indian Trust Fund Management Reform Act, the underlying law governing Indian trust funds management.

First, it elevates the importance of Indian trust management and other Indian affairs within the Interior Department by establishing the position of Deputy Secretary for Indian Affairs, to oversee the Bureau of Indian Affairs and all aspects of the management of Indian trusts.

There would no longer be an Assistant Secretary for Indian Affairs. The current Office of Special Trustee for American Indians would be abolished, with the duties of the Special Trustee being transferred to the new Deputy Secretary, who would be in charge of a new Office of Trust Reform Implementation and Oversight. In addition, there would be clear legislative affirmation of the fiduciary standards to be applied to the management of Indian trust funds and assets.

Second, the bill strengthens provisions for Indian tribes to participate in the management of trust funds and assets, based on successful self-determination policies. Toward that end, the bill would authorize a Tribe to use authority under existing law to manage trust funds and assets, without terminating the trust responsibilities of the Interior Department.

To further assess the way the Interior Department performs its fiduciary and management responsibilities with respect to Indian Tribes and individual Indian beneficiaries, the bill would establish a special 12-member Commission, with four members appointed by the President, two each appointed by the Majority and Minority leaders of the Senate, two each appointed by the Speaker and the Minority Leader of the House of Representatives. The bill specifies that a majority of members must be representatives of federally-recognized Indian tribes (at least one of whom must be the beneficiary of an individual Indian trust fund account). The Commission will choose one of its members to chair its proceedings.

The bill requires the Commission to review and assess Federal laws and policies relating to the management of Indian trust funds and to provide Congress a report about their conclusions and recommendations within three years after the Commission's first meeting.

Finally, the bill includes specific and detailed provisions to make clear that its enactment will not limit any of the findings, remedies, jurisdiction, authority, or discretion of the courts in the Cobell v. Norton litigation and that no funds appropriated to carry out an historical accounting of the individual Indian trust funds are to be used except as may be provided in an order of the court in that case entered after the date of the bill's enactment.

Mr. Speaker, I am convinced that the time has come for Congress to directly address the problems associated with this subject. The bill we are introducing today is not intended to either whitewash or redress past wrongs, and it will not forestall the courts from resolving matters properly before them. Instead, it is intended to take an important first step toward a better future for the Indian tribes and individuals in whose behalf the government is duty-bound to act.

For the benefit of our colleagues, here is a section-by-section outline of the bill:

OUTLINE OF ''AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT AMENDMENTS ACT''

SECTION 1: Short Title—provides a short title for the bill.

SECTION 2: Definitions—amends section 2 of the American Indian Trust Fund Management Act of 1994 to provide definitions of the terms ''audit,'' ''tribal government,'' ''trust asset,'' ''trust funds,'' and ''trustee.''

SECTION 3: Responsibilities of Secretary—amends section 102 of the American Indian Trust Fund Management Reform Act of 1994 so as to clearly specify the responsibilities of the Secretary of the Interior with respect to accounting for Indian trust fund balances and with respect to other aspects of carrying out the trust responsibility of the United States.

SECTION 4: Affirmation of Standards—amends Title I of the American Indian Trust Fund Management Reform Act of 1994 by adding a Congressional affirmation of the standards for proper discharge of the trust responsibility of the United States.

SECTION 5: Indian Participation in Trust Fund Activities—amends the American Indian Trust Fund Management Reform Act of 1994 to explicitly authorize an Indian tribe to use authority provided under the Indian Self-Determination and Education Assistance Act to manage trust funds and trust assets without terminating the trust responsibility of the Secretary of the Interior or the trust status of the funds and assets involved.

SECTION 6: Deputy Secretary for Indian Affairs—amends the American Indian Trust Fund Management Reform Act of 1994 to establish the position of Deputy Secretary of the Interior for Indian Affairs, to specify the duties of the Deputy Secretary, and (effective upon appointment of the Deputy Secretary) to abolish the Office of Special Trustee for American Indians and transfer its functions to the Deputy Secretary.

SECTION 7: Commission for Review of Indian Trust Fund Management Responsibilities—establishes a Commission (with four Members appointed by the President, two each appointed by the Majority and Minority Leaders of the Senate, and two each by the Speaker and the Minority Leader of the House of Representatives) to assess the federal government's fiduciary and management responsibilities with respect to Indian tribes; specifies a majority of Commission members must be representatives of federally-recognized tribes (and at least one must be an individual beneficiary of an Indian trust account); requires the Commission to report its conclusions and recommendations to Congress and the Departments of Interior and Treasury within 32 months after Commission's first meeting.

SECTION 8: Regulations—directs Interior, in consultation with interested Tribes, to issue regulations to implement the bill.

SECTION 9: Effect of Act—States that nothing in the bill will limit the findings, remedies, jurisdiction, authority, or discretion of the courts in the Cobell v. Norton litigation; provides that no funds appropriated for an historical accounting of individual Indian trust funds shall be used except as provided in an order of the court in that case entered after the enactment of the bill.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. MALONEY. Mr. Speaker, it is a disheartening reality in our country that the current administration refuses, so adamantly, to give seniors a real opportunity to obtain prescription drugs at a reasonable cost.

In times like these, when the economy is uncertain and prescription drug prices are soaring, it is essential to be creative in finding an affordable and effective way for Americans to obtain the drugs they so desperately deserve. H.R. 2427 gives our seniors, and other consumers, a tool they need to purchase life-saving drugs.

How many seniors are currently disabled by an illness that they cannot afford to treat with the drugs that their European counterparts can purchase for between 30 and 300 percent less? There are too many, and Congress cannot stand by and watch them suffer.

I know that my constituents in the Fourteenth District are suffering as a result of this government's inability to take meaningful action. A year ago, I co-released a report, detailing the outrageous prices seniors face when purchasing prescription drugs. For Prilosec, an ulcer and heartburn medication, a senior citizen in New York will pay on average $144.60 per month. The same drug in Canada costs $53.17. That is a 172% difference.

Zocor, which is one of the most common cholesterol-reducing drugs in the country, costs almost three times as much in New York City as it does in Canada. These are just two examples of the outrages our citizens face every day.

The Gutknecht bill will greatly reduce the cost of prescription drugs, and it will also ensure that imported medications will be safe for all seniors. H.R. 2427 mandates the use of greater technology to prevent the importation of counterfeit drugs, and it requires each shipment of drugs to be tested appropriately.

Twenty-two percent of Americans who are prescribed medication are unable to fill their prescriptions. This is an unacceptable statistic, one that my colleague's bill would take great strides to ameliorate.

America's seniors and consumers are afflicted by a disease: the absurd overpricing of prescription drugs. The fight against this epidemic must begin today. Vote ''yes'' on the Gutknecht bill, and let's give Americans a fighting chance.

COMMEMORATING THE TURKISH INVASION OF CYPRUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. LOWEY. Mr. Speaker, today, we sadly commemorate the 29th anniversary of the Turkish occupation of Cyprus. Over one quarter century ago, more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Today, the legacy of this tragedy is the enormous Turkish

military presence in Cyprus and the ongoing mystery of the fate of those who have disappeared. The occupation has gone on for far too long. We must strive for reunification, and we must achieve it soon, so that all Cypriots can benefit from Cyprus's new stature on the world stage.

Cyprus is well on its way to full EU membership—by this time next year it will be official. And, while Turkish Cypriot leader Denktash has continued to throw up roadblocks in front of a formal settlement, it seems the people of Cyprus are fed up with living on a divided island. We have been inspired by the stories of peace and kindness that have emerged from the opening of the borders—an opening that has taken place without the violence Mr. Denktash so stridently predicted. We all know that while leaders may make peace agreements, people make peace—and that is what we have witnessed in Cyprus.

As Ranking Democrat on the House Appropriations Subcommittee on Foreign Operations, it has been an honor to fight to achieve a substantial earmark for Cyprus each year. This assistance demonstrates our commitment to the people of Cyprus and our recognition of their struggle. These funds support measures aimed at reunifying the island and reducing tensions and promoting peace between the people of Cyprus. I believe this earmark sends a strong signal to the people of Cyprus that the United States is unflinchingly committed to realizing the goal of a reunified Cyprus. As the appropriations process continues, I will work to ensure the earmark once again reaches its traditional level of $15 million.

We must work together to keep up the pressure on Turkey to end its occupation of Cyprus and to allow the Cypriot people to live in peace and freedom. This year, more than ever, we must not let the opportunity for a resolution to this conflict pass.

IN HONOR OF THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF TRINIDAD AND TOBAGO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to recognize and celebrate Trinidad on the forty-first anniversary of her Independence and the 169th anniversary of emancipation in Trinidad and Tobago and the Caribbean.

Trinidad and Tobago and the U.S. have long enjoyed a prosperous relationship that has hinged upon interests in investment, trade, and regional security. Often noted for holding one of the largest and most elaborate Carnival celebrations in the world, there is much to know about how this small island nation evolved and has come to be such a great friend to our nation.

Trinidad was settled by the Spanish a century after Columbus landed there. The original inhabitants—Arawak and Carib Indians—were largely wiped out by the Spanish colonizers, and the survivors were gradually assimilated. Although it attracted French, free Black, and other non-Spanish settlers, Trinidad remained under Spanish rule until the British captured it in 1797. During the colonial period, Trinidad's economy relied on large sugar and cocoa plantations.

Tobago's development was similar to other plantation islands in the Lesser Antilles and quite different from Trinidad's . The smaller island of the pair, Tobago became known first as Tavaco, then Tabagua, then as Tobago. This was the name given by its tribal people who used a long stemmed pipe in which they smoked a herb called Vcohiba, known today as tobacco.

During the colonial period, French, Dutch, and British forces fought over possession of Tobago, and the island changed hands 22 times—more often than any other West Indian island. Tobago was finally ceded to Great Britain in 1814. Trinidad and Tobago were incorporated into a single colony in 1888.

Trinidad became an oil economy in the 20th century. Oil was discovered in the Guayguaygare, Point Fortin, and Forest Reserve areas in Trinidad. Over time oil and oil related exports came to dominate the economy.

The establishment of U.S. bases on the island in 1941 in exchange for 50 destroyers which at the time was sorely needed by an overstretched Britain, resulted in the construction of numerous roads. Additionally, the G.I.s injected American culture and money into a stagnant economy and shifted the focus of the country from Britain to the U.S.

In the 1950s, the British sponsored the West Indies Federation as a potential post-colonial model, in the belief that most of the Caribbean islands would be unable to survive politically or economically on their own. The Caribbean peoples thought otherwise and the Federation collapsed in the early 1960s.

In Trinidad and Tobago a movement was being born in the 1950s. After receiving his Ph.D. and serving as assistant professor at Howard University, Eric Williams returned to Trinidad and Tobago and formed the People's National Movement (PNM), a political party of which he became the leader. In September of 1956, the PNM won the national elections and he became the chief minister of the country from 1956 to 1959, premier from 1959 to 1962, and prime minister from 1962 to 1981. During his term as prime minister, Williams led Trinidad and Tobago into full independence within the Commonwealth in 1962. Eric Williams is considered the father of Trinidad and Tobago. He died in office on March 29, 1981.

After its 1962 independence, Trinidad joined the United Nations and the Commonwealth. In 1967, it became the first Commonwealth country to join the Organization of American States (OAS). A U.S. embassy was established in Port of Spain in 1962, replacing the former consulate general. Today, the Republic of Trinidad and Tobago remains a stable government with close ties and a working relationship to the United States.

Evidence of government stability is represented in the fact that U.S. investment in Trinidad and Tobago exceeds one and one-quarter billion dollars. In addition, Trinidad and Tobago is becoming the leading importer of liquefied natural gas to the U.S. It also is active in the U.S.-initiated Summit of the Americas process and fully supports the establishment of the Free Trade Area of the Americas.

With a population of 1.2 million people and the size of the state of Delaware, Trinidad and Tobago maintains strong relations with its Caribbean neighbors as well. As the most industrialized and second-largest country in the English-speaking Caribbean, Trinidad and Tobago has taken a leading role in the Caribbean Community and Common Market (CARICOM), and strongly supports CARICOM economic integration efforts.

The two countries also share its people and culture. There are large numbers of U.S. citizens and permanent residents of Trinidadian origin living in the United States. These individuals keep strong cultural ties to their country of origin. About 20,000 U.S. citizens visit Trinidad and Tobago on vacation or for business every year, and over 2,700 American citizens are residents. In addition, Trinidad like carnivals are held in numerous cities across the U.S. with a major celebration occurring in Brooklyn every Labor Day of which Trinidadians have played an integral role in sustaining.

The Trinidadian, Jessie Wardell was responsible for obtaining the first street permit to celebrate Carnival outdoors on Lenox Avenue in Harlem. Trinidadian, Rufus Gorin, moved the Carnival to Brooklyn where he paired with the Trinidadian, Carlos Lezama, and formed the West Indian American Day carnival Association (WIADCA), which for over thirty years has participated in attracting millions of people to New York to participate in the largest Carnival celebration in the U.S.

I take great pleasure in reflecting upon the magnitude of Trinidad and Tobago's contribution to New York City, our nation, and the world and expressing my personal appreciation for the association I have had with her people over the years. I salute the republic of Trinidad and Tobago and her accomplishments and ask that you join me in honoring her as she celebrates her 41st Anniversary.

HONORING EDGAR B. ''PETE'' DOWNS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Edgar B. ''Pete'' Downs on his 60th birthday and for his dedication to the wine industry of America. Pete will be celebrating his birthday on August 10, 2003.

Pete has been involved in the wine industry for over 30 years. His interest in wine was refined when he studied and received his Bachelor of Science in Fermentation Science at University of California, Davis in 1973. He specialized in enology, the study of wine, and brewing studies. This education led him to becoming a winemaker for several top wineries in California. In 1992, he became the General Manager of Lakeport, Edmeades and Vinwood, three of the wineries in the Kendall-Jackson family. His success with these wineries led to his promotion to be Vice President of Government Affairs of Kendall-Jackson Wine Estates.

Pete's involvement not only with the winery, but with members of the industry on every level has led him to be one of the most successful Vice Presidents of the wine industry in the United States. Pete is a board member of the American Vintners Association, the Family Winemakers of California and a professional member of the American Society for Enology and Viticulture. He is also Chairman of the Congressional Wine Foundation and active in Washington, DC wine efforts.

Mr. Speaker, I urge my colleagues to join me in recognizing Edgar B. ''Pete'' Downs on the occasion of his 60th birthday and his significant and steadfast national and international efforts to promote the wine industry of America.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mrs. McCARTHY of New York. Mr. Chairman, I rise in strong opposition to this legislation.

Mr. Chairman, this legislation changes the goal of Head Start from a level playing field for disadvantaged children and their parents to an undefined goal of school readiness. By creating block grants, this measure turns Head Start over to states, but without any of the current requirements related to high quality and comprehensive services that have made the program successful.

While states and localities, such as Nassau County, New York which I represent, are facing their own budget crunches, this legislation will only do further harm to school budgets.

Head Start is an important program for nearly 1 million low-income children and their families throughout the country and on Long Island. Throughout its 35-year history, Head Start has created not only high performance standards, but also a comprehensive system of evaluation and monitoring to guarantee that these standards are met.

The Head Start system for accountability reviews programs once every three years to ensure that the integrity of federal dollars is protected and that our nation's poorest children do not miss a single opportunity to grow and develop.

Head Start's accountability reaches far beyond the typical monitoring done in state preschool programs. A team totaling as many as 25 reviewers spend a week reviewing every aspect of a Head Start operation, including: the curriculum; family and community partnerships; human resources; program development; teacher qualifications and professional development; physical and mental health; disability services; and language and cultural appropriateness.

The new assessment in this legislation is a narrow one that only collects the data from a direct test of children's knowledge.

This test only asks questions related to literacy, language, and numbers. Child development experts agree that a single direct assessment does not produce quality data on learning.

Using this type of test to hold programs accountable could create a host of harsh results—such as the temptation to only enroll children who face few barriers to learning or to recruit children who will test well—and potentially leaving out children who desperately need Head Start services.

This is especially true for those students with language barriers or learning disabilities. As someone with a learning disability, I know first hand how hard it was to overcome education obstacles. I was lucky enough to come from a very supportive family, but not all children are as lucky.

Head Start is a success and historically has enjoyed bipartisan support. Unfortunately, with today's legislation, this would be for the first time in its 35-year lifetime that Head Start would be considered without strong bipartisan support. Although we should continue to improve the program, we should do nothing to dismantle it. Unfortunately, I think we are headed down that road today, and that is why I urge the defeat of this bill.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, H.R. 2738 AND UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT, H.R. 2739

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. POMEROY. Mr. Speaker, I am pleased to have the opportunity to vote for these two trade agreements, H.R. 2738 and 2739. I firmly believe that these trade agreements will provide exciting opportunities for the United States, including U.S. agricultural producers. For example, under the Chile agreement, more than three-quarters of U.S. farm goods will enter Chile duty-free within four years, and all tariffs will be phased out within 12 years. Many North Dakota agricultural products, such as soybeans, durum wheat, feed grains, corn, and potatoes will have greatly improved market access.

I am not, however, without concern regarding these, or future trade agreements. Chile and Singapore are examples of countries with laws that reflect core international labor principles. As such, the ''enforce your own'' laws provision that is included in these agreements is tolerable, although it would be preferable to have additional and independent enforcement mechanisms. Unfortunately, the same cannot be said of many of the countries and regions with which the United States is in the process of negotiating trade agreements.

For this reason, I will not support future agreements that do not open markets for United States agricultural products; that do not require adoption and enforcement of the basic prohibitions on exploitive child labor, forced labor, discrimination, and guarantee the right to associate and bargain collectively; or that provide greater rights for foreign investors than Americans in the United States. I look forward to working with my colleagues and the United States Trade Representative in ensuring that these important ideals are honored.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this misguided legislation.

The father of Head Start, Dr. Edward Zigler, once said, ''Learning is not a purely cognitive enterprise—children learn better when they have good physical and mental health and have families whose own needs are met.'' I could not agree with him more.

The Head Start program merges literacy activities with lessons in good nutrition, vision screenings, and proper hygiene. It also recognizes the need to bring parents into the developmental process by providing them with support services in and out of the home, such as access to comprehensive health care and social workers, peer counseling, and parenting programs.

As a mother and grandmother, I know that it takes a lot more than basic reading skills to get our children prepared for learning. A kid's emotions, personality, and social surroundings are just as important as their I.Q. when first entering school.

Under this bill, however, instead of providing comprehensive family support, eight states could divert the funding to reading and language development-only programs—leaving behind the parental involvement and health components that are key to Head Start.

If the goal was to truly promote reading excellence, then we could expand and increase our investment in programs like Reading First, Literacy Through School Libraries, and Reading Is Fundamental.

Unfortunately, that is not what this proposal is about. Rather, it is a subtle acknowledgement that the Republican Congress has not fulfilled its promise to supersize the federal government's education budget. By giving states the right to divert this funding into education programs, Head Start will be likely be used to makeup for the funding shortfalls for the No Child Left Behind Act's programs.

My colleagues, our kids need balanced meals before, during, and after school. They need comfortable, clean clothing in order to learn. And they need safe, structured, and encouraging environments in which to study. Head Start teaches parents these lessons, while also providing our kids with the right tools and motivation to learn.

What happened to the saying—''if it's not broken, don't fix it?!'' This program has a proven track record for effectiveness.

While I strongly support the provisions in the bill that improve teacher quality, create accountability measures, and increase Head Start's focus on educational skills—we simply cannot make the drastic changes that will eliminate the very initiatives that keep Head Start strong. I urge my colleagues to join me in fighting to maintain the critical nutrition and health components of Head Start by voting against this bill.

HONORING DUANE OSBORN

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SMITH of Washington. Mr. Speaker, I would like to take a moment to honor an individual from my district who is a true American hero, Duane A. Osborn. He is an ordinary man with an extraordinary story. Unless you are a friend or a family member you won't recognize his face, or ever have heard of his name. But there are millions of Americans like him—Americans who have sacrificed so much for our country and do not receive nearly enough recognition in return for their service. On this, the 50th Anniversary of the Signing of the Armistice of the Korean War, I'd like to introduce you to one of many forgotten warriors in a forgotten war.

Duane A. Osborn was born in Wapato, WA on May 30, 1934. In June of 1952, shortly after his 18th birthday, he enlisted in the United States Air Force with the 8th Division. Before he was sent to the Korean War he married Donna Elder.

From 1950 to 1953, the United States joined with United Nations forces in Korea to take a stand against what was deemed a threat to democratic nations worldwide. During the Korean War era, 6.8 million Americans served on active-duty and 1.8 million soldiers served in the Korean theater during the three-year period of hostilities. During the war, 36,940 service members made the ultimate sacrifice and lost their lives.

At war's end, millions of American veterans returned to a peacetime world of families, homes, and jobs—and to a country reluctant to view the Korean War as something to memorialize. But to the men and women who served, the Korean War could never be a forgotten war.

In October of 1955, following his service, Duane returned home to Washington state and settled in an unincorporated area that would become the city of SeaTac in my district. He worked building county roads until an accident in September of 1973 rendered him a paraplegic.

Duane's hardship duty in Korea had prepared him to meet this difficult physical challenge and in 17 years of participating in the National Veterans Wheelchair Games, he has won 100 gold, silver, and bronze medals—proving again and again his courage, commitment and dedication, as well as his passion for living.

Duane continues to contribute to his community and country as a board member of the Northwest Chapter of Paralyzed Veterans of America where he volunteers his time to make my district and Washington state more accessible for people with disabilities. He works tirelessly to ensure that all Americans are given the opportunities to live their lives to the fullest.

It is the regular men and women like Duane who honorably answered their country's call to duty and went to Korea over fifty years ago today that we must also remember. Countless Americans never won medals, never were labeled ''heroes,'' yet they tirelessly fought for the causes they believed in—freedom and country.

Now home as proud veterans, these individuals know that freedom is not free, they know the costs and they continue to fight anonymously for liberties at home as they serve their communities, once again volunteering to make life better for all of us.

I thank Duane A. Osborn and the millions of other Korean War veterans for their contributions to my community and my country, both during that War and now at home, and I ask that we remember his service and the service of so many other ordinary, inspiring individuals today.

HONORING THE YOSEMITE ASSOCIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Yosemite Association for celebrating 80 years of service to Yosemite National Park and the Park's visitors. To honor the anniversary, a special event will be held in front of the Yosemite Museum in Yosemite National Park on August 4th, 2003.

The Yosemite Association is a non-profit support group that has contributed more than $10 million to aid park programs in Yosemite. Established in 1923, the Association was the first cooperating association in the national park system and currently has a roster of over 9,000 members. The Yosemite Association has served as a model for almost 70 similar organizations that have been established throughout the country.

The Association has helped support numerous projects throughout the years. In 1925, they used donated funds to help build the Yosemite Museum. They also started an active publishing program. The Yosemite Association began publishing educational materials to improve the study of natural and human history in Yosemite and has expanded to produce award-winning books and maps. Other activities of the Yosemite Association include the operation of bookstores in park visitor centers, a program of outdoor courses, several wilderness-related initiatives, and educational programs. They also donate funds to the National Park Service to support education, research, and environmental efforts in Yosemite.

Mr. Speaker, it is my pleasure to congratulate the Yosemite Association on its accomplishments and contributions over the past 80 years. I urge my colleagues to join me in wishing the Yosemite Association many years of continued success.

IN HONOR OF THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to recognize and celebrate Jamaica on the forty-first anniversary of her Independence and the 169th anniversary of emancipation in Jamaica and the Caribbean. I take pleasure in reflecting upon the magnitude of Jamaica's contribution to New York City, our nation, and the world and expressing my personal appreciation for the association I have had with Jamaica and its people over the years.

I have been privileged to know and work with all of the Prime Ministers of Jamaica since my election to the Congress, beginning with Prime Minister Michael Manley's appeal for assistance to prevent retaliation by the U.S. Government in response to a justified increase in the royalty paid by U.S. aluminum companies for the exploitation of Jamaica's bauxite. I was privileged to work with Jamaican leaders in the creation and expansion of the Caribbean Basin Initiative which has in the last twenty years significantly increased the trade and commercial relationship between the U.S. and Jamaica and I continue to work in support of the Jamaican government's efforts to obtain U.S. government recognition of the need for special and differential treatment of small economies in the negotiation of the Free Trade Agreement of the Americas.

Jamaica has produced extraordinary leaders from Marcus Garvey to Alexander Bustamente to Norman and Michael Manley who have significantly contributed to the historical global struggle for freedom, self-determination and human rights. I salute Jamaica on this anniversary and the great legacy it has created for us all.

TWENTY-NINTH BLACK ANNIVERSARY FOR CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MALONEY. Mr. Speaker, it is my distinct honor and privilege to commemorate the 29th anniversary of the 1974 illegal Turkish invasion of Cyprus.

I have commemorated this day each year since I became a Member of Congress, and although the occupation has continued for almost three decades, there are signs that progress is being made.

PSEKA (The International Coordinating Committee Justice for Cyprus), The Cyprus Federation of America (an umbrella organization representing the Cypriot American community in the United States), SAE (World Council of Hellenes Abroad), and The Federation of Hellenic Societies, are all primarily located in the 14th Congressional district, which I am fortunate to represent. These individuals have refused to believe that peace will not come to Cyprus, and they have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus.

The fundamental fact is that the continued presence of Turkish troops represents a gross violation of human rights and international law.

Since they invaded Cyprus in July of 1974, Turkish troops have continued to occupy 37 percent of Cyprus. This is in direct defiance of numerous United Nations resolutions and has been a major source of instability in the eastern Mediterranean.

I support President Bush, like his predecessor President Clinton, in saying that true human rights are the goal of the U.S. Government.

A unified Cyprus would promote stability, both politically and economically, to the entire Mediterranean region.

Now is the time for a solution.

More than 20 years ago, (in 1977 and 1979) the leaders of the Greek and Turkish Cypriot communities reached two high-level agreements which provided for the establishment of a bi-communal, bi-zonal federation.

For the last 29 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey and condemned as ''legally invalid'' by the U.N. Security Council in resolution 541 (1989) and 550 (1984).

Cyprus has been divided by the green line—a 113–mile barbed wire fence that runs across the island.

In April 2003, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation.

Since then, hundreds of thousands of Greek Cypriots and Turkish Cypriots have crossed the line, to visit homes and areas of their own country that were inaccessible to them for nearly 30 years.

With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world.

This situation has also meant the financial decline of the once rich northern part of Cyprus to just one quarter of its former earnings.

The occupation of Cyprus is perhaps the single most destructive element of Turkey's fiscal and foreign policy.

We now have an atmosphere where there is no valid excuse for not resolving this longstanding problem.

Cyprus signed the Accession Treaty to the European Union on April 16, 2003 at which time President Papadopoulos pledged that the Greek Cypriot community and his government will ''continue the efforts to reach a solution to the Cyprus question both before and after Cyprus joins the EU'' in May 2004.

Of course, it would be desirable if a negotiated settlement to end the Turkish occupation and reunite the island were to be achieved prior to that date, Cyprus' EU accession will go forward regardless of a settlement. EU membership for Cyprus will clearly provide important economic, political, and social benefits for all Cypriots, both Greek and Turkish alike. This is why both sides must continue to negotiate.

There are also signs of a new climate of cooperation between Turkey and Greece. More has been achieved in the past several years than in many before.

The U.S., the EU, Greece and Cyprus have all acted to accommodate Turkish concerns, and it is time for Turkey to complete the peace process in good faith.

And make no mistake about it, if Turkey wants the Cyprus problem resolved, it will happen.

It will take diligent work by both sides, but with U.S. support and leadership, I am very hopeful that we will reach a peaceful and fair solution soon.

Twenty-nine years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from family.

We have seen many tremendous changes around the world. It is time for the Cypriots to live in peace and security, with full enjoyment of their human rights.

I hope that when I speak in Congress on the same subject next year, that freedom and unification will have been achieved.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in honoring the Cyprus Federation of America, and in solemnly commemorating the 29th anniversary of the invasion of Cyprus. I hope that this anniversary will mark the advent of true freedom and peace for Cyprus.

Finally, I would like to say goodbye to a good friend and colleague Cyprus' Ambassador to the United States, Mrs. Erato Marcoullis. After nearly five years of service in our nation's capital, Ambassador Marcoullis will be leaving in August to assume a high-level post in the Foreign Ministry in the Cypriot capital of Nicosia. We will miss her, but next year I hope to join together and celebrate a unified Cyprus.

Long Live Freedom.

Long Live Cyprus.

Long Live Greece.

INTRODUCTION OF THE AMERICAN MANUFACTURING WORKS ACT OF 2003

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to introduce H.R. 2908, American Manufacturing Works Act of 2003.

This bill will assist American manufacturing in four significant ways. It will establish an Undersecretary of Commerce for Manufacturing and Technology heading the Manufacturing and Technology Administration; it will create a manufacturing research and implementation program; it will provide full funding for the Manufacturing Extension Partnership program; and it will promote and fund education programs for manufacturing technicians.

Manufacturing is the primary source of productivity growth in our country. This sector remains critical to the nation's future prosperity and security. Yet U.S.-based manufacturers are facing a crisis today—a crisis marked by a steep decline in business investment, a sluggish global economy, and increased competition from low wage countries.

The American manufacturing sector has been hard hit by these forces, but neither this Congress nor the Administration has risen to meet this challenge in any direct way. The manufacturing sector has experienced 32 consecutive months of job losses, totaling 2.3 million jobs—fully 90 percent of the total jobs lost during this period. Although recent manufacturing statistics are mildly positive, the current manufacturing recovery is the weakest on record. Our manufacturing base remains fragile.

I think the federal government needs to take action now to respond to this crisis and to sustain our manufacturing base.

This is essential because despite significant job losses, manufacturing still employs 16.5 million people. Manufacturing contributes roughly 17% of GDP and provides 71% of our exports. Manufacturing funds 67% of our nation's total R&D investment. In addition, manufacturing companies are major customers for information and communications technology.

But if our manufacturing base continues to decline, the effect will be devastating not only in terms of individual job losses, but also in terms of the ripple effects that will be felt throughout our economy.

In short, we can't afford to stand idly by and watch our manufacturing base disappear.

The bill I am introducing today isn't based on trade policy or philosophical theory. It's based on the practical recommendations of manufacturing experts, industry associations, and labor unions—recommendations that can be acted on now to produce results in a very short time.

First, this bill creates a point of interaction for manufacturers in the Department of Commerce. Rather than creating a whole new bureaucracy, this bill restructures the Department of Commerce's Technology Administration to emphasize manufacturing as well as technology issues. This bill creates a Manufacturing and Technology Administration, headed by the Undersecretary of Manufacturing and Technology. An Assistant Secretary for Manufacturing will aid the Undersecretary for Manufacturing and Technology to develop a federal manufacturing agenda.

This legislation also creates a Manufacturing Advisory Board to provide guidance to the Undersecretary and to the National Institute of Standards and Technology regarding the manufacturing community's needs. The Manufacturing Advisory Board will be comprised of industry and industry association representatives, federal agencies with manufacturing initiatives, manufacturing experts, and labor representatives. This group will provide an array of views from the complete spectrum of our manufacturing base.

The bill also authorizes a significant research and implementation program for manufacturing. The National Institute of Standards and Technology (NIST) is authorized to develop a program along the lines of the Defense Advanced Research Projects Agency (DARPA) that will focus on manufacturing technologies. In addition, NIST's Advanced Technology Program is authorized to develop a focused program on manufacturing technologies.

The bill also authorizes funding for the Manufacturing Extension Partnership (MEP) program. This successful program leverages federal, state and private investment to assist small- and medium-sized manufacturers across the nation in meeting their increasing challenges.

One of the most critical elements of our manufacturing base is to have a technically trained workforce. To help develop this workforce, the bill leverages the National Science Foundation's (NSF) successful Advanced Technological Education Program to include preparation of students for manufacturing jobs. In addition, the bill authorizes funding for the Manufacturing Skill Standards Council to develop performance standards to certify job skills for manufacturing workers.

Mr. Speaker, the time is past for more studies on the challenges facing our manufacturing base. That has already been done, and recommendations have been made. This bill offers some concrete actions to help ensure the future health of our manufacturing base. I urge my colleagues to cosponsor this legislation.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. WAXMAN. Mr. Speaker, despite serious reservations, I will support the U.S. Free Trade Agreements (FTA) with Chile and Singapore. I support these agreements because I believe Chile and Singapore are valuable economic partners and strategic international allies. I have serious concerns, however, that the agreements also have a number of provisions that, while acceptable in the case of Chile and Singapore, set bad precedents for the future.

Chile and Singapore are important markets for U.S. products and investment. As anchors of trade in Southeast Asia and Latin America, they are advanced economies with political openness and a growing middle class. The FTAs before us today are valuable because they offer a reduction of barriers to trade in financial services with Singapore, which is the largest U.S. export sector in Asia, and strong market access for U.S. goods in Chile.

The agreements have strong intellectual property protections to fight the theft of copyrighted work and bold new measures to challenge digital and online piracy. These measures will help protect the driving force of creativity and innovation that has made entertainment and information technology the fastest growing sectors and the biggest exporting industries in the United States and in California.

At the same time, the agreements unfortunately include provisions that set the wrong tone for the future of U.S. trade policy.

I am concerned, for example, that because the U.S. Trade Representative's (USTR) model for automatic across the board tariff reductions in agriculture includes tobacco, the FTAs with Chile and Singapore could lead to an increase in cigarette consumption. Similarly, in the area of services, I am concerned that more exceptions should have been made for public utilities in order to safeguard government authority to protect consumers in the event of a crisis.

I am deeply disappointed that the Administration refused to include the U.S.-Jordan FTA standards that require the enforcement of environmental laws and the adoption of labor laws consistent with the five core International Labor Organization (ILO) standards. While laws in Chile and Singapore may already meet these standards, the omission sends a wrong message that the basic principles of international workers rights and environmental protection are slipping from the U.S. trade agenda.

I am also disappointed that the Administration did not use the Chile and Singapore FTAs as an opportunity to explicitly clarify that the investor-to-state provisions of the agreement do not give foreign companies greater rights than U.S. investors have under U.S. law. Even though the definition of expropriation in the Singapore and Chile FTAs is narrower than NAFTA, more changes are necessary to fix this distorted mechanism. Experience tells us that it is being abused to challenge U.S. regulatory and environmental law.

Moreover, I strenuously object to the FTAs' grant of extended monopoly periods to pharmaceutical companies, during which they will face no competition from generic drugs. Many people describe these protections as a simple extension of the Hatch-Waxman legislation that applies to the American market to our trading partners, but this is a serious distortion of the bill I co-authored. Hatch-Waxman was passed to overcome existing regulatory barriers in the U.S. market to the approval of low-cost generic drugs. In exchange for this new authority, the law provided specified periods of exclusive marketing and patent extensions to pharmaceutical companies, allowing them to recoup development costs. The length of any exclusive marketing period, during which no generic version could be marketed, was tied to the degree of innovation represented by the drug.

As a co-author of Hatch-Waxman, I cannot emphasize enough that this carefully balanced legislation represented a tailored solution to a specific regulatory problem in the United States. By adding these provisions to trade agreements, the USTR is heedlessly extending the exclusive marketing periods of Hatch-Waxman (and, in some cases, even more generous exclusive marketing periods) to other countries whose generic drug markets and health-care regulatory systems may look nothing like those in the United States. Although the impact of these protections may be limited in developed countries like Chile and Singapore it would be devastating in other countries that lack affordable and available life saving medicines and endure dangerous health epidemics.

In voting for this legislation, I want to make it clear that the Chile and Singapore agreements should not be adopted as ''cookie-cutter'' prototypes for other FTA's currently being negotiated. The economic, social, and political diversity of Central America, Morocco, Australia, and the other countries slated for inclusion in the Free Trade Agreement of the Americas and the Southern Africa Customs Union are simply too diverse to be forced in the Chile and Singapore mold.

International trade has the potential to raise the standard of living and quality of life for millions of people around the world. To achieve this, however, we must work for progressive, forward-looking agreements that not only expand markets, but protect worker and consumer rights and the environment. What is acceptable for Chile and Singapore will not be adequate in other countries. We must negotiate future FTAs to ensure that our citizens and our trading partners have the opportunity to experience the full benefits of free and fair trade.

RECOGNIZING THE NOSOTROS ORGANIZATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to the Nosotros Organization, the nation's oldest Latino performing arts organization, which has been serving the Latino community since 1970. Through the leadership of founder Ricardo Montalban and President Jerry Velasco, the Nosotros Organization has worked to improve the image of Latinos through the entertainment industry by promoting Latino employment in front of and behind the camera and by providing educational opportunities for Hispanics in the performing arts.

Among its many functions, the Nosotros Organization offers theatre productions and theatre workshops to foster the creativity and talent of young Latinos and Latinas. Annually, the Nosotros Organization recognizes Hispanic leaders through the Golden Eagle Award, presented to those individuals who are committed to community service and work to fulfill the Nosotros mission. These awards are essential to raise funds to maintain the organization as a self-sustaining, financially independent arts organization. I had the pleasure of attending a recent Golden Eagle Award ceremony and was pleased to observe the tangible results of this organization's contribution to the Hispanic community and to the performing arts.

I am honored to acknowledge Nosotros and to commend the organization for its exemplary work and service in advancing diversity in the arts and promoting Hispanic leadership.

TRIBUTE TO FIESTA DAY IN LONG ISLAND, NY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Third Annual Fiesta Day at the Hampton Classic Horse Show in Long Island, NY, which will take place on August 29, 2003. This important event is eagerly anticipated by the Latino community of Long Island each year. It is a wonderful celebration of the noteworthy contributions of the Latino community to the horse industry in the United States.

First held in 2001, Fiesta Day developed after a few thoughtful members of the Long Island thoroughbred industry made the effort to recognize the dedicated Latino grooms for the thousand-plus horses that compete at the classic. After further discussion, it was agreed that a broader format for Fiesta Day would be more appropriate for an area of Long Island that is showing tremendous growth in its Latino population.

Mr. Speaker, today Fiesta Day reaches out to the entire Latino population of Long Island and offers special educational programs, cultural activities including music and horse-related performances from several Latin American countries, and special food booths that reflect the diversity of Latino cuisine. The Day also includes an on-field ceremony to honor leading members of different segments of the Latino community—local, regional, and national—with special recognition given to one outstanding horseman of Latino descent for his or her contributions to the horse industry.

In addition to the celebratory events of the day, the management of the Hampton Classic encourages the event's 75 corporate sponsors to staff booths promoting diversity in the workplace and to outline employment opportunities for qualified members of the Latino workforce.

Mr. Speaker, without the thousands of Latinos who work with the thoroughbred industry, this multi-million dollar establishment

would come to an immediate halt. They serve as jockeys, trainers, blacksmiths, grooms, exercise riders as well as cooks, vendors and suppliers. Often unrecognized, they are the proverbial backbone of this industry.

Fiesta Day is a great opportunity not only to celebrate the contributions of these hard working Latino Americans to the horse industry but to celebrate the growth of the Latino community in this nation. Accordingly, I ask that my colleagues join me in honoring Fiesta Day.

MARQUETTE UNIVERSITY NURSES HELPING TO FIGHT HIV/AIDS IN AFRICA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KLECZKA. Mr. Speaker, the AIDS pandemic threatens stability, future economic growth and development throughout the world, particularly in Africa. Yet, nurses are an underutilized resource in HIV prevention and the care of those in Africa who suffer from AIDS. Marquette University's College of Nursing and the U.S. Agency for International Development recognize the important and unique role nurses and primary health care workers can play in this effort. They have collaborated to enhance nursing skills in the treatment and prevention of HIV/AIDS in Kenya.

I wish to enter into the CONGRESSIONAL RECORD an article that appeared in the Summer 2003 issue of Marquette Magazine, which highlights positive impact Marquette University has made in training Kenyan health care workers to treat Kenyans infected with HIV/AIDS.

HELPING HANDS

MARQUETTE PROGRAM PUTS NURSES ON THE FRONT LINE OF THE WAR ON HIV/AIDS IN KENYA

(By Kristen M. Scheuing)

In 1997, Sister Genovefa Maashao appealed to then-dean of Marquette's College of Nursing, Dr. Madeline Wake (now university provost), for help in dealing with the AIDS epidemic that was consuming her native Kenya. At Wake's invitation, Sister Genovefa came to Marquette to receive instruction in HIV/AIDS prevention and patient care. When she returned to her hometown of Voi, she was the only HIV/AIDS-trained health-care professional in a community of some 300,000 people, 20–40 percent of which were presumed to be infected.

Astounded by the numbers and inspired by a recent presidential declaration of war on HIV/AIDS in this country, the College of Nursing felt compelled to join Sister Genovefa's mission to harness the epidemic in Kenya.

Under the direction of Karen Ivantic-Doucette, Nurs '79 and '95, clinical assistant professor of nursing, and Margaret Murphy, clinical associate professor of nursing, a revolutionary 4-year program was designed that would put the skill and knowledge in the hands of those who actually administer the majority of care in Kenya: nurses and non-physician health-care workers, not doctors.

In collaboration with the U.S. Agency for International Development, the program will create a self-sustaining supply of caregivers trained in HIV/AIDS care and prevention in Kenya. The project was lauded at a January 2003 press conference by President George W. Bush, who cited the Marquette program as an example of how faith-based organizations can be successful partners with government agencies in the fight against HIV/AIDS.

As part of the first phase of the program, 12 nurses were recruited from various Kenyan governmental, health-care and educational institutions and brought to Marquette last spring for five weeks of intensive training. The nurses returned to Kenya to train other caregivers who will, in turn, train others. After four years more than 300 health workers will have been trained, directly enhancing the health-care infrastructure for more than 10,000 people.

Of the estimated 60 million people living with HIV/AIDS worldwide, nearly 80 percent are in Africa. The program aims to re-establish human dignity to those infected with the virus through the initiative of nurses.

CENTRAL NEW JERSEY RECOGNIZES AND HONORS THE LIFE OF JULIA BAXTER BATES, FIRST BLACK STUDENT AT DOUGLASS COLLEGE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the courage, career and commitment of Douglass College's first black student, Julia Baxter Bates. Ms. Bates died earlier this month at the age of 86 after a distinguished life.

Julia Baxter Bates became the first black student admitted to what is now Rutgers University's Douglass College due to her courage, her resolve, and thank goodness, due to a fortunate error. In 1934, Ms. Baxter Bates sent her application, along with the required photograph, to the Admissions Office of Douglass College. In reviewing her application, an admissions officer mistook Bates, a light-skinned black woman, for a white woman, and invited her to interview. At that interview, administrators suggested she attend a school where she would be ''more comfortable.'' At this moment, Ms. Baxter had a choice. She chose the more difficult path. With determination and courage and the assistance of her father, she convinced administrators to let her stay.

Displaying resolve and purpose, Ms. Bates succeeded in the face of intolerance. In 1938, she graduated magna cum laude. When she could not get her teaching license because no school district would let her student-teach, she earned a master's degree at Columbia University and began teaching English and American literature at Dillard University in New Orleans.

In response to her continued encounters with racism, Ms. Baxter Bates left the field of education and entered the world of legal justice and social activism. She joined the staff of the New York headquarters of the National Association for the Advancement of Colored People, the NAACP. There she spent a quarter-century helping form the research sector that later wrote the winning brief in the now-famous Brown v. Board of Education. She considered her involvement in Brown v. Board of Education her greatest achievement.

Bates returned to education in 1965 at Columbia's School of Social Work to work on urban education, and a few years later she finally became a New Jersey schoolteacher, in Newark. In 1984, she joined Essex County College as an administrator.

Mr. Speaker, I rise today to honor Julia Baxter Bates for her long career of social change and her commitment to education. From the courage and perseverance of individuals such as Julia, the institutions and the attitudes of our society progress. I ask my colleagues to join me in recognizing one of New Jersey's most significant daughters.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 24, 2003: Rollcall vote 443, on the motion to recommit on H.R. 2210, the School Readiness Act, I would have voted ''no''; and Rollcall vote 446, on the motion to instruct conferees on the Tax Relief, Simplification and Equity Act, I would have vote ''no.''

HONORING GERRY L. NANNENGA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. VISCLOSKY. Mr. Speaker, I rise today to honor Mr. Gerry L. Nannenga for his lifelong contributions to the labor movement. This is a very special pleasure, as I have known Gerry for the better part of two decades and have seen firsthand the efforts of his dynamic accomplishments on behalf of the community. On Thursday, July 31, 2003, the Indiana Regional Council of Carpenters and Millwrights will salute Gerry for his dedicated work, serving the union members in the State of Indiana as Executive Secretary-Treasurer. Fortunately, Gerry will have the opportunity to continue his distinguished career in the labor movement, as he is being promoted to serve the needs of working carpenters nationwide.

Gerry Nannenga has dedicated a substantial portion of his life to the betterment of union members and the community of Northwest Indiana, as well as the entire State of Indiana.

Gerry's distinguished career in the labor movement has made the community and the State of Indiana a better place in which to live and work. For more than 28 years, Gerry Nannenga has served as a member of Local 1005 of the Carpenters Union. Additionally, Gerry served as Business Manager of the Northwest Indiana District Council of Carpenters and Millwrights, as well as, past President of the Northwest Indiana Federation of Labor. Gerry has always devoted his career toward the expansion of labor ideals and fair standards for all working people.

While Gerry Nannenga has dedicated considerable time and energy to his work with the Indiana Regional Council of Carpenters and Millwrights, he has always made an extra effort to give back to the community. He has served on the Indiana State Building Trades Executive Board and the Lake Area United Way Executive Committee. Additionally, in 1998, Governor Frank O'Bannon appointed him to the Indiana Port Commission.

Although his work and community service put extraordinary demands on his time, Gerry

has never limited the time he gives to his most important interest, his family. He and his wife, Deborah, have three children: Staci, Christopher, and Samantha.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Mr. Nannenga for his professional achievements and his many years of dedication to the betterment of our community. We in Northwest Indiana are truly thankful to have someone of Gerry's talents on our team. His work in the labor movement provided workers in Indiana opportunities they might not have otherwise had. Gerry Nannenga's leadership has and will continue to keep the region's labor force strong and help keep America working.

TAX TREATMENT OF MOTORSPORTS

HON. J. D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HAYWORTH. Mr. Speaker, today I am joined by Congressman JEFFERSON and eleven of our colleagues in introducing legislation that would clarify the tax treatment of motorsports properties under current law.

The IRS has created various categories of depreciable assets and assigned various depreciable lives to each. Since at least 1962, the IRS has listed ''entertainment facilities'' as one such class, and has excluded racetracks from its definition. However, in 1974 the IRS established a new category of assets called ''theme and amusement facilities'' that included a portion of the old entertainment facility category, but also expanded the types of assets that qualify as theme and amusement facilities. While retaining the exclusion of racetracks from the ''entertainment facilities'' category, the IRS dropped the exclusion from the theme and amusements category.

Since that time, the racetrack industry has relied on the theme and amusement facility category for depreciating investments. While it has varied over the years, today the depreciation period is seven years.

These taxpayers have made significant investments based on their reasonable reliance on the depreciation period for theme and amusement assets. Now, many years later, after many tax audits and reviews of tracks and track owners across the country, the IRS is questioning the right of motorsport facilities to be treated as theme and amusement assets.

Motorsports entertainment facilities have a tremendous positive economic impact, both regionally and nationally. Racing promotes travel and tourism, and for some venues, a race week or weekend significantly boosts the local economy by drawing tens of thousands of fans. The building and upgrading of these facilities is a capital-intensive activity—and taxpayers who make these investments deserve certainty in the manner in which our tax laws allow investments to be written off.

This clarification of the Internal Revenue Code will recognize the long-term reliance of this large and growing industry on a broadly accepted interpretation of tax law. The legislation will also provide the owners of motorsports entertainment facilities with the certainty they need to make new investments. I urge my colleagues to support this important and needed legislation.

SHELBYVILLE CHAUTAUQUA CENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the citizens of Shelbyville, Illinois and their celebration of the Shelbyville Chautauqua's Centennial. The Chautauqua Auditorium is on the National Register of Historic Places, and on August 6th, the town will be celebrating the building's 100th birthday.

In the late 1800's and early 1900's, thousands of people would gather in Shelbyville every August for the 2-week celebration known as the Chautauqua. It was the event of the summer, and families from around Central Illinois drove miles by horse and buggy to attend. The Chautauqua started off as a kind of community tent meeting where people who lived miles apart would gather, share news, and visit for this one time every year.

Then, in 1903, the Shelbyville Chautauqua Auditorium opened in Shelbyville's Forest Park. The one-of-a-kind structure boasts a huge, round auditorium that is free of interior support posts that would obstruct the audience's view, instead relying on a unique series of beams in the ceiling. It is the largest building of its kind anywhere in the world.

With the new auditorium, the event transformed from a community tent meeting into a larger event where families came to hear many of the famous speakers and entertainers of the time. Presidential candidate William Jennings Bryan, evangelist Billy Sunday, and future President William Howard Taft all had turns taking the platform in Shelbyville.

The Shelbyville Chautauqua closed down in 1930, but the memories live on in events such as this Centennial Celebration. The Chautauqua brought a sense of community to the area that is unknown in our day, but with events like this, that sense is returning. I wish the people of Shelbyville the best in their celebration of a truly historic building that exemplifies what was so right about community life in the early 1900's.

IN HONOR OF EVE BUTLER-GEE, HOUSE JOURNAL CLERK, ON HER RETIREMENT FROM THE HOUSE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. WOLF. Mr. Speaker, I want to call to the attention of the House the impending retirement of Eve Butler-Gee, the Journal Clerk of the House, who is a resident of the 10th District of Virginia. According to research by the Congressional Research Service of the Library of Congress, Eve is the first woman Journal Clerk in the history of the U.S. House of Representatives.

She began her professional career in the House in her early 20's. She went on to work for a charitable foundation in the middle of her working life, then returned to the House in 1987 as the Minority Enrolling Clerk of the House, appointed by then Minority Leader Bob Michel of Illinois. She served in that position for eight years, before her appointment in 1997 as Chief Journal Clerk.

Eve and three assistant clerks are responsible for keeping the Journal of the House proceedings at the rostrum on the House floor. As you know, Mr. Speaker, the House Journal is the official record of the parliamentary proceedings of the House and is mandated to be kept pursuant to Article 1, Section 5, of the United States Constitution. The first order of business of each day, following the prayer by the House chaplain, is the vote on the Chair's approval of the Journal of the last day's proceedings.

The Journal Clerk's office also publishes the Journal of each session of Congress for use as a reference for the House parliamentarians, Members of Congress, regional libraries, state governments and the general public. During Eve's tenure, the publication of the House Journal has been brought up-to-date and publication procedures modernized.

During her time at the House rostrum, Eve has been a witness to history as the House voted on the Gulf War resolution and a presidential impeachment, authorized the use of force in Iraq, and grieved a gunman's killing of two U.S. Capitol Police officers. She was also in the Capitol when it was evacuated during the terrorist attacks of September 11, 2001, and like all offices on Capitol Hill, she had to deal with concerns raised by an anthrax attack.

Both Eve and her husband, Tom Gee, are active in the Episcopal Church. Eve serves on the Vestry and as head verger at the Church of the Holy Comforter in Vienna, Virginia, while Tom is director of lay liturgists. After her retirement, Eve plans to be a volunteer verger at the Washington National Cathedral. She also looks forward to spending her retirement years traveling, pursuing interests in writing and community theater, and enjoying the company of her family, including her daughter and son-in-law, Lora and John Williams, and grandson, Evan, welcoming a new grandchild expected in December.

Mr. Speaker, on behalf of the entire House—members and staff—we express our deep gratitude to Eve for her public service career and wish her the best in her retirement.

THE REAL MEANING OF RESPECT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SCHAKOWSKY. Mr. Speaker, I rise today to express my opposition and my outrage over the rule designed to govern the debate over the FY04 VA-HUD Appropriations bill. This rule, by not allowing two amendments to be made in order, severely restricts the ability of this body to take care of its obligations. These two amendments, one by Representative SMITH of New Jersey and Representative EVANS of Illinois would have increased the funding for veterans' health care to the level that we promised in the budget resolution passed earlier this year. The other, by Representative EDWARDS of Texas, would

have provided an additional $2.2 billion for VA medical care by reducing the recently-passed tax cuts for taxpayers with yearly incomes in excess of a million dollars. Both amendments were shut-down by the Rules Committee on a party line vote. I am shocked that the House Republican leadership would make such a choice, but I am not surprised.

Repeatedly, we have seen the Republicans in this body choose to break their promises to millions of Americans so that they can give tax cuts to the already wealthy. They passed a Labor, Health and Human Services and Education Appropriations bill that left millions of children behind by failing to live up to their promise to provide enough funding to ensure that every child would receive a decent education. And now my colleagues on the other side of the aisle have turned their backs on veterans so that they can give their rich friends a slap on the back. I have heard my colleagues from the other side of the aisle speak at length about their deep respect for the service our veterans have performed for our country. But, I must ask if breaking promises to our veterans is the Republican way of showing them that respect. Is it respectful to mouth the words of respect while allowing our veterans to wait months for doctors' appointments and pay more for services?

These amendments offered a very clear choice: would you rather provide enough money to ensure that veterans receive decent healthcare services or would you rather provide massive tax cuts that benefit millionaires? Who really cares about our nation's veterans? Who is really concerned about the people who have honorably served our country? Our veterans can not afford any more empty respect. I ask my colleagues to put the money where their mouths are and make the financial commitment to get veterans and their families the benefits they deserve.

I urge my colleagues to vote against this rule, to work to fulfill our obligations to our veterans and to show them our real respect.

RECOGNIZING THE CONTRIBUTIONS OF REBECA RANGEL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize Rebeca Rangel, a strong willed, intelligent and dedicated individual who I have been fortunate to have on my staff for close to two years.

Rebeca began in my office as a Congressional Hispanic Caucus Institute Fellow where she worked on a variety of issues, and acted as my liaison to the Congressional Hispanic Caucus. While in my office, she impressed me with her maturity and the ability to quickly grasp ideas. This is why when her fellowship ended, I did not hesitate to offer Rebeca the position of Legislative Aide. In this capacity, she dealt with issues on Cuba, banking, housing and Hispanic issues.

Showing her aptitude and insight by constantly challenging and questioning the issues brought before her, Rebeca quickly progressed in my office to the position of Legislative Assistant. With this promotion came additional responsibilities. Rebeca took on education, budget and women's issues. She assumed these responsibilities with style and grace. Working tirelessly on issues that are close to my heart and hers, Rebeca has played a key role in helping me to promote bills such as H. Con. Res. 177, honoring Dolores Huerta Resolution, the Multi-Cultural Domestic Violence Prevention Act and the Domestic Violence Courts Assistance Act. Rebeca has also been a tireless worker in my efforts to shed light on the unsolved rapes and killings of young women and girls in Ciudad Juarez, Mexico.

As Rebeca leaves my office to pursue her Masters degree at Harvard University, I wish her the best of luck. Through the course of these two years, she has been an integral part of my office and I have no doubt that she will accomplish anything she sets her mind to. ''El futuro pertenece a quienes creen en sus propios sueños. As Eleanor Roosevelt said, ''The future belongs to those who believe in their own dreams.''

UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. WAXMAN. Mr. Speaker, despite serious reservations, I will support the U.S. Free Trade Agreements (FTA) with Chile and Singapore. I support these agreements because I believe Chile and Singapore are valuable economic partners and strategic international allies. I have serious concerns, however, that the agreements also have a number of provisions that, while acceptable in the case of Chile and Singapore, set bad precedents for the future.

Chile and Singapore are important markets for U.S. products and investment. As anchors of trade in Southeast Asia and Latin America, they are advanced economies with political openness and a growing middle class. The FTAs before us today are valuable because they offer a reduction of barriers to trade in financial services with Singapore, which is the largest U.S. export sector in Asia, and strong market access for U.S. goods in Chile.

The agreements have strong intellectual property protections to fight the theft of copyrighted work and bold new measures to challenge digital and online piracy. These measures will help protect the driving force of creativity and innovation that has made entertainment and information technology the fastest growing sectors and the biggest exporting industries in the United States and in California.

At the same time, the agreements unfortunately include provisions that set the wrong tone for the future of U.S. trade policy.

I am concerned, for example, that because the U.S. Trade Representative's (USTR) model for automatic across the board tariff reductions in agriculture includes tobacco, the FTAs with Chile and Singapore could lead to an increase in cigarette consumption. Similarly, in the area of services, I am concerned that more exceptions should have been made for public utilities in order to safeguard government authority to protect consumers in the event of a crisis.

I am deeply disappointed that the Administration refused to include the U.S.-Jordan FTA standards that require the enforcement of environmental laws and the adoption of labor laws consistent with the five core International Labor Organization (ILO) standards. While laws in Chile and Singapore may already meet these standards, the omission sends a wrong message that the basic principles of international workers rights and environmental protection are slipping from the U.S. trade agenda.

I am also disappointed that the Administration did not use the Chile and Singapore FTAs as an opportunity to explicitly clarify that the investor-to-state provisions of the agreement do not give foreign companies greater rights than U.S. investors have under U.S. law. Even though the definition of expropriation in the Singapore and Chile FTAs is narrower than NAFTA, more changes are necessary to fix this distorted mechanism. Experience tells us that it is being abused to challenge U.S. regulatory and environmental law.

Moreover, I strenuously object to the FTAs' grant of extended monopoly periods to pharmaceutical companies, during which they will face no competition from generic drugs. Many people describe these protections as a simple extension of the Hatch-Waxman legislation that applies to the American market to our trading partners, but this is a serious distortion of the bill I co-authored. Hatch-Waxman was passed to overcome existing regulatory barriers in the U.S. market to the approval of low-cost generic drugs. In exchange for this new authority, the law provided specified periods of exclusive marketing and patent extensions to pharmaceutical companies, allowing them to recoup development costs. The length of any exclusive marking period, during which no generic version could be marketed, was tied to the degree of innovation, I represented by the drug.

As a co-author of Hatch-Waxman, I cannot emphasize enough that this carefully balanced legislation represented a tailored solution to a specific regulatory problem in the United States. By adding these provisions to trade agreements, the USTR is heedlessly extending the exclusive marketing periods of Hatch-Waxman (and, in some cases, even more generous exclusive marketing periods) to other countries whose generic drug markets and health-care regulatory systems may look nothing like those in the United States. Although the impact of these protections may be limited in developed countries like Chile and Singapore it would be devastating in other countries that lack affordable and available life saving medicines and endure dangerous health epidemics.

In voting for this legislation, I want to make it clear that the Chile and Singapore agreements should not be adopted as ''cookie-cutter'' prototypes for other FTA's currently being negotiated. The economic, social, and political diversity of Central America, Morocco, Australia and the other countries slated for inclusion in the Free Trade Agreement of the Americas and the Southern Africa Customs Union are simply too diverse to be forced in the Chile and Singapore mold.

International trade has the potential to raise the standard of living and quality of life for millions of people around the world. To achieve this, however, we must work for progressive,

forwardlooking agreements that not only expand markets, but protect worker and consumer rights and the environment. What is acceptable for Chile and Singapore will not be adequate in other countries. We must negotiate future FTAs to ensure that our citizens and our trading partners have the opportunity to experience the full benefits of free and fair trade.

RECOGNIZING THE 29TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. LANGEVIN. Mr. Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 29th anniversary of Turkey's invasion of Cyprus. On this occasion, we mourn those who lost their lives and remember the barrier created in 1974 that still exists today. The island remains divided between the Turkish Cypriots and the Greek Cypriots, despite attempts by the United Nations for a reunification settlement. I thank Mrs. MALONEY and Mr. BILIRAKIS for their ongoing leadership in the Hellenic Caucus and for bringing much-needed attention to issues of importance to the Hellenic community.

The European Union has invited Cyprus to enter its membership next May, and on July 14, 2003, the Greek Cypriot parliament unanimously approved the bid to join. At this point in time, only pertains to the Greek Cypriot part of the island, since the Turkish Cypriot part is not formally recognized by the European Union. Shortly after Cyprus agreed to join the European Union, the Turkish Cypriot authorities opened the borders and allowed Cypriots to cross over the line for the first time in 30 years. This past April was the first time that Cypriots from either side were able to travel through the 120-mile barrier, which continues to be guarded by U.N. peacekeeping forces, since the invasion in 1974. Despite this step forward, the nation remains divided.

Along with my colleagues, I will continue to put pressure on the Bush Administration to help Cyprus work toward a peaceful solution. Although relations between the Turkish and Greek Cypriot sides have recently thawed, there is still a long way to go to reunification. The U.N. settlement cleared a path for all of Cyprus to unite once again, to share in the European Union's prosperity, and to end military zones. Now with just the Republic of Cyprus poised for EU membership in 2004, the divide between the two sides may grow without a push for future negotiations.

Rauf Denktash, the Turkish Cypriot Leader, has proven to be the biggest hindrance to reunification talks. He has ignored the calls from the majority of his own people who want reunification, and would rather fight for a two-state confederation, which is not supported by the Greek Cypriots or the United Nations. He has even stood in the way of his people's democratic choice by not allowing them to take part in a referendum on the decision of whether or not to join the European Union. Elections for the Turkish Cypriot authorities are expected in November, and I hope the will of the Turkish Cypriots will be heard.

The U.S. must continue its role in supporting negotiations so that there is still potential for all of Cyprus to join the EU. It has been a long, hard road, but with support from the United States, the European Union, and the United Nations, a reunification of Cyprus is still possible. We should heed the words of the Greek Cypriot President Tassos Papadopoulus on this special anniversary: ''we are determined to try, until the end, in a peaceful manner and through negotiations, to end the invasion and occupation. The people should be brave, patient, and work hard.''

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SANDLIN. Mr. Speaker, I rise today to express my support for the U.S. free trade agreements (FTAs) with Chile and Singapore. I do so, however, with serious reservations, and appreciate this opportunity to explain my concerns.

Critics of the Chile and Singapore trade agreements assert that these FTAs contain inadequate labor protections, and specifically note that they include only one labor rights provision that is enforceable through dispute resolution proceedings. While it is accurate that the Chile and Singapore agreements would subject only the ''enforce your own laws'' standard to dispute settlement, critics of these agreements are well aware that this is only the case because Chile and Singapore's labor laws currently exceed the International Labor Organization's (ILO) five core labor standards, and both countries (especially Chile) have strong, effective labor movements. Similarly tough labor laws and movements did not exist in Mexico during consideration of the North American Free Trade Agreement (NAFTA) and in Jordan during consideration of the U.S.-Jordan FTA. Consequently, NAFTA and the Jordan agreement needed multiple enforceable labor standards included in them.

Opponents of these trade agreements fear that the Office of the U.S. Trade Representative (USTR) will use the Chile and Singapore agreements as templates for future FTAs. I strongly believe that each free trade agreement should be examined on its own merits, and do not believe that these agreements should be used as templates for future trade agreements. The treatment of workers varies widely from country to country; accordingly, the numbers of enforceable labor standards in future trade agreements need to change to fit the particular circumstances of the parties involved in each agreement.

The USTR has indicated its intention to complete negotiations on the Central American Free Trade Agreement (CAFTA) by the end of this year, and, as both a member of the Ways and Means Committee and a member of the full House, I will be closely following the progress of these negotiations and the final terms of the agreement. Failure to include significant enforceable labor standards in CAFTA, which includes several Central American countries with disgraceful working conditions and histories of virtually nonexistent enforcement of labor statutes, will doom this agreement. I will vigorously oppose a weak Central American Free Trade Agreement, and will oppose any other future trade agreements that reward countries with poor labor conditions.

During my time in Congress, I have worked hard with my colleagues from both parties to ensure that core labor standards are both protected and enforced. In 2002, partly in response to serious concerns regarding labor protections in the Trade Promotion Authority Act, I voted against granting fast track authority to the President. I believed then, and continue to believe, that fast track authority contains within it the potential to adversely affect American workers through the loss of domestic jobs in Texas and across the country.

In general, I believe that many of our industries in Texas and the country at large, such as agriculture, financial services, telecommunications, and computers, can benefit from available and fair markets in other countries. Access to foreign markets for U.S. goods and services, however, must be balanced with a concern for domestic industries that are most threatened by uneven trade agreements. I have too often witnessed the downside of trade agreements that allow subsidized foreign imports to overwhelm domestic products such as steel and softwood lumber, which are significant sources of jobs for thousands of East Texans. My qualified support for the U.S.-Chile and U.S.-Singapore free trade agreements is based largely on my belief that these agreements will benefit American exports while not threatening domestic industries in America.

As Congress seeks to influence future trade negotiations and agreements, I will continue to work with my colleagues to craft trade deals that are fair to American workers, working people across the world, and our domestic industries.

HEALTH CENTER WEEK

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. KELLY. Mr. Speaker, the week of August 10 through August 15, 2003, is ''Health Center Week'' in Peekskill, New York. Let me urge our citizens to recognize the important contributions of the Hudson River Community Health Centers in safeguarding health and improving the quality of life for the people of Peekskill.

Hudson River Community Health is a private, nonprofit corporation that provides high-quality, comprehensive primary health care to uninsured and medically underserved people in Peekskill, New York.

Hudson River Community Health has made great strides in expanding access to affordable health disparities while empowering the community to address special needs and decrease the cost of illness through preventative strategies.

Hudson River Community Health has improved the health status of Peekskill promoting health awareness and providing primary care and preventive health services of the highest quality to reduce preventable deaths, costly disabilities, and communicable diseases.

Hudson River Community Health serves as a vital safety net delivering care to Peekskill patients annually, regardless of insurance status or ability to pay, and contributes to the health and overall economy of the community with health services, jobs, leadership and investment.

Hudson River Community Health promotes 100 percent access and zero health disparities to help achieve primary care for all people.

The people of Peekskill are right to recognize this wonderful asset to our community. Let us applaud their fine work. Our citizens look forward to a better future because of the Hudson River Community Health Centers.

A TRIBUTE TO CAPTAIN JOHN M. HOLMES, U.S. COAST GUARD, ON THE OCCASION OF HIS RETIREMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. COX. Mr. Speaker, I rise today to pay tribute to an outstanding officer of the United States Coast Guard. Captain John M. Holmes has devoted almost three decades of his life in service to his country. Captain Holmes has excelled in his many assignments over the years in the Coast Guard, assignments which are as far ranging, varied and contemporary as the Service itself.

Captain Holmes' assignments include: Chief of Operational Intelligence, Seventh Coast Guard District in Miami, Florida; Operations Officer, Coast Guard Group, Seattle, Washington; Overseas Inspection Supervisor, Marine Safety Office, Honolulu, Hawaii; Chief of Compliance, Office of Marine Safety, Coast Guard Headquarters, Washington, D.C.; and Commanding Officer, Marine Safety Office, St. Louis, Missouri.

The experience, commitment and professionalism which Captain Holmes brought to the Service proved its value in assignments as Coast Guard Liaison to the Governor of American Samoa; staff officer for the United States Ambassador to the Government of Singapore; State Department delegate to the International Maritime Organization, London, England; and as Deputy Chief, Office of Congressional Affairs, Coast Guard Headquarters, Washington, D.C.

It has been under the most demanding circumstances that, as Commanding Officer, Marine Safety Office, Los Angeles-Long Beach, Captain Holmes has demonstrated the finest qualities of a military officer. The events of September 11, 2001, and the aftermath of those attacks on our country, presented Captain Holmes with challenges far beyond those faced by any previous Commanding Officer at this unit. Captain Holmes immediately initiated a series of skillfully coordinated actions in order to establish a robust, comprehensive maritime homeland security presence for this vital port complex, the largest and busiest in our Nation.

Expertly directing port security operations and carefully balancing security and safety with commerce, Captain Holmes achieved an unprecedented level of interagency cooperation with city, county, state and federal agencies that led the Nation in coordinated operations and planning. Establishing joint agency boarding teams, high-risk vessel water escorts, on-board Sea Marshals of high-risk vessels, and tighter port security boarding procedures, he moved without delay on September 11, 2001 to insure the continuation of maritime commerce and the confidence of the shipping community. Many of Captain Holmes' innovative methods were adopted Pacific-wide by the Coast Guard and will no doubt find their way to ports worldwide as we seek to enhance global maritime security.

This most distinguished Coast Guard officer, with his wife Carol, has two children, Lucas and Ava. They are as proud of him as am I, for he has provided all of us a shining example of all that is good and honorable in the American military.

Mr. Speaker, as Chairman of the Homeland Security Committee, I have had the distinct pleasure of working directly with Captain Holmes and seeing first-hand his professional expertise, commitment to his personnel, and dedication to his country. His stewardship in serving our Nation will long be remembered, and should serve as a model for all of us in the years to come. As he sets his course for new challenges, I'm sure my colleagues will join me in saluting John Holmes, and thanking him for a ''job well done''—for the maritime community, for California, and for America.

INTRODUCTION OF THE KEEP AMERICA SECURE ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SLAUGHTER. Mr. Speaker, if we are to maintain the most advanced military force, with the most advanced weaponry, we must have a dedicated stream of domestically produced parts. Regrettably, today this simply is not happening. We can blame it on the reluctance of the Department of Defense to ''Buy American'' or on the dearth of domestic electronic component producers. Either way, our armed forces dependence on foreign parts has major security ramifications. From missiles to computers, much of our crucial defense and homeland security equipment relies on sophisticated electronic components to function. We must act now to eliminate our reliance on foreign electronic components in our defense systems.

Today, Mr. Speaker, I am taking a bold step to keep America secure and rebuild our domestic electronics sector. I am introducing the ''Keep America Secure Act,'' legislation that directs the Department of Defense (DoD) and the Department of Homeland Security (DHS) to purchase electronic components, including computer chips, communications devices, and guidance systems, that are manufactured in the United States. As an active member of the Defense Industrial Base Caucus, I see this bill as the perfect complement to ongoing efforts to enhance the ''Buy American'' requirement so that at least 65 percent of DoD equipment contains U.S.-made parts. My bill would go even further—requiring all component parts for all DoD and DHS equipment to be Made-In-America.

During the first Gulf War, the United States was forced to turn to Japan—not once, but on three separate occasions—for essential parts in the production of the Patriot Missile. Similarly, when Operation Iraqi Freedom began in March, a Swiss company stopped shipments of a crucial guidance system component for U.S. smart bombs. Both these incidents could have resulted in U.S. forces being in harm's way without necessary tools to defend themselves. Fortunately, neither incident caused threats to our troops, but they clearly demonstrate the need to protect our production supply lines from being cut, especially in times of war.

Additionally, Mr. Speaker, as one who is very concerned about the state of domestic manufacturing, I strongly believe that the Keep America Secure will help re-ignite our high-tech sector. Over the last two years, our economy has lost 2.6 million manufacturing jobs. The Keep America Secure Act would help promote the remaining U.S. high tech firms. We need to rebuild the domestic electronic components industry, and this bill will help us do it.

As our troops continue to rebuild Iraq and our first responders focus on homeland security, Congress must make a commitment to rebuilding our domestic manufacturing base and to ensuring that our courageous defenders continue to have the best equipment available. And as our economy suffers, let us give the manufacturing sector a needed shot in the arm. Unless the Congress stands up and puts a halt to it we will eventually be at the mercy of any adversary who controls the manufacture of our weapons or critical components of our weapons.

Mr. Speaker, in the days to come, I will look to my like-minded friends, on both sides of the aisle, to get action on this vital measure. I say to my colleagues: let's work together to keep America secure.

INTRODUCTION OF A HOUSE RESOLUTION URGING THE GOVERNMENT TO PURCHASE FAIR TRADE CERTIFIED COFFEE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. STARK. Mr. Speaker, I rise today with a group of my colleagues to introduce the Fair Trade Coffee Resolution. This resolution calls on the Legislative Branch and the Executive Agencies of the Federal Government to make fair trade coffee available at their events and food service venues. It also directs the Congress to provide information to the public about Fair Trade coffee. Last year, the House of Representatives passed H. Res 604, recommending that the Congress adopt a global strategy for resolving the coffee crisis. Since then we have not taken any legislative steps to do what we recommended. This small piece of legislation requires very little on our part and yet would promote efforts to give a decent standard of living to small coffee farmers around the world.

The current coffee crisis has driven coffee prices down to a hundred year low. On top of that, small farmers are at the mercy of ruthless middlemen and are not even receiving the fair market price. These middlemen take advantage of small farmers who have no other

way to sell their coffee. Millions of small farmers are cheated out of their fair share of income as they receive as little as 1 percent of the final retail price of their coffee. This meager price is nowhere near enough to support their families and their communities. Instead of having enough money to spend on food, education and health care, coffee farmers are being thrust into a cycle of debt and poverty. The situation is so bad that some farmers have turned to producing cocaine and opium to support their families while others have given up in despair and even committed suicide.

As a major purchaser of coffee, the United States has a responsibility to ensure that small coffee farmers are being adequately compensated for their work. And here in Congress we should do our part to ensure that we pay a fair price for the coffee that is purchased for our own use. If companies like Starbucks and Dunkin' Donuts can successfully offer fair trade coffee in their stores, there is absolutely no reason why the federal government cannot do so as well. While fair trade coffee is already served in some of the House of Representatives cafeterias we need to do more to send a signal to the rest of the country.

The fair trade economic model is a unique way of providing small farmers with a living wage that has been proven to work. Coffee is fair trade certified when: (1) Coffee importers agree to purchase from small farmers included on the international trade register; (2) farmers are guaranteed a minimum ''fair trade price'' of $1.26 per pound for their coffee; (3) coffee importers provide a certain amount of credit to farmers against future sales to help the farmers stay out of debt to middlemen; (4) importers and roasters agree to develop long term relationships with producer groups that cut out the coffee middlemen.

Small farmers are certified to be producing fair trade coffee if they are organized into democratic cooperatives and use environmentally friendly and sustainable growing methods.

The development of these criteria has made the fair trade economic model a viable solution to the coffee crisis. Both major coffee trade associations, the National Coffee Association of U.S.A. and the Specialty Coffee Association of America have recognized this fact. So have numerous universities around our nation. UC Berkeley, Harvard and many others have already enacted policies promoting the sale of fair trade coffee on their campuses. It is time that Congress recognized that fair trade coffee is one step in solving the humanitarian emergency caused by the coffee crisis.

By providing $1.26 per pound for coffee, fair trade certification provides small farmers with enough money to sustain their families and be able to contribute to their communities. Furthermore, by cutting out the middlemen, the price of fair trade coffee for consumers is the same as any other specialty brand of coffee. Besides being comparable in cost to other specialty coffee it is also comparable in taste. Fair trade coffees from all over the world have won awards such as Food & Wine Magazine's ''Best Coffee'' award and 1st place in the Greater Philadelphia Tourism Board's Blind Coffee Tasting for 2002 competition. With comparable cost and taste compared to other coffee, it is hard to justify not purchasing fair trade coffee. Seeing how there is more than 165 million pounds of fair trade coffee being produced and only 35 million pounds being sold, there is plenty of it. All that needs to be done is to create an awareness of the benefits of fair trade coffee among the public and this resolution does exactly that.

This resolution sends an important message to the American public about the willingness of our Federal Government to aid poverty stricken farmers in other countries. We set an example for the rest of the country to follow by recommending that the Legislative Branch and the Executive Agencies make fair trade coffee available for all events and at all our government food service venues. Taking this small step on our part can go a long way toward helping thousands of small coffee farmers around the world. I urge my colleagues to support passage of this resolution.

IRAQ'S WEAPONS OF MASS DESTRUCTION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RUSH. Mr. Speaker, on April 8, 2003, the Congressional Liaison Office of the United States Marine Corps, came to my office to notify me of the death of First Sergeant Edward Smith, age 38, who was killed in the line of duty while participating in Operation Iraqi Freedom. On April 4, 2003, 1st Sgt. Smith was shot in the head while engaging with enemy forces in Iraq. He died on April 5, 2003 in Doha, Qatar as a result of his wounds.

My colleagues, Sgt. Edward Smith was not only a soldier, but a father, husband and son. According to the Defense Department, Smith was the ninth soldier from the Illinois area to die in Iraq. Sergeant Smith, a career soldier, was nearing the end of a 20-year military career and was anticipating retirement when he sustained his fatal wound. Born and raised in Chicago, Edward Smith graduated from CVS High School, moved to Anaheim, California in the 1980s, where he married and raised a family. He leaves behind a wife and two sons in California and a mom and dad and friends in the Chicago area. All of our thoughts and prayers are with Sergeant Smith's family.

Mr. Speaker, as this House begins a month-long district work period, we are still waiting for the answer to the question: Where are the weapons of mass destruction? Where are the weapons for which 1st Sergeant Edward Smith, and so many others, gave their lives?

With each passing day, the American people and I, continue to wait.

TRIBUTE TO JERRY CLARENCE PARKS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MEEK of Florida. Mr. Speaker, I'm writing to express my condolences on the recent demise of the late Jerry Clarence Parks. Indeed, words are so inadequate at this time to personify my sadness. However, I hope that my humble prayers would somehow assuage the pain that now burdens the Parks family.

Indeed, the passing away of a good and faithful steward who toiled and sacrificed his life for countless people and this grateful community provides us with the sobering thought of the dignity of the human spirit and the fragility of life. Amidst the sorrows, however, let us remind ourselves that it is precisely during times like this that we must find the hope and assurance in Christ's words when He promised us: ''I am the Resurrection and the Life; he who believes in me, even if he dies, shall live.'' For those of us bonded together in the Christian Faith, we firmly believe that Jerry's life has not ended; it merely changed for the better.

I pray that the Parks family anchors itself on these words. And while we remember Jerry Parks, his loyalty and commitment to the members of the Bible Baptist Church, the City of Miami Retired Fire and Police Association and the Veterans of Foreign Wars, let us thank God for having let him grace our lives with the full measure of his love and devotion to the ideals of Christian stewardship and caring for the less fortunate members of our society.

May God comfort Beverly Parks, his daughter and his family and loved ones with the blessed assurance of His love and peace in this period of bereavement.

IN SUPPORT OF H.R. 2815, LEGISLATION EXPANDING AND MAKING PERMANENT THE EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BECERRA. Mr. Speaker, earlier this week, I introduced bipartisan tax legislation with the gentleman from Illinois, Mr. WELLER, and the gentlewoman from Connecticut, Mrs. JOHNSON, to expand and make permanent the expensing of environmental remediation costs of America's brownfields.

The Environmental Protection Agency (EPA) defines brownfields as abandoned, idled, or under-used industrial and commercial facilities where expansion, redevelopment or reuse is complicated by real or perceived environmental contamination. Estimates of the number of brownfield sites range from 500,000 to a million. In general, these sites face a paradox: they are generally not eligible for remediation funding under the Superfund program because they pose a relatively low public health risk while, at the same time, developers may avoid them because of significant cleanup costs thereby stalling economic development.

The Taxpayer Relief Act of 1997 included a tax incentive to address this concern and help spur the cleanup and redevelopment of brownfields in distressed urban and rural areas. Under the brownfields tax incentive, environmental cleanup costs are fully deductible in the year they are incurred by the developer, rather than having to be capitalized. This incentive has helped to bring thousands of abandoned and under-used industrial sites back into productive use, providing a foundation for neighborhood revitalization, job creation, and the restoration of hope in our nation's cities and distressed rural areas.

Unfortunately, this provision of the tax code is set to expire at the end of 2003. At a minimum, Congress must extend this provision for several more years. A better approach, however, an approach supported by the Bush administration in fact, would be enactment of the Weller-Becerra-Johnson legislation which would make this common-sense tax incentive a permanent part of the federal tax code. In addition, the bill would modify current law by amending the recapture provision and modestly expanding the class of substances that can be expensed to include petroleum, a contaminant commonly found at brownfields sites.

Mr. Speaker, I encourage all my colleagues to join me in supporting this legislation. Its passage will ensure the continued availability of this valuable tool for improving the livability and economic prospects of blighted, decaying communities and reclaiming idle land for more productive uses.

RECOGNIZING THE 100TH ANNIVERSARY OF FUGESTU-DO AND THE KITO FAMILY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize Fugetsu-Do, a family-run bakery in my Congressional District, who this year celebrates its 100th anniversary.

In 1903, Seiichi Kito and his family began working in a small shop to produce batches of mochi, manju, and other Japanese sweets. This burgeoning business, however, was unexpectedly closed in 1942 when Executive Order 9066 forced the Kito family to relocate to an internment camp in Heart Mountain, Wyoming.

Like countless other Japanese American families, the Kitos endured dehumanizing and often cruel living conditions—including brutally cold and windy winters and scorching summers. Yet despite these hardships, Mr. Kito and his son Roy, a pastry chef, gave comfort to their fellow internees by creating dessert from their meager sugar rations.

At the end of the war, the Kito family returned to Los Angeles where Roy and his wife reopened the doors of Fugetsu-Do, overcoming great financial obstacles.

Today, Brian Kito—youngest son of Roy and Kazuko Kito and grandson of Seiichi—continues the legacy of Fugetsu-Do as head of the family business. Brian continues his family's tradition of community loyalty as an active member of the Little Tokyo community. Several times a year, he demonstrates to youngsters in the community how to make the tasty treats sold in his shop and he coordinates a citizen safety patrol in Little Tokyo with the Los Angeles Police Department.

As part of Fugetsu-Do's 100th anniversary celebration, more than 150 members of the Kito family will come together for a family reunion in Little Tokyo from August 7th through the 12th. It is my pleasure to welcome them to my congressional district and to express my best wishes for a successful reunion.

For a century, the Kito family's dedication to the values of hard work and meticulous care in confectionary production has led Fugetsu-Do to much success.

Mr. Speaker, the 100th anniversary of Fugetsu-Do is yet another milestone in the rich history of the Kito family, the Little Tokyo community, and the City of Los Angeles and I join them in celebrating this wonderful legacy.

MEDICARE PAYMENT UPDATE FOR CERTIFIED-NURSE MIDWIVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. TOWNS. Mr. Speaker, there are approximately 2 million women with disabilities in the Medicare program. The Agency for Healthcare Policy and Research reported that these women are without appropriate access to primary care services. Their average time between gynecological visits was 10–12 years. They were also less likely than the general population to have received a recent mammogram. Certified Nurse-Midwives and Certified Midwives are qualified through their unique training to deliver the appropriate health services to this population.

Research studies have shown that special populations seek out care from midwives and that their health outcomes are improved. The Medicare program reimburses Certified Nurse-Midwives at 65 percent of the physician fee schedule, resulting in an average payment of only $14 per annual exam. Midwives who serve these women are forced to subsidize care with their own money or turn away patients because they cannot afford to operate at a financial loss. Like physicians, skyrocketing professional liability premiums for midwives are leaving no monies to subsidize care. Congress has not provided an update in payment of midwifery services since 1988.

The legislation that I have reintroduced today with my colleague, the gentleman from Michigan, Mr. UPTON, increases the level of reimbursement to 95 percent of the physician fee schedule. This amount is based on studies using the relative value methodology. Additionally, Certified Nurse-Midwives serve as faculty members of medical schools. For over 20 years, they have supervised and trained residents. This legislation clarifies the fact that midwives who are medical school faculty members may bill for Medicare Part B services in accordance with CMS residency training regulations. The bill also includes technical corrections that will clarify the reassignment of billing rights for midwives who are employed by others and recognize that Certified Nurse-Midwives and Certified Midwives have hospital admitting privileges. I urge you to support this legislation, which is in the best interest of women with disabilities across this Nation.

INTRODUCTION OF LEGISLATION TO FACILITATE YAVAPAI RANCH LAND EXCHANGE

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RENZI. Mr. Speaker, along with Congressman J. D. HAYWORTH, I rise today to introduce the Northern Arizona National Forest Land Exchange Act of 2003. This legislation facilitates a land exchange in northern Arizona of private land within the Yavapai Ranch for Forest Service land in the northern portion of the state.

Mr. Speaker, in the past few months, I have received many letters and phone calls in support and in opposition to this exchange. I have visited and toured the Yavapai Ranch and witnessed first hand the beauty of this unique property. Bringing the Yavapai Ranch into federal ownership is in the best interest of the public, and the Forest Service has indicated that it would otherwise be unable to afford to acquire these parcels.

This legislation accomplishes many goals in northern Arizona. First, it provides the City of Flagstaff with the opportunity to acquire land to expand and improve Pulliam Airport. In addition, this legislation will allow the City of Flagstaff to develop a new city park and recreational areas and obtain ownership of land near their water treatment plant. This is critical to the City of Flagstaff's future by providing economic development and affordable housing.

The Northern Arizona National Forest Land Exchange Act will also allow the City of Williams to acquire land for its well sites, water storage tanks and wastewater facility and drinking water treatment plants. In addition, this will provide Williams with the opportunity to expand their airport, the municipal golf course and the town park.

In the Verde Valley, this bill provides Camp Verde with a unique opportunity to acquire land for open space to protect their view shed. The Camp Verde Fire District will be provided with land adjacent to Interstate 17 for an emergency response and urgent care facility for faster response. A planned development along Interstate 17 will provide Camp Verde with additional tax base and job opportunities.

A residential development in Clarkdale and Cottonwood will diversify the housing market and provide new lands to their tax base. I have ensured that language in this legislation ensures that water conservation and water use restrictions must be met for any future development.

Finally, this legislation ensures that five summer camps have the opportunity to acquire the land and benefit from full ownership and management of this land. Included in this exchange are Young Life Lost Canyon Camp, Friendly Pines Camp, YMCA Sky Y Camp, Temple Beth Israel's Camp Charles Pearlstein and the Roman Catholic Church of Phoenix Patterdell Pines Camp.

Mr. Speaker, I have held several town halls and town meetings in the district to discuss the many issues clouding this exchange. First, this exchange provides Camp Verde with land for open space for their view shed, but it is my understanding that plans are already underway to construct an interchange that would affect the view shed in the Verde Valley.

Second, this legislation addresses the water concerns associated with this exchange. Language is included to ensure that developments comply with water use and water conservation requirements. Covenants will limit the amount of water use to sustain the current zoning at 2 houses per acres. In addition, any development must comply with the State of Arizona's surface and groundwater laws.

Finally, this legislation addresses the issue of federal permittees that may be affected by

this exchange. Under the Federal Land Policy Management Act, a permittee shall receive a ''reasonable'' compensation from the federal government if an action by the federal government, including disposal, cancels the permit. My goal in including this language is to properly address the possible hardship and injustice that could occur as a result of this exchange.

Mr. Speaker, my intent in introducing this legislation is to assist communities in northern Arizona in providing affordable housing and economic opportunities, while preserving the pristine areas of our forests for wildlife and recreation. The introduction of this legislation today represents another step in the legislative process. As a whole, this exchange will benefit the public, the many communities and camps in northern Arizona that will receive opportunities for future economic development, and the natural beauty of the Yavapai Ranch.

HONORING THE GROUNDBREAKING FOR THE NEW CLARK COUNTY REGIONAL CANCER CENTER

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOBSON. Mr. Speaker, I rise today to call attention to a very positive development in health care for the residents of Springfield and Clark County, which are in the 7th Congressional District of Ohio. Federal, state and local officials and representatives from our two local hospitals are set to break ground on a new outpatient regional cancer center.

For years, I had heard from local health care providers and residents about how frustrating it was not having a local modern facility to perform outpatient cancer treatments.

With two outstanding health care centers already available in Springfield, it seemed strange to many people who needed basic oncology services to have to drive to Dayton, Columbus or even Cincinnati.

Traveling long distances to receive cancer treatment can be burdensome for a patient and his or her family, especially if they are elderly or have mobility problems.

I was able to work with my good friend Congressman RALPH REGULA of Navarre, who is the Chairman of the Labor/Health and Human Services Appropriations Subcommittee, to secure $1 million in federal funds for the establishment of this outpatient regional cancer center.

This funding helped to lay the groundwork for the construction of this new facility to improve the level of health care for the citizens of Springfield and Clark County.

This effort is a true public-private partnership that has brought together Mercy Health Partners, The Community Hospital, the Ohio EPA and the federal EPA.

Until that great day when there is a simple and affordable cure for the scourge known as cancer, it is vitally important that communities like Springfield have the best possible infrastructure to provide care.

This new cancer center will have a key role to play in our health care community and I was pleased to be able to support this worthwhile effort in Congress.

As the Congressman who represents Springfield and Clark County in the U.S. House of Representatives, I offer my sincere congratulations on this great achievement and look forward to the day when we will be able to dedicate the finished facility.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Ms. CORRINE BROWN of Florida. Mr. Chairman, Head Start works just fine the way it is. Why the Republicans want to change something that has been proven to work, just to put their name on it, is just ridiculous. Head Start works fine just the way it is. One of my constituents, Eddie Moore, and all of his brothers went on to college after being in Head Start. He also went on to play professional football and now he is an extremely successful business man.

Head Start is one of the most important education programs for low income children, and it is tragic that the House Republican leadership is set on dismantling it. The plan is not just to completely underfund the program, but to block grant the funding!

You know, Head Start kids are very prepared and do better in school than low-income children who don't receive Head Start. It's been proven that Head Start narrows the readiness gap between Head Start kids and children from the more affluent side of the tracks. Head Start should help children arrive at school more ready to learn—and it does just that—very successfully.

My best advice to the Republican leadership is: if it ain't broken, don't fix it, and more importantly, don't brake it! I strongly urge a ''no'' vote on this bill.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise today in opposition to H.R. 2210, the Majority's plan to reauthorize the Head Start program. While this bill makes a number of bipartisan improvements to the program, I am gravely concerned that the block grant pilot project included in this plan is the first step toward dismantling the successful Head Start program that we know today.

Over the last few months, I have traveled throughout North Dakota and heard compelling stories from Head Start teachers, volunteers and parents attesting to the success of this program in my state. More than just teaching children valuable early literacy skills, the program also encourages self-confidence, spontaneity, curiosity and self-discipline in its young pupils. In addition, Head Start recognizes the important role of parents and families in a child's empowerment by focusing on the educational, vocational and material needs of the entire family. While these aspects of the program are not easily quantified, they greatly enhance future learning potential, as well as overall development.

The plan before us today gravely endangers these comprehensive services that are—in my view—key to Head Start's success. Block granting Head Start to the states would result in a patchwork of untested state preschool programs across the country, many of which may lower educational standards, minimize comprehensive services, and provide less oversight and accountability. As it stands now, there is not a single state preschool program in the country that provides comprehensive services in accordance with Head Start standards. Equally alarming, states that are struggling with their own budget crises right now may be tempted to divert scarce Head Start dollars toward other programs once placed in their hands.

Mr. Speaker, I am convinced that we have a real opportunity with this reauthorization process to effect some positive changes for this exceptional program. We should concentrate on proposals that improve and build upon this tried-and-true program—like increasing access or enhancing teacher qualifications. I urge my colleagues to join me in taking steps to ensure the integrity of this program as the reauthorization process moves forward.

TRIBUTE TO MR. BRYAN DEBATES—TIME WARNER CABLE CRYSTAL APPLE TEACHER AWARD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GONZALEZ. Mr. Speaker, I rise today to pay tribute to Bryan DeBates, an inspirational and loving teacher in San Antonio, Texas. As a 5th grade teacher at Timberwilde Elementary School, Bryan DeBates dedicates his life to the success and education of his students. His outstanding work in the classroom was recognized by Time Warner Cable and given the Crystal Apple Teacher Award.

Each year, Time Warner Cable honors 20 classroom projects and the teachers who develop them with the Crystal Apple Teacher Award. This award recognizes outstanding teachers who create learning experiences using cable technology. Mr. DeBates' project involved a space experiment that used electrical circuits to repair and operate a space station. Thanks to the innovation and creativity of Mr. Bryan DeBates many 5th grade students learned how electrical circuits work within the confines of a space station.

Time Warner Cable seeks ways to support the educators and institutions that help shape our nation. Time Warner Cable strives to enhance the level of education in the classroom by expanding the power of cable television's

21st century technology and high-quality programming to teachers, students, and parents both inside and outside the classroom. It is remarkable to see how teachers like Bryan DeBates can use this technology to make this possible.

Mr. Speaker, it is my distinct pleasure to honor Bryan DeBates. It is the perseverance and dedication of teachers like him that will lead our youth to a brighter future.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. ALLEN. Mr. Chairman, nearly 4 decades ago, a program was introduced that would forever change the lives of more than 20 million American disadvantaged children and their families. The achievements of Head Start have become so legendary that I thought it was secure. I was wrong.

Instead of directly funding community-based Head Start programs, the School Readiness Act would allow some states to receive ''block grant'' funding. States could then use their own untested standards, avoid federal quality oversight, diminish services, weaken the role of parents, and shift money to shore up sagging state budgets.

I have seen examples of the positive impact of Head Start throughout Maine. At a meeting earlier this year, for example, a Head Start father movingly told of his struggle with illness and unemployment; he firmly believes that his children are thriving despite this hardship primarily because of their enrollment in Head Start.

At the same meeting, a graduate of Head Start credited her own success—being the first in her family to gain an advanced degree—to the program.

Another Mainer wrote to me about her son, whose many medical problems at birth led his doctor to predict he would be severely mentally disabled. Enrollment in Early Head Start provided the early intervention that vastly improved his prospects.

National studies confirm that Head Start works: the gap is narrowed significantly between Head Start children and other children in vocabulary and writing skills; once in kindergarten, they continue to make substantial progress in language and math skills. Head Start graduates are less likely than similarly situated children to repeat a grade, require special education, or be charged or convicted with a crime. They are more likely to complete high school and college and earn more as adults than those who did not have the benefit of this program.

Head Start benefits all Americans in the long term. Numerous studies show that for every dollar spent on Head Start, taxpayers save $4 to $7 in the future due to lower education, crime and welfare expenses. Yet, the President's budget for Head Start does not even keep up with the rate of inflation, let alone provide enough funding to serve all eligible children.

If it ain't broke, why does the Administration want to ''fix'' it? The track record of Head Start and those who benefit from its services are evidence that there is no need to restructure the program. We should instead address its real financial needs: to fully fund this program to provide the greatest assistance for low-income children and their families.

I urge my colleagues to vote for the Democratic substitute which will expand access to the program for more eligible children, improve teacher and program quality and strengthen the overall program. H.R. 2210 would simply undermine a program which has been a major success.

OFFSET OF FEDERAL TAX REFUNDS FOR STATE AND LOCAL TAX DEBTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing legislation that would establish a federal tax refund offset program for state and local governments. Specifically, this program would require the federal government to withhold refunds from those individuals and corporations that still owe state or local government tax obligations.

Today, the reverse situation exists. A number of states allow their own state agencies, local governments and the Internal Revenue Service to submit a list of delinquent taxpayers. The state then matches these delinquent accounts against taxpayers who may qualify for a state tax refund. If a match is found, the state reduces the refund by the amount of the delinquency and remits the funds to the claimant. These programs have proven to be low-cost and highly effective. Congress recognized the effectiveness of these programs and directed the Internal Revenue Service to establish a similar program to cover claims by other federal agencies, as well as for past-due child support obligations. In 2000, Congress expanded the program by directing the Treasury Department to accept claims by states for income tax obligations.

The legislation I am introducing today builds on these successful programs by permitting local governments to participate. The local governments could submit their outstanding tax debts to the Department of the Treasury for an offset against any federal tax refund, just as federal agencies and states do now. This legislation would also permit a claim to be made for any legally enforceable tax obligation owed to the state or local government.

In an era of tight state and local government budgets, it is patently unfair to have the taxpaying citizenry bear the costs and burdens of those who do not pay their fair share. As President Kennedy recognized, ''[t]o the extent that some people are dishonest or careless in their dealings with the government, the majority is forced to carry a heavier tax burden.'' (April 20, 1961) The legislation that I am introducing today will provide a means to help distribute that burden more equitably.

I urge my colleagues to support it.

REGARDING THE MIDDLE RIO GRANDE EMERGENCY WATER SUPPLY STABILIZATION ACT OF 2003

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of New Mexico. I rise today to introduce the ''Middle Rio Grande Emergency Water Supply Stabilization Act of 2003,'' a bill amending the Flood Control Act of 1948 with respect to the Middle Rio Grande Project to authorize programs for water conservation and control of phreatic vegetation, and for other purposes.

On June 12, 2003, the Tenth Circuit Court of Appeals upheld the Federal District Court's opinion determining that the Bureau of Reclamation ''has the discretion to reduce deliveries of water . . . comply with the Endangered Species Act.''

This lawsuit affirmation rekindled the passionate debate about how we use our water resources, about the sustainability of our current water practices, and whether we are using our water wisely.

This is a very difficult situation for everyone involved. Some have painted the situation as a crisis, as a people versus fish issue. Others state that this ''crisis'' should be taken as an indication that it is time to recognize the bottomline of the matter: water is a scarce commodity in New Mexico and should be treated accordingly.

In an effort to find a common-sense approach to sustainable water management in New Mexico and the west, I engaged in extensive discussions with the major stakeholders in the San Juan/Chama water dispute, and shared my concerns directly with United States Department of Interior Secretary Gale Norton, the person ultimately responsible for enforcing the 10th Circuit ruling.

As a result of these conversations, I am introducing legislation today that will address our outmoded water principles and practices.

First, the bill authorizes the Secretary of the Interior to contribute to a long-term solution for the Middle Rio Grande River in the State of New Mexico by preventing, reducing, or eliminating wasteful depletion of waters. This would entail the establishment of a water supply stabilization program at the local level. Under this program, the Secretary would provide financial and technical assistance to promote and encourage the adoption and implementation of water conservation measures within the Rio Grande Basin in New Mexico.

To accomplish this, the Secretary would enter into cost sharing and other agreements with the State and other entities including organizations, municipalities, Indian Tribes and Pueblos, and individuals, who use agricultural or municipal and industrial water from the Rio Grande River and its tributaries in New Mexico, including water supplied directly or indirectly from the Middle Rio Grande Project or the San Juan-Chama Project. These collaborative agreements will result in localized decisions regarding sustainable water management along the Rio Grande.

Second, the bill encourages the implementation of water conservation measures that will improve water quantity and water quality conditions needed to support a sustainable, living

river environment within the Middle Rio Grande Basin, and will result in conservation, recreation, and other public benefits.

Third, the bill sets a goal to achieve, within three years of the date of enactment of this legislation, quantifiable improvements in irrigation efficiencies through the incorporation of measures such as lining canals and ditches, and the use of low-flow or drip irrigation systems and other modern hydrological technologies.

Fourth, the bill directs the Secretary to cooperate with the State of New Mexico, water use organizations, and affected landowners to develop and implement a comprehensive program to identify, remove, and control salt cedar vegetation in the flood plain of the Rio Grande River and its tributaries, and to replant and reestablish native vegetation if appropriate.

Fifth, the bill authorizes grants for basic research on technological solutions for accessing new sources of water including, but not limited to, desalinization, and the purification of brackish and other types of unpalatable water. Furthermore, the bill authorizes grants for basic research to increase water efficiency. For example, Los Alamos National Labs, located in my district, is working to improve technology so that less water will be required in manufacturing computer microchips. And, the bill authorizes funds to conduct studies to quantify the water needs, requirements and rights of tribes and pueblos in the Middle Rio Grande Basin.

Finally, the bill confirms the original intentions of Congress as set forth in the Colorado River Storage Project Act of 1956, and the San Juan-Chama Project Act 1962. These Acts set forth the principle purposes underlying the furnishing of federal water supplies in New Mexico, including water for municipal, domestic, and industrial uses, and for the conservation of, and I quote from the original authorizing legislation, ''the scenery, the natural, historic, and archaeologic objects, and the wildlife'' on lands affected by the project, and ''to mitigate losses of, and improve conditions for, the propagation of fish and wildlife.''

We are in the midst of a very serious drought, and in New Mexico and across the west. Our water resources are over-allocated, and an exploding growth in population is stretching these resources to the limits. This situation is compounded by a water infrastructure that is inefficient, outdated, and insufficient to meet our current needs.

My bill deals with these realities and many other crucial issues. It sets up incentives to conserve our water resources and develop collaborative solutions at the local level. It restores and protects the Rio Grande River and the surrounding Bosque, and encourages technological solutions for new sources of water and methods to harness such technology to increase water efficiency.

Considering the above, if we do not focus collaboratively and make every effort possible to conserve our water, I believe that New Mexico, and similarly situated western states, will continue to confront similar, if not worse, water scarcity problems indefinitely. We need greater and more conscientious efforts on the part of water users to conserve this precious commodity. And, these users must become more accountable for water waste. My bill provides the incentives to conserve our water resources to ensure that all New Mexicans will have water to use in the future.

Mr. Speaker, I introduce this legislation as a first step to solve a critical problem. We need to act now to ensure sustainable water management and conservation in New Mexico. I invite and welcome the support of my colleagues in the New Mexico Congressional Delegation as we continue to confront this problem together.

INTRODUCTION OF THE ''SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2003''

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SHAW. Mr. Speaker, use of Social Security numbers is rampant. When Social Security numbers were created in 1936, their only purpose was to track a worker's earnings so that Social Security benefits could be calculated. But today, we literally have a culture of dependence on Social Security numbers.

Businesses and governments use the number as the primary way of identifying individuals. All of us know how difficult it is to conduct even the most mundane transactions without having to provide our Social Security number first. It's no wonder identity theft has become the fastest growing white collar crime.

Worse yet, terrorists, including those responsible for the September 11th attacks, misuse SSNs in order to assimilate into our society.

Barely a day goes by without hearing more examples of the truly devastating effects of identity theft. Just this month, at a Ways and Means Subcommittee on Social Security hearing, we learned about a widow whose husband died in the September 11th attacks on the World Trade Center—an illegal immigrant used her deceased husband's Social Security number to get a driver's license and to work. We also heard about individuals whose credit was ruined, who were arrested for crimes they did not commit, and who spent years and hundreds or even thousands of dollars out of their own pockets trying to clear their names because of identity theft often facilitated by obtaining the individual's Social Security number.

Concerns about identity theft are increasing dramatically. According to the Federal Trade Commission, identity theft is the number one consumer complaint—amounting to 43 percent of complaints received in 2002. In fact, my state, Florida, is sixth in the nation in the number of identity theft victims per 100,000 people.

Clearly, there is need for a comprehensive law to better protect the privacy of Social Security numbers and protect the American public from being victimized. Today, I re-introduce the ''Social Security Number Privacy and Identity Theft Prevention Act of 2003,'' which is similar to bipartisan legislation introduced during the last Congress. In the public and private sector, the bill would restrict the sale and public display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number and establish civil and criminal penalties for violations.

Based on the thoughtful comments we have received, this new legislation reflects a small number of fair and appropriate modifications, including the following:

In response to concerns about potentially preventing necessary disclosures of the SSN and the impact on businesses, customers, and the economy, the U.S. Attorney General will be able to authorize the sale, purchase and display of SSNs only when necessary and with restrictions to assure the Social Security number would not be used to commit fraud or crime and to prevent risk of individual harm.

Based on feedback from employee benefit plan administrators, the legislation makes clear that sale and purchase of Social Security numbers does not include its submission for administering employee benefits.

In response to concerns regarding vulnerabilities in the Social Security Administration's process of issuing Social Security numbers, the bill tightens controls by requiring a photo ID; raising the standards for issuing Social Security numbers to babies; and restricting reissuance of Social Security number cards.

In response to concerns about the need for stronger, clearer penalties for SSN misuse, the legislation provides enhanced criminal penalties for repeat offenders and for misuse associated with drug trafficking, crimes of violence, and terrorism. The legislation provides criminal penalties for Social Security employees who sell Social Security numbers or cards, as well as for individuals who sell their own Social Security number to another.

Congress must act to protect the very number it requires each of us to obtain and use throughout our lifetime. Providing for uses of Social Security numbers that benefit the public while protecting these numbers from being used by criminals, or even terrorists, is a complex balancing act. This bill achieves that balance by ensuring Social Security numbers are assigned accurately, exchanged only when necessary, and protected from indiscriminant disclosure. I urge Members to co-sponsor this important legislation.

50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION'S CONGRESSIONAL FELLOWSHIP PROGRAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HART. Mr. Speaker, today it is my honor to commend the 50th anniversary of the American Political Science Association's Congressional Fellowship Program. This program provides academic political scientists, journalists, and members of the executive branch invaluable learning experiences about how Congress works from the inside. In turn, the fellows bring their unique professional expertise and fresh perspectives to Congressional offices.

When I first arrived in Congress back in 2001, an APSA fellow, Amy Black, worked in my office and helped me research and write legislation. Amy's work was a great benefit to our office, and her time in my office gave her new insights for her teaching and academic research. I hope other Members will avail

themselves of this excellent opportunity to benefit from the many ways APSA fellows can contribute to their offices.

I congratulate APSA for the past half a century of providing an innovative learning experience, and look forward to many more decades of this important cooperative effort.

IN REMEMBRANCE OF THE 29TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the 29th anniversary of the Turkish invasion and occupation of northern Cyprus. On July 20, 1974, Turkey invade Cyprus and Turkish forces occupied more than one-third of the island nation, in clear violation of international law.

Today, thousands of Turkish soldiers, armed with the latest weapons, are stationed in the occupied area, making it one of the most militarized regions in the world.

Eighty-five thousand Turks have been brought over from Turkey to colonize the occupied area with the aim of changing the demography of the island and controlling the political situation. The Greek Cypriot community that remains enclaved within the occupied villages continues to live under conditions of oppression, harassment, and deprivation. For 29 years, divided by a 113-mile barbed wire fence that runs across the island, Greek Cypriots were prohibited from visiting the northern Turkish-occupied towns and communities where their families had lived for generations.

Since 1974, the United Nations has been trying to encourage a solution to the Cyprus problem. U.N. Secretary Kofi Annan has sponsored proximity talks between the President of Cyprus, Glafcos Clerides, and Rauf Denktash, the self-proclaimed leader of the occupied area. Unfortunately, those talks were suspended due to Denktash's abrupt departure from the negotiating table.

In January 2002, U.N.-sponsored direct negotiations between the Greek and Turkish sides finally resumed. Later that year, Secretary-General Annan presented a comprehensive new plan aimed at reunifying Cyprus. Unfortunately, unlike the Government of Cyprus, which promptly accepted the Annan Plan as a basis for negotiations, the Turkish side rejected the plan. Furthermore, the newly elected Cypriot President, Tassos Papadopoulos, accepted Annan's proposal to submit the U.N. proposal to a referendum. Denktash, however, rejected a referendum, thereby denying the people in the occupied areas a chance to determine their future.

Mr. Speaker, the United States has a national interest in fostering peace and stability in the eastern Mediterranean region. We as a nation cannot continue to pretend our NATO partner is not in clear violation of international law for its continued illegal occupation of its neighbor.

We in the United States pride ourselves for our respect for fundamental freedoms. Human rights norms are the cornerstone of U.S. foreign policy. The war on terrorism and our efforts to restore democracy in Afghanistan and Iraq are centered on those principles. As we lead international efforts to rout out terrorists and dictators that usurp fundamental principles of justice and human rights, we should remain committed to finding a just and durable settlement to the Cyprus problem. An important first step to that commitment is our strong opposition to Turkey's 29-year occupation of Cyprus.

IN HONOR OF THE 50TH ANNIVERSARY OF SPORTS ILLUSTRATED AND AMERICA'S SPORTS ILLUSTRATED: 50 YEARS, 50 STATES, 50 SPORTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sports Illustrated, as they celebrate 50 years of being America's most respected and popular sports publication. I also stand to recognize America's Sports Illustrated. 50 Years, 50 States, 50 Sports, a yearlong, nationwide celebration building on the premise of sports being an enormous force for good and a major catalyst in giving Americans a sense of community.

Sports Illustrated is one of the most respected voices in sports media, a magazine that consistently sets the national agenda for debate and discussion. This magazine is an original American brand that each week tells us about ourselves through the prism of sports.

Time Inc. founder Henry Luce's dream that, ''America will have a great National Sports Weekly '' officially became a reality on August 16, 1954, with the launch of Sports Illustrated. In the years that have followed, Sports Illustrated has lived up to Luce's lofty notion. Americans turn to Sports Illustrated for a definitive word and the defining photographs, for the most in-depth analysis in sports.

Let us support Sports Illustrated as they launch their nationwide multi-media program: America's Sports Illustrated. 50 Years, 50 States, 50 Sports. This nationwide celebration consists of weekly state-specific sections in the magazine and four special 50th issues; a grassroots mobile marketing tour that will visit sporting events that are unique to the state being visited; a comprehensive and interactive web presence; and a community sports outreach program to enhance the quality of sports in America's communities through the YMCA of the USA and the National Recreation and Park Association. Let us commemorate America's most respected and popular Sports publication on their Golden Anniversary.

Mr. Speaker and Colleagues, please join me in honor and recognition of Sports Illustrated as it turns 50 in 2004 and celebrates its anniversary with the most ambitious initiative in the history of the magazine.

THE RAILROAD COMPETITION ACT OF 2003

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BAKER. Mr. Speaker, today I am joined by Representatives CHRIS JOHN, DAVID VITTER, and EARL POMEROY to introduce the Railroad Competition Act of 2003, a bill designed to restore a measure of competition to our nation's freight rail marketplace. This bill, I believe, captures the true intentions of railroad deregulation.

Like all Americans, Mr. Speaker, I want our national railroad industry to remain the most efficient in the world. Indeed, our railroad system is a model for other national systems. My home state of Louisiana in particular relies heavily on efficient railroads to deliver product to market and provide the feedstock for our manufacturing base. Without reliable rail service, Louisiana—and all of America—would be economically hamstrung.

Congress deregulated the railroad industry in 1980 when it passed the Staggers Act. This law revitalized the industry, built efficiencies in the system, and bolstered the railroads as a critical component to America's transportation infrastructure. As Chairman of the Louisiana House Committee on Transportation and Highways, I observed closely the implementation and success of the Act.

However, one lingering element of the Staggers Act provides for ''differential pricing,'' which in effect allows railroads to ''price gouge'' customers served by a single railroad in order to help make up for revenue that is lost to customers served by more than one railroad. In other words railroads can overcharge a customer where the railroad is a monopoly to help recover the revenue it loses in a competitive, multiple-railroad environment.

Prior to the Staggers Act, the federal government administered the finances of railroads by imposing price controls. But by allowing railroads to institutionalize price gouging, are we not continuing the practice of price controls? Indeed, is differential pricing the thriving legacy of regulatory control? I believe it is. I assert that differential pricing is no more ''deregulation'' than the artificially imposed government price controls that existed before 1980.

I do not believe Congress intended to institutionalize price gouging when it passed the Staggers Act in 1980. Rather, the Staggers Act was an attempt to revive an important industry in America's economy. It was not enacted to allow the industry to thrive at its customers' expense. When the 108th Congress reflects back on the success of the Staggers Act, we can indeed take pride in ''getting it right.'' Congress achieved its goal of resuscitating the ailing railroad industry, but Congress did not intend to sustain the life of this industry at the growing, unfair expense of other industries.

When Congress passed the Staggers Act in 1980 there were over 40 Class I railroads competing for business. Today, after over 50 mergers and consolidations there are only 7 Class I railroads in North America and four of them control over 95 percent of the railroad business.

This unprecedented consolidation has led to whole states, regions and entire industries becoming captive to a single railroad. This level of concentration and the lack of competition it has brought were never envisioned by Congress in the 1980 Act.

Over this same period the agency that administers rail law, the Surface Transportation Board, has produced rulings, which have skewed the freight rail market place to the point that it is now a Federally protected monopoly. Railroads are operating within the law, but that law is outdated given the current number of railroads and market conditions of the new century.

Mr. Speaker, as you may know, Louisiana industry is in dire straits. Every month companies announce closures, lay offs, and moves—depriving our economically struggling state of hundreds of important jobs. When these jobs are lost, so are the workers' pensions, salaries, and health benefits. When hundreds of jobs are lost, it affects other small businesses that rely on workers to keep them viable.

Though Louisiana industry faces many financial challenges, premier among them is the cost to do business—and aside from energy supply, the most expensive cost of business is the artificially inflated rates imposed on Louisiana companies that, through no fault of their own, exist under a railroad monopoly.

Mr. Speaker, this situation is not exclusive to Louisiana. It exists in West Virginia, North Dakota, Idaho, Georgia, Florida, Montana, Minnesota—in fact, Mr. Speaker, there is not a state in the union free from this blemish on the free enterprise system.

The bill we are introducing today will truly match the deregulation goals of the Staggers Act with the tried and true American tradition of a competitive free market.

Our bill takes deregulation to a higher level by fortifying healthy market competition. The bill would remove artificial protections maintained by an outdated policy which allows freight railroads to operate in an atmosphere which no other business in the country enjoys—including exemption from anti-trust law.

Mr. Speaker, I urge all pro-market, pro-consumer, pro-deregulation, pro-fairness, projobs, pro-economy, pro-transportation, and pro-railroad Members to join me in completing the deregulation goals of the Staggers Act of 1980 by cosponsoring the Railroad Competition Act of 2003.

THE RAILROAD COMPETITION ACT OF 2003

Clarification of National Rail Policy: Clarifies that the STB has the following primary objectives: (1) ensuring effective competition among rail carriers at origins and destinations; (2) maintaining reasonable rates in the absence of effective competition; (3) maintaining consistent and efficient rail transportation service for rail shippers, including the timely provision of rail cars; and (4) ensuring that small carload and intermodal shippers are not precluded from accessing the rail system.

Requirement that Railroads Must Quote Rates to Their Customers: In order to increase rail customer access to competition, railroads must quote rates between any two points on their systems where freight movements can originate, terminate or be transferred, when requested by the customer.

Arbitration of Certain Rail Rate, Service and Other Disputes: Provides final offer arbitration (baseball arbitration), at the choice of the non-rail parry to a dispute, for all rail rate matters and other disputes at the STB involving a railroad charge.

Removal of ''Paper Barriers'': Prohibits including paper barriers in future sales or leases of rail line to short line or regional railroads and allows the STB to invalidate such provisions that have been in existence for 10 years.

Removal of ''Anti-Competitive Conduct'' Test from Terminal Area and Switching Agreements Policy of ICC/STB: Changes the ''antitrust'' test added in mid–1980s by the former Interstate Commerce Commission to the statutory ''public interest'' test included in the terminal area and switching agreement provisions of the ICC Termination Act.

Tri-Annual DOT Study of Extent of Rail-to-Rail Competition.

Areas of Inadequate Rail Competition: On petition of a state, the STB may declare all or part of a state to be an area of inadequate rail competition. Special rail customer remedies apply in such areas.

Rail Customer Advocacy Office Established at Department of Agriculture.

THE HORN IN PERIL

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MEEKS of New York. Mr. Speaker, I submit the following document for the CONGRESSIONAL RECORD.

[From the Financial Times, June 17, 2003]

THE HORN IN PERIL

When is a ''final and binding'' decision reached by a neutral body of legal experts open to negotiation? The international community is facing this question in the Horn of Africa, where the regional giant Ethiopia has rejected as ''unacceptable'' a Border Commission ruling on its border with tiny Eritrea.

The outside world was appalled when two of Africa's poorest countries went to war in 1998. It heaved a sigh of relief when both governments agreed, after losing at least 70,000 lives, to submit their frontier to international arbitration. But Ethiopia's rejection of the unanimous decision reached by a Border Commission sitting in The Hague has raised the prospect of, at worst, a new war and, at best, an indefinite stand-off.

External donors sympathise with the tricky position in which the ruling places Meles Zenawi, Ethiopia's prime minister. Undermined by hardliners in his own party, Mr. Meles is also resented by ordinary Ethiopians who have never accepted the independence of Eritrea, their former coastal province. Foreign governments know that losing Badme, the settlement that was the flashpoint for the war, represents a symbolic humiliation for the prime minister. They also nurse a certain distaste for an authoritarian Eritrean government that has jailed domestic dissenters and closed down the private press.

But if international arbitration were easy for losing parties to swallow, wars would never occur in the first place. If the Border Commission's decision on Badme were to go unenforced, Eritrea could reconsider its prompt pull-out from the contested Greater Hanish Island, allotted by an international court to Yemen in 1998. Nigeria could continue to defy the International Court of Justice's ruling last year that the oil-rich Bakassi Peninsula belongs to Cameroon. ''Might is right'' must not become the deciding principle in territorial disputes across Africa, where so many colonial borders cut across cultural and ethnic lines.

Ethiopia's rejection comes at a time when both countries are appealing for millions of dollars in food aid to alleviate a four-year drought. The failure to settle the border dispute will not come cheap. Maintaining a 4,000 strong United Nations buffer force has already cost about $500m (euro 420m), which could have been better spent feeding starving rural families.

Donor countries cannot sit idly by while positions harden to a point where future compromise becomes impossible. While there is an understandable reluctance to use humanitarian aid as a bargaining chip, they should leave Ethiopia in no doubt that longer-term development aid is at risk. And they should firmly spell out this link before Ethiopia's ruling party conference takes place this autumn, when Mr. Meles risks being boxed in by the impassioned nationalistic rhetoric of his colleagues. There is far more at stake here than the relationship between Ethiopia and Eritrea.

COMMENDING THE JAPANESE AMERICAN NATIONAL BOWLING ASSOCIATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HONDA. Mr. Speaker, I rise today to recognize the Japanese American National Bowling Association (JANBA). From its noble inception to oppose discrimination after World War II, JANBA continues to be a forum for social interaction and friendly competition for its thousands of members throughout the United States.

After internment in World War II, Japanese Americans trying to return to a life of normalcy discovered bowling as an engaging social pursuit. The sport quickly became a popular pastime with many joining bowling leagues and competitions. However, a restriction against Japanese Americans on the national stage was quickly realized.

In 1947, Mr. Rokuro ''Fuzzy'' Shimada was planning to bowl in a Santa Clara bowling league. However, he was denied acceptance due to the league's ''whites only'' membership policy set by the American Bowling Congress (ABC). In objection, the National Japanese American Citizens League (JACL) Nisei Bowling Tournament was birthed later that year. The selected venue was Salt Lake City, Utah, the headquarters of the National JACL at that time. Despite its inaugural year, the tournament was able to attract nearly 300 participants.

Admirably, Mr. ''Fuzzy'' Shimada was inducted into the ABC Hall of Fame as a Pioneer in 1997, after the discriminatory rules were absolved in 1951.

From 1947 to 1973, the National JACL Nisei Bowling Tournament was held annually at multiple locations across the United States. Then in 1974, the Japanese American National Bowling Association was spawned when it was agreed by the JACL Advisory Board of Bowling to form a separate organization from the JACL. Mr. Ozzie Shimada acted as the president pro tem for the first year.

The Annual JANBA Tournament has continued its heralded traditions passed down from the JACL. Recently, the 2003 JANBA tournament was held in San Francisco. Over 800 men and women bowlers of all ages enjoyed

competing in multiple tournament formats during the weeklong event.

Mr. Speaker, I commend the Japanese American National Bowling Association (JANBA) for its courageous beginnings to oppose segregation in the aftermath of World War II and providing a venue for social interaction and friendly competition for fellow Americans.

EDUCATORS HONORED BY THE ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize two faculty members of the College of Southern Maryland who have been honored by the Association of Community College Trustees. Chief Executive Officer, Dr. Elaine Ryan, is the recipient of the 2003 Chief Executive Officer Award and Professor Bill Morton is the recipient of the 2003 Faculty Member Award.

Mr. Speaker, the ACCT awards program is very competitive at a national level. This program annually recognizes the contributions made by trustees, chief executives and faculty members. The association is a non-profit educational organization of governing boards, representing more than 6,500 elected and appointed trustees.

Being selected the recipient of the 2003 Chief Executive Officer award is a great honor and privilege. Dr. Ryan has devoted over thirty years to the College of Southern Maryland and in 1998, was appointed the college's third president. She is the first female to hold such responsibility at this college. Under her leadership, the community college has become a regional institution serving three counties with four campuses. According to the 2003 Maryland Higher Education Commission Report on Retention, Transfer and Graduation Rates, the College of Southern Maryland ranked first in the State for the highest four-year graduation and transfer rates among Maryland community colleges for its first-time, full-time entering freshman class of 1998. This is a significant achievement for the college. Dr. Ryan, as CEO, no doubt has had a very active part in making the college as successful as it is today. She is admired and respected for her administrative ability, intellect, and love of her community. She is very active in her community serving on the Governor's Information Technology Board, the Southern Maryland Workforce Investment Board, the Charles County's Vision in Teamwork and Leadership organization and the Board of Directors for the Maryland Mentoring Partnerships, as well as many other community organizations. She is a role model for many young people in the community and has been nationally recognized for her efforts in education.

No college can be successful without the intelligent and caring men and women who strive everyday to make a difference in the lives of today's youth. Having professors who love to teach students is what makes a college the best that it can be. Professor Bill Morton has been recognized by the ACCT for his innovative instruction in accounting, economics and management. He is a pioneer in his field, utilizing distance learning through broadcast and video-based telecourses, interactive television, online courses, and cooperative education. He has devoted thirteen years to educating youth at the College of Southern Maryland. He believes that the only way to teach students is to reach students. Morton integrates his own life lessons into his teachings by drawing on his fifteen years of military and private sector experience. In 2000, the Association of Collegiate Business Schools and Programs (Region 2) awarded Morton the Teaching Excellence Award. For the past two years, the faculty at CSM selected the professor to receive the Faculty Excellence Award. Morton's expertise in his subject, positive attitude toward his students, and passion for teaching draw admiration from his peers and pupils alike.

On this day, I would like to recognize these individuals for their achievements in the field of education. Teaching is one of the most important professions in our Nation today and it is important to recognize those outstanding teachers for educating our Nation's youth and inspiring them to succeed in life. Dr. Elaine Ryan and Professor Bill Morton have worked hard to achieve this outstanding award presented by the ACCT. Their dedicated service to the College of Southern Maryland, to their profession and to their community has benefited and enriched the lives of so many. Southern Maryland is fortunate to have such committed professionals and we all thank and congratulate them for a job well done.

150TH ANNIVERSARY OF LODGE NO. 83 IN LEBANON, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 150th anniversary of the Laclede Lodge No. 83 of the Grand Lodge of Missouri, Ancient Free and Accepted Masons in Lebanon, Missouri. The Freemasons of this lodge have worked diligently and provided many hours of community service in Lebanon and Laclede County.

Lodge No. 83 was chartered in 1854 and the first Master of this lodge was Dr. I.W. Greenstreet. The lodge was first located on Wood Street in ''Old Town'' Lebanon. Currently the lodge is located at the corner of Second and Madison Streets in Lebanon.

The Laclede Lodge and its members have stood the test of time. From the beginning, the lodge had to survive a Civil War and hardships from local congregations who did not understand the mystic brotherhood. Today the lodge thrives in a wonderful community and gives back to that community at every turn.

Mr. Speaker, the Ancient Free and Accepted Masons can be proud of the 150 year history they have in Lodge No. 83 and with the Lebanon and Laclede County communities. I know the Members of the House will join me in congratulating Lodge No. 83 for 150 years of fine service.

HONORING OUTSTANDING TEACHERS IN THE 5TH CONGRESSIONAL DISTRICT OF TEXAS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HENSARLING. Mr. Speaker, today I am privileged to honor some of the most treasured individuals in the Fifth Congressional District of Texas, our public school teachers. As a product of the public school system, from kindergarten to graduate school, I am especially proud to recognize the work of teachers in my district.

Public school teachers are unsung heroes who labor tirelessly in the classrooms and on the playing fields. They are the backbone of our education system in Texas and truly worthy of high praise in this chamber.

While you will never find a teacher on a Fortune 500 list, teachers train and educate the men and women who become leaders in our nation's economy, government, and houses of worship. Teachers push our children to learn and make a contribution to our communities, and all too often they do so without the thanks that they so richly deserve. Public school teachers are some of our communities' most valued leaders.

Many school districts in the Fifth District of Texas honor their Teachers of the Year, and today I am pleased to showcase several individuals whose care, dedication and hard work have earned them that special recognition. They include: Nancy Bagwell—Dallas ISD; Paula Conditt—Malakoff ISD; Jason Cunningham—Malakoff ISD; Lisa Cunningham—Richardson ISD; Shannon Hansel—Palestine ISD; Joy Hounsel—Sunnyvale ISD; Betty Mendoilea—Elkhart ISD; Nancy Northcutt—Palestine ISD; Jennifer Pugh—Malakoff ISD; Cindy Smith—Malakoff ISD; Rick Urbanczyk—Richardson ISD; Ann Wilson—Mabank ISD.

Mr. Speaker, these teachers have gone above and beyond the call of duty. I thank them for their service to our children and our future.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. EVANS. Mr. Speaker, I am here today to express my concerns regarding both the Chile Free Trade Agreement and the Singapore Free Trade Agreement.

While, I support free trade with Chile and Singapore in principle, this agreement is a serious erosion of the noble position we stood up for in prior agreements in regards to upholding labor rights. I recognize that free trade has the potential to provide an opportunity to expand markets for U.S. goods and services. However, if we do not first guarantee fair trade; we do not have free trade.

Fair trade agreements are an important way to maintain the United States' leadership in

upholding fundamental human rights. By entering into free trade agreement with countries that already abide by labor standards equivalent to our own, we can prevent the exploitation of the weak, the uneducated, the poor, and others. Children should not be working 60 hour weeks in unsafe factories for pennies a day. Not one person in this Congress wants that to happen, but unfair trade agreements mitigate these abuses to occur by ignoring the opportunity to set minimum standards.

This is not to say that either Chile or Singapore do not abide by the five core, internationally-recognized, labor rights. However, the so-called ''enforce your own labor protections'' provisions in the Chile and Singapore Agreements are dangerous templates for future negotiations. The maintenance of minimal labor standards must be insured through explicit requirements outlining our expectations for workers' protection. Not only have we not defined labor standards in these current agreements, we have also not given ourselves a means to address any violation of labor rights in the future. This is simply unacceptable.

The negotiation of the U.S.-Jordan Free Trade Agreement sought this explicit protection for workers. The Chile and Singapore Free Trade Agreements are a definite step in the wrong direction in regards to labor rights. As a nation, we have continuously stood up for the rights and protection of all workers. We cannot sacrifice workers and their protection to save a buck on a pair of shoes simply because they are somewhere around the world. We must factor in the cost of abdicating our responsibility to protect both our workers and workers the world over. Without explicit protection for laborers it is not free trade because there is no price for human dignity.

Mr. Speaker, it is unfortunate that I come here to oppose these agreements. Congress gave away its ability to amend trade agreements last year and, therefore, the only option I have to express my opposition to the labor rights provisions is to vote against the trade agreements in whole. Therefore, I will oppose these agreements and urge my colleagues to vote them down.

HONORING SAM HALPERT AND JOHN DEEGAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DEUTSCH. Mr Speaker, I rise today with great pleasure to honor Mr. Sam Halpert and Mr. John Deegan of Pembroke Pines, FL, distinguished civil servants, contemporary American heroes, and great Floridians.

Now more than ever, our nation needs strong leaders—leaders who can be relied upon to protect the public from a growing number of natural disasters, the spread of terrorism, and crime in our city streets. Mr. Halpert and Mr. Deegan exemplify the types of heroes that describe a quarter century of service to local communities and to our country. Through hard work and effort, they have protected the South Florida community and its citizens for over a combined total of 50 years. Mr. Halpert, who began his career fighting fires as a volunteer in the 1970s, has most recently served as the city's fire marshal. Mr. Deegan began his service to South Floridians as a paramedic, and now he is to be commended upon his retirement as the division chief in charge of emergency medical services.

Although Halpert and Deegan pursued different paths, they remained bound by their shared commitment to community welfare. Since 1978, Pembroke Pines has experienced tremendous growth from about 14,000 to 160,000 residents. Surely, with this immense growth in population comes the enormous responsibility of protecting its citizens. Instead of viewing this growth as an obstacle, Halpert and Deegan saw providing care and services to all Pembroke Pines' residents as a challenge, and they ensured the utmost quality in fire protection and emergency medical services.

Upon their retirement, I am pleased to take this opportunity to celebrate their amazing service to Broward County. Clearly, dedicated citizens such as these individuals serve as an example to us all, highlighting the extent to which fellow citizens are actually everyday heroes. Though the Pembroke Pines Fire Department and EMS will surely miss their commitment and service, each man has left an indelible impression on their respective institutions that will last a lifetime.

Mr. Speaker, it is truly a special occasion for me to honor Mr. Halpert and Mr. Deegan, who have embodied community leadership and strength as upstanding Floridians for over 25 years.

HONORING PETE JIMENEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a courageous and dedicated veteran of our state, Pete Jimenez of Pueblo, Colorado. As a member of the Army's infamous E Company in World War II, Pete gallantly served, protecting our freedoms on the field of battle. Pete is the newest recipient of the Croix de Guerre, a medal given by the President of France for uncommon heroism, valor, and bravery during battle. Pete has also been named a Knight of the Legion of Honor. This is the most prestigious of French military awards, and past recipients include President Ronald Reagan, President George Bush, and Secretary of State Colin Powell. I would like to join my colleagues in congratulating Pete and recognizing his deeds here today.

Pete will receive these commendations for events that took place throughout World War II, but particularly on September 17, 1944. On this day, Pete voluntarily took command of a patrol whose mission was to enter the city and knock out an enemy 20mm embedded cannon that was holding up the Allied advance. They were also told to investigate a vast underground structure that was possibly holding an American prisoner of war. In the destruction of the 20mm cannon, Pete single handedly killed two German soldiers while exposed to enemy fire. As Pete approached the underground structure, his squad encountered a number of enemy soldiers. After a significant struggle, they accepted the surrender of a 200 man fighting force positioned inside the structure. Due to the ferocity of Pete's squad, the enemy believed they were under attack from a much larger force and threw down their weapons.

This is just one of the many heroic events that Pete Jimenez participated in during World War II. As the war ended, Pete was decorated with several medals, representing the valor and courage he displayed. He would go on to receive the World War II Victory Medal, four Bronze Stars for participation in the Normandy, Northern France, Central Europe, and Rhineland campaigns and two Bronze Stars for heroism and valor. Pete would also receive the Good Conduct Medal and the Purple Heart, as Pete was wounded five times in battle.

Mr. Speaker, I join with my colleagues here today in congratulating Pete and in recognizing this prestigious honor. This recognition to Pete for the work he did for our country is long overdue, and I am proud to bring his achievements to the attention of this body of Congress today. Congratulations and thanks again, Pete, for your many years of hard work on behalf of the United States.

DR. DONALD M. TOPPING

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to remember the late Dr. Donald M. Topping of Huntington, West Virginia, who passed away at the age of 73 on June 29, 2003. He will be remembered for his contributions in preserving the Chamorro culture, especially his work with the Chamorro language of Guam and the Northern Marianas.

Dr. Topping leaves behind his wife, Priscilla Topping, and his children Miles and Lee Minh Topping, Jason Kesolei, Dee Johnson and Leslie Jensen. He also leaves behind eight grandchildren and four great-grandchildren.

Dr. Topping was Professor Emeritus of Linguistics at the University of Hawaii. He was also a founding member of the department. Dr. Topping was also responsible for co-founding the Drug Policy Forum of Hawaii in 1993. He served as its president until 2003 and received the Ho'omaluhia, or Peacemaker award, for advocating drug policy reforms on Hawaii. Dr. Topping was also the director of the Pacific and Asian Linguistics Institute from 1969–1974 and director of the Social Science Research Institute from 1974–1996.

Dr. Donald Topping was considered a modern pioneer of the Chamorro language and was the main voice for modernizing the Chamorro language through his work on the reference grammar and the orthography. As an English professor at the former Territorial College of Guam, Dr. Topping taught himself the Chamorro language with the help of friends and neighbors in an effort to help his students learn English. He went on to author the books, Spoken Chamorro, in 1969; Chamorro Reference Grammar, in 1973; and the Chamorro-English Dictionary, with Pedro Ogo and Bernadita Dungca, in 1975, which put the Chamorro language into written form.

Dr. Topping's work demonstrated that the Chamorro language had very unique features that could be best understood as an Austronesian Language rather than the popular misconception of Spanish origins. His

work with the Bilingual Education Project was unprecedented in the efforts to protect the precious culture of the Chamorro people through their language. His genius and contributions to the Chamorro language as well as all the languages of Micronesia cannot be overstated.

On behalf of the people of Guam, I would like to extend our condolences to the family of the late Dr. Donald Topping. The people of Guam will always be grateful for his work with the Chamorro language. It is through the work of a man like Dr. Topping that a greater understanding and appreciation of the cultures of the world can be gained.

MILITARY RETIREE SURVIVOR COMFORT ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce the Military Retiree Survivor Comfort Act. This legislation is a simple provision aimed to provide a small amount of relief to surviving beneficiaries of military retirees.

As my colleagues may be aware, federal regulations require the Defense Finance Accounting Service (DFAS) to terminate payment of the retired pay upon notification of the retiree's death. Once the surviving spouse or beneficiary notifies the finance center, DFAS then electronically withdraws the entirety of the last payment from the deceased retiree's checking account. Then several weeks later, the retiree's beneficiary will receive a check in the mail containing a pro-rated portion of the military pay for the days for which the retiree was still living.

The current process rightfully and sensibly seeks to only pay military retirees for when they are alive, but it can and often does have an adverse impact on the retiree's beneficiary. Many of these surviving spouses or caregivers are living on fixed incomes. When the retirement pay is deposited, they use those funds to pay things like rent, medical expenses, or other living expenses. Automatically withdrawing those funds can inadvertently cause rent checks to bounce and place great additional financial strain on a beneficiary when they are already faced with great loss and the prospect of additional costs associated with the military retiree's death.

In many respects, a military spouse has provided equal service and sacrifices as the military members themselves. While they may not face the perils of combat, they often raise families alone, endure long separations, and provide a mutual safety net for other military families. This legislation seeks to recognize that sacrifice by forgiving the overpayment made to the surviving beneficiary if that beneficiary has a joint bank account with the military retiree. In order to offset some of the minimal cost, the recipient receiving the overpayment would forgo the first month of Survivor Benefit Plan payments. The individual amounts will be small, but they will provide great comfort to those who are already losing much.

In closing, I would like to thank the Fleet Reserve Association for their great assistance in working with me on this legislation. They are dedicated advocates for military personnel and their families, and this is just one more example of their efforts. I look forward to working with the Fleet Reserve Association and many other colleagues in seeing enactment of this legislation.

PHARMACEUTICAL MARKET ACCESS ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. COSTELLO. Mr. Speaker, I rise tonight in strong support of H.R. 2427, a bill that will help lower the cost of prescription drugs for our seniors. I applaud the efforts of Representatives EMERSON, GUTKNECHT and EMANUEL to get this bill to the floor for a vote.

For many years now, I have supported adding a prescription drug benefit to the Medicare program. While I have strong concerns about the bill that passed the House last month on this subject, I am hopeful a good final product can be worked out with the Senate that will indeed give prescription drug relief for our seniors. This bill tonight is an important part of that effort. While helping seniors with the costs of their drugs is critical, we must also take steps to lower the cost of prescription drugs.

It is no secret that U.S. seniors pay far more for the same drugs than seniors in Canada, Europe and other parts of the world. For example, the same prescription for Prilosec costs $112 in the U.S., but only $59.00 in Canada and $49.25 in Europe. H.R. 2427 would allow the reimportation of U.S.-produced drugs into the U.S. to take advantage of these lower prices.

However, the pharmaceutical industry is desperate to maintain its ability to force seniors to pay the highest possible prices for prescription drugs. Seniors in the U.S. should not have to supply the profit margin for the prescription drug industry. Too many people have to make the choice between eating dinner and buying their medicine. Too many people are cutting their pills in half to make their prescriptions last longer. We can do something about that by passing this bill tonight.

Mr. Speaker, the Senate prescription drug legislation contains a reimportation provision. I urge my colleagues to support this legislation so it can be included in the final version of the Medicare prescription drug bill. By conservative estimates, we can save our seniors $630 billion over the next decade by passing this legislation. Our seniors deserve equity with seniors elsewhere in the world. I urge my colleagues to vote in favor of H.R. 2427.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. LEACH. Mr. Chairman, Head Start is one of the semiannual innovations in education in the history of America. The bill before us, the School Readiness Act of 2003, is not as catastrophic as its critics tonight are suggesting. No program, however successful, is immune to improvement. On the other hand, the kind of demonstration block grant approach included in this legislation could over time transform Head Start programming in such a way as to weaken the federal nexus and allow states discretionary authority that could, in the name of seeking higher standards, actually diminish those standards.

Of particular concern to me is that the bill authorizes the removal of certain civil rights protections that have historically accompanied virtually all federal programs. I have voted in the past to allow religious organizations in their religious pursuits to be exempt from certain federal mandates, but organizations using federal funds for secular missions should not be allowed to operate outside the scope of the laws that apply to everyone else.

The irony of removing civil rights standards from Head Start programs is that Head Start is an opportunity initiative disproportionately aimed at disadvantaged kids. The message of removal of civil rights protections from Head Start programs is that kids would be asked to work hard but not expect to work here.

Under Title 1 of the School Readiness Act, there are certain quality improvements called for that were consensus in the committee and are acknowledged as steps forward by both sides in the debate this evening. The principal controversy relates to the block grant approach in Title 2 and on this subject, I support the amendment of Representative George Miller of California which embraces the Title 1 provisions of the bill but remolds Title 2 to more closely parallel the way Head Start services are currently provided.

My sense is that this evening's Floor debate has been rife with rhetorical excesses on both sides, but while I am convinced of the good will of the bill's architect, Mike Castle of Delaware, I share the reservations of experts in the field about the approach the majority proposes. While all federal programs deserve to be reviewed with an eye to improvement, the case for structural change of the kind envisioned in this legislation is uncompelling.

Head Start is an American success story. It deserves the respect of this body.

TRIBUTE TO CHESTERFIELD SMITH

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HARRIS. Mr. Speaker, this nation lost one of its greatest lawyers, leaders, and statesmen last week. Chesterfield Smith was not only my neighbor and friend; he was a role model and an icon of probity, integrity, and decency.

Chesterfield Smith set the bar for anyone who aspires to a legal or public service career. His model of leadership, vision, and strength of character had an enormous impact upon my family. He sought the truth, regardless of the political consequences. His dedication to our nation's justice system rightly earned him

recognition as ''America's Lawyer'' and as ''the conscience of the legal profession.''

Reared in the Southwest Florida town of Arcadia, Chesterfield Smith served his country heroically in World War II, earning the Bronze Star while fighting with General George S. Patton's 3rd Army in Europe. Following his discharge with the rank of major in 1945, he returned to his native Florida to attend law school at the University of Florida.

He began his law practice with the firm of Treadwell & Treadwell in Arcadia, joining the firm of Holland, Bevis, & McCrae in the neighboring community of Bartow one year and one-half later. Achieving the status of partner in record time, Chesterfield Smith began to build what would become the nation's eighth largest law firm upon a foundation of skilled professionalism, unassailable ethics, and dedicated public service.

In 1964, the Florida Bar recognized Chesterfield Smith's extraordinary leadership abilities by electing him its President. He was appointed Chairman of the Florida Constitutional Revision Commission in 1965, where he challenged and defeated the grip on power of the ''Pork Chop Gang,'' a group of rural Florida legislators who had dominated Florida's state government through the repugnant device of malapportionment.

The entire nation became familiar with Chesterfield Smith's courage and unwavering commitment to principle during his presidency of the American Bar Association in 1973 and 1974. Stating his reasoning simply but powerfully through the words ''no man is above the law,'' he issued the first public call for an investigation of President Nixon's role in the Watergate break-in.

While his potent sense of justice helped steer our nation through a period of great peril to our Constitution, Chesterfield Smith's fundamental sense of right and wrong helped guide his beloved Florida through the turmoil of the civil rights movement. He served as an outspoken opponent of segregation, while transforming his law firm into a model of diversity.

In 1997, Governor Lawton Chiles formally recognized Chesterfield Smith as a Great Floridian. In 2002, Supreme Court Justice Ruth Bader Ginsburg presented Smith with the Laurie D. Zelon Pro Bono Award, describing him as ''among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA.''

Mr. Speaker, as we mourn the passing of this great American, may the light of his passionate commitment to the legal profession, to our nation, and to humanity at large continue to animate our dreams and aspirations as public servants.

BARBARA CRITTENDEN SCHOTT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to Barbara Crittenden Schott of Detroit, Michigan, who passed away in her home in Riverside, California on June 13, 2003 at the age of 90. Her unselfish efforts to better the lives of those around her will be remembered through her dedication and commitment to numerous volunteer organizations.

Barbara was the wife of the late General Wes Schott and mother of the late Christopher D. Schott. She is survived by her son, Kenneth and daughter-in-law, Marian Castro Schott of San Diego, California. She is also survived by her grandchildren, Derreth Schott Painter of Herndon, Virginia, Gwendolyn D. Schott of Hickory, North Carolina, and Charles Wesley Schott III of Escondido, California and four great-grandchildren.

Barbara Schott will be remembered for her volunteer work which began in 1940 with the American Red Cross. She was a tireless volunteer in both the military and private sectors, especially medical services organizations. Barbara served on the board of directors for both the Fort Worth and Roswell Good Neighbor Council. She also established the Arlington Ladies, a military wives club, and the Air Force-wide Dependents Assistance Program, now referred to as Family Services. But the people of Guam will especially remember Barbara for actively promoting broader military interaction with the civilian communities on Guam.

Barbara will also be remembered for her efforts to advance the Fine Arts. Her cultural contributions include the Guam Arts Society, the Children's Theater Guild, the Achievement Rewards for College Scientists, the Costume Club of Los Angeles, and the Auxiliary of the Neighborhood Youth Council. Barbara was also an active member in the Los Angeles and Santa Monica Pi Beta Phi Club.

On behalf of the people of Guam, I extend our condolences to the family of Barbara Crittenden Schott. Her selfless love of humanity will serve as an example for us to model our lives after.

INTORDUCTION OF A RESOLUTION RECOGNIZING THE NATIONAL RAILROAD HALL OF FAME IN GALESBURG, ILLINOIS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. EVANS. Mr. Speaker, I am here today to introduce a Resolution that would recognize the National Railroad Hall in Galesburg, Illinois.

The American Railroad industry has enjoyed a long history in this country. Its impact on the economy, science, technology, national defense, and our national lifestyle is immeasurable. For that reason, a private group has gathered in Galesburg, Illinois to create a National Railroad Hall of Fame. The mission of the Hall of Fame focuses on the men and women whose ingenuity and labor built, developed and maintained one of our nation's greatest forms of transportation. They are building this to remind us of the history of this industry and to inspire us to continue the American ingenuity that developed our railroad system.

For 2001, they introduced the first inductees. The people that they recognized were George Pullman, Sanford Fleming, and Louis Menk, all of whom provided enormous contributions to the success of the railroad industry. Instead of focusing on the founders of the industry, the inductees come from three eras in railroad history: Birth & Development 1800–1865, Golden Era 1866–1945, and Modern Era 1946–Present. In highlighting all these periods, the Hall of Fame seeks to show the continuing growth of the railroad industry.

Currently, the National Railroad Hall of Fame in Galesburg is simply looking for Congressional recognition. The same thing that they have been doing since 1995, when I first introduced this resolution. It is high time that we recognize this self-funded, self-directed program for the contribution that it is bringing to preserving the history of this mighty industry and therefore this nation.

HONORING HOWARD CASH AND GENE CODES CORPORATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DINGELL Mr. Speaker, I rise today to acknowledge and celebrate President Howard Cash and the employees of Gene Codes Corporation on their inexhaustible efforts and immense accomplishments in identifying the remains of those killed at the World Trade Center in New York on September 11, 2001. Over the course of the past few years, Mr. Cash and the Gene Codes employees have proven themselves to be truly amazing under some of the most challenging circumstances imaginable.

On September 26, 2001, Mr. Cash and his employees responded to a call to service when the New York City Office of the Chief Medical Examiner requested that the Gene Codes Corporation assist in the process of identifying the victims of the World Trade Center terrorist attack. The challenge was to create software capable of matching DNA extracted from thousands of remains at Ground Zero to the list of close to 3000 missing persons. Motivated by the anguish caused by the horrific attacks on our country, the Gene Codes staff unanimously agreed to undertake a complex project that was proving to be impossible using current technology. Moreover, Gene Codes decided to complete the project at cost. As a consequence, the Corporation suffered its first unprofitable quarter in eight-and-a-half years.

As thousands of families anxiously awaited the results, the entire technical staff began working solely on the Trade Center project, thus committing to extremely long hours and a great deal of emotional wear and tear. The employees' inexhaustible labor and long hours epitomize the indomitable spirit and unity of the American people. The precision and effectiveness of their software, Mass Fatality Identification System (M–FISys), embodies the limitless dedication and expertise of the Gene Codes staff.

Howard Cash and his corporation have been at the forefront of commercial bioinformatics developments since 1984. Former Michigan Governor John Engler appointed Howard Cash to the Michigan State Commission on Genetics, Privacy and Progress in 1997. In addition, Gene Codes was named one of the Future 50 of Greater Detroit in 2002. Howard Cash's leadership, patriotism and perseverance earned him the title of Entrepreneur of the Year in 2002 by both the New Enterprise Forum and Ernst &

Young, and Person of the year in the Genome Technology All-Star Awards. Furthermore, in 2003 Michigan Governor Jennifer Granholm nominated Gene Codes Corporation for the National Medal of Technology.

Mr. Speaker, I ask that you and all of my colleagues join me in congratulating Mr. Howard Cash and his employees on their accomplishments and in wishing them many more years of success and service. The selfless acts of this amazing group of people should be commended. Through their teamwork, dedication and perseverance, these men and women have truly shown the nation what it means to be a hero.

SUPPORT OF THE AMERICORPS PROGRAM

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. CAPUANO. Mr. Speaker, I rise today in support of the AmeriCorps program and in support of an increase in funding for this important initiative. AmeriCorps engages our citizens in service to meet the nation's critical needs in the areas of education, public safety and environmental protection. AmeriCorps enlists 50,000 people nationwide, 1,400 of whom serve in Massachusetts. As you know, the program faces a serious financial crisis and without additional funding, 20,000 new service member positions will be cut and hundreds of programs will be at risk.

The other body has already added additional funding in its version of the Supplemental Appropriations bill. The House needs to act today to preserve this successful program. Without the full $100 million in additional funding, the service programs as well as the volunteers and communities that rely on them will be devastated. Teach for America and Habitat for Humanity will see a dramatic decrease in participants and the infrastructure of many programs in my district including, Just a Start, City Year and Youth Build, do not have the resources to sustain any cut to their budget. These important programs respond to the needs of communities and my district relies heavily on these AmeriCorps services. AmeriCorps members tutor children, serve as mentors for teens, renovate low-income housing, immunize children against preventable diseases, and restore parks. They work with community leaders and provide services to Head Start children, high school students and senior citizens. With a loss of funding, communities will no longer be able to provide these essential services.

While I remain concerned with the recent accounting errors and mismanagement by the Corporation for National and Community Service's executives, I do not believe we should punish thousands of volunteers for the mistakes made by the Corporation's leadership. These destructive cuts come at a time when our nation is depending on AmeriCorps service members to meet critical education, safety, homeland security and health needs. My district counts on AmeriCorps volunteers and we should be proud of their service. Let's fully fund AmeriCorps.

FIRST RESPONDERS ENHANCEMENT ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, protecting the security of our communities requires that we have an adequate number of first responders, who form our first line of response to any terrorist attacks. But right now, there are law enforcement agencies all over the country who are being forced to turn back federal grants to hire additional law enforcement officers because they do not have the money to cover the local requirement.

During a time when our nation seems its most vulnerable and under its greatest threat, we have the responsibility to ensure that everyday Americans are safe and secure. We must protect and defend our cities at home during these troubling times by investing in first responders and providing local law enforcement with adequate manpower and resources to prevent any future attacks.

The Universal Hiring Program (UHP) is one of several programs developed by COPS to increase the number of officers on the beat. This program enables interested agencies to supplement their current sworn forces through three-year federal grants. Under current law, these grants cover up to 75 percent of the approved entry-level salary and benefits of each newly hired additional officer position over three years. There is a maximum of $75,000 per officer over the three-year grant period. A minimum 25 percent local match is required.

Although current law does allow for waivers of the local matching requirement may be requested under UHP due to extreme fiscal hardship, these waivers are rarely granted. One city in my district, Salem, Oregon, has had to decline four COPS Universal Hiring Program grants this year because they were unable to come up with the matching funds required by the program. Considering the budget crisis is resulting in police layoffs, this money is needed now more than ever to ensure that police agencies have the first responders needed to keep our communities safe and protect our homeland.

I am introducing legislation that would provide for a temporary two-year waiver of the local matching requirement for the Universal Hiring Program COPS grants. The maximum contribution of the federal government would also be raised to $150,000 over the three-year grant program. Finally, my legislation would waive the retention requirement during this two year waiver, so that law enforcement jurisdictions can hire officers without worrying about how they will pay them once the money runs out.

This legislation would provide law enforcement agencies with the resources they need to meet federal homeland security mandates during this time of increased threats and budget crises. I urge my colleagues to join me in supporting the First Responders Enhancement Act.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. EMANUEL. Mr. Chairman, I rise to address the proposed overhaul of the Head Start program. Created in 1965 as part of President Johnson's ''Great Society,'' Head Start is a program that successfully extends educational opportunity to disadvantaged children across the country.

Recently, the President called into question the successes of this program, saying that Head Start is merely, ''working OK.'' While I agree with the President that there is always room for improvement, I think he needs to take a closer look at the remarkable track record of this program.

Head Start has a long and proven record of success: Head Start narrows the achievement gap between disadvantaged and other children; Head Start children show IQ gains compared to children who are not in the program; and Head Start children are much more likely to graduate from high school and college.

Head Start has effectively opened doors and improved the quality of life for 20 million kids over its 38-year history.

Yet, today we consider a bill that threatens to cripple this successful program. I would like to take this opportunity to remind my colleagues across the aisle that a vow to ''Leave No Child Behind'' means that you can't turn your back on those who need your support the most.

By creating a system of block grants, this bill means that there is no longer a guarantee that federal money will go towards Head Start programs, leaving the burden on the states. In these times of economic hardship, there is a very real possibility that these funds could be diverted to fill holes in tight state budgets, leaving Head Start and our children with nothing.

A recent survey of state funded preschool programs confirms these fears. This study found that when states managed their own preschool programs they frequently failed to provide the same level of services as those required by Head Start.

I would like to applaud President Bush for his call to improve the quality of teaching in Head Start programs by putting a qualified teacher in every classroom.

But I would also remind the President that this is a meaningless promise unless he and the Congress can supply the estimated $2 billion needed to attract and pay more highly qualified teachers. The last thing the states need now is another unfunded mandate.

Head Start is one of our nation's great success stories. It has a proven track record, and what we should be doing is expanding it and giving it stronger support, not the opposite.

For the sake of the one million kids nationwide, 42,000 Illinoisans and 469 children in my district who depend on Head Start annually, I urge you to vote ''no'' on the bill.

TRIBUTE TO HER EXCELLENCY ERATO KOZAKOU-MARCOULLIS, THE AMBASSADOR OF CYPRUS TO THE UNITED STATES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to one of the most distinguished members of the diplomatic corps here in Washington, Her Excellency Erato Kozakou-Marcoullis, the Ambassador of Cyprus to the United States. Sometime next month, Ambassador Marcoullis will be leaving Washington, after nearly five years of service to her country in our nation's capital. The Ambassador will be assuming a major, high-level post in the Foreign Ministry in the Cypriot capital of Nicosia.

It is with mixed feelings that I come to the floor today to make this statement. In my capacity as co-chair of the Hellenic Issues Caucus, I have had the great honor and privilege of working with Ambassador Marcoullis. I have come to regard her not only as a determined, effective and articulate advocate for her country, but also as a friend. As the former co-chair of the Congressional Women's Caucus, I have always felt a particular bond with Ambassador Marcoullis, who is one of what is still unfortunately only a handful of women ambassadors here in Washington. So, for these reasons, I am sad to see the Ambassador go.

Still, I am extremely encouraged to report that the Ambassador has received an important diplomatic promotion. When she heads back to Nicosia, Ambassador Marcoullis will be in charge of the Division at the Foreign Ministry that has responsibility for what is generally known as the Cyprus Problem—the tragic division of Cyprus that began 29 years ago with the Turkish invasion of that Mediterranean island nation. Indeed, in commemoration of the anniversary of the Turkish invasion, which took place July 20, 1974, a number of my colleagues in this House have joined me in making statements of remembrance, as we do every year around this time.

During her five years here in Washington, there have been many important achievements for Cyprus, and in U.S.-Cypriot relations. Last year, after years of hard work, the Ambassador signed a Memorandum of Understanding with the State Department regarding the protection of antiquities from Cyprus. Last year also witnessed the signing of the U.S.-Cyprus Mutual Legal Assistance Treaty, bringing into force the reciprocal law enforcement treaty between the two nations. After the 9/11 terrorist attacks, Cyprus was among the first nations to express its solidarity with the U.S. Since then, Cyprus has taken many substantive steps to target the perpetrators and collaborators of terrorism, in close cooperation with the U.S.

In April of this year, Cyprus signed the Treaty of Accession to the European Union, one of the most important achievements in the modern history of Cyprus. Cyprus will become a full member of the EU next May. It was during the tenure of Ambassador Marcoullis that U.S. foreign policy on Cyprus began to move in the direction of helping drive Cyprus' admission into the EU, particularly during the Clinton Administration through the work of Ambassador Richard Holbrooke, with whom Ambassador Marcoullis worked very closely. I am pleased that the Bush Administration has continued to support this policy. Indeed, Ambassador Marcoullis has worked very closely with top officials of the current Administration to keep relations on track in a wide variety of areas.

Of course, the one area where we have not witnessed significant progress is in ending the ongoing Turkish military occupation of Cyprus. This is certainly not for lack of effort by the Ambassador or her fine staff at the Embassy in Washington. Nor is it the fault of the Government of the Republic of Cyprus, which has continued to negotiate in good faith to end the division of Cyprus. The fault lies with Turkey and with the occupation regime. I again urge my colleagues in Congress to continue working with me and many of our colleagues, on a bipartisan basis, to help convince Turkey to end its illegal occupation of one-third of Cypriot territory.

One of Ambassador Marcoullis' greatest achievements has been simply to sustain and enhance up the visibility of the Cyprus issue. Cyprus is a relatively small country, but it is at the center of a region of great importance to the U.S. and the Western Alliance. Ambassador Marcoullis has been tireless in her efforts to elevate the awareness of these issues. Owing in large measure to her efforts, it is now an issue that is regularly addressed by the White House, the State Department and Congress.

Ambassador Marcoullis presented her credentials to President Bill Clinton on September 10, 1998. In addition to her many responsibilities here in Washington, she is also accredited as High Commissioner to Canada, Guyana and Jamaica and Ambassador to Brazil. Throughout her distinguished diplomatic career, she has served as Ambassador to a number of European countries, as a Member of the Permanent Mission of Cyprus to the United Nations, as Consul of Cyprus in New York, and at the Ministry of Foreign Affairs at the First Political Division, dealing with the Cyprus Problem and as Director of the Office of the Permanent Secretary of the Ministry of Foreign Affairs. Ambassador Marcoullis has devoted particular attention to political, human rights and women's issues.

A native of Limassol, Cyprus, she is a graduate of Law and of Political Science/Public Law (University of Athens, Greece) and holds a Ph.D. in Sociology and Political Science (University of Helsinki, Finland). She is married to Dr. George Marcoullis, an Associate Professor of Medicine at New York Medical College, specializing in Oncology/Hematology. Their son Panos is a graduate of the University of Michigan.

Earlier this week, The Washington Times newspaper, in its ''Embassy Row'' column, reported on a dinner in honor of Ambassador Marcoullis hosted by Ambassador Arlette Conzemius of Luxembourg, who presented her credentials to President Clinton in 1998 on the same day as Mrs. Kozakou Marcoullis. They began an immediate friendship and helped organize the female ambassadors' caucus. Ambassador Conzemius congratulated Ambassador Marcoullis for maintaining Cyprus' high profile in Washington, saying ''What you did for your country, the progress, the success. It's great to see what has been accomplished.'' Those words would be echoed by many here on Capitol Hill, where Ambassador Marcoullis was well known and well respected.

In closing, Mr. Speaker, we will miss Ambassador Marcoullis. But it is encouraging to know that she is going back to Cyprus to take a leading role in facing the Cyprus problem. This is a woman who's going to make a difference. I'll miss her, but I have complete confidence in her ability to manage this problem; I congratulate her on this diplomatic promotion; and I look forward to working with her for the peaceful reunification of Cyprus.

IN HONOR OF ENOLA MAXWELL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. PELOSI. Mr. Speaker, it is with deep personal sadness that I rise today to pay tribute to one of San Francisco's most beloved and admired social activists. Enola Maxwell passed away on June 24th at the age of 83. Enola lived an impassioned life, advocating for freedom and justice on behalf of people of all races, ethnicities, and ages. In living her life, Enola Maxwell changed countless people's lives for the better. I extend my deepest sympathies to Enola's daughters Sophie and Barbara; thank you for sharing your mother with us. She brightened our lives with her strength, her courage and her grace.

Ruth Passen, longtime friend and associate of Enola, wrote a beautiful obituary in The Potrero View, of which she is the editor. She captures Enola's essence and our feelings for her so well that I am privileged to share her words about ''the Heart of Potrero Hill.''

''She was the anchor for a whole neighborhood—the backbone of a community—known as ''mom'' by many, both young and old, and called Miz Maxwell by everybody else. Whoever assumes her role as the Executive Director of the Potrero Hill Neighborhood House will be the beneficiary of an extraordinary legacy but will be challenged to follow in her footsteps.

She was born on August 30, 1919 in Baton Rouge, La. to Clemus and Lena Dundy. After separating from Clemus, Lena moved to San Francisco and in 1949 Enola, together with her two children, joined her. They lived in several neighborhoods, including the Haight Ashbury, before moving into the government-owned public housing project on Carolina Street and 18th Street, known as the Carolina Projects, where they were living when Enola's third child, Sophie, was born. (The Potrero Hill Middle School was built on the site in 1971.) Potrero Hill old-timers will remember Enola's mother as the proprietor of the Little Red Door, a popular thrift store on 18th Street.

Enola supported her family by working a variety of jobs; she kept house with one family for several years, and was an employee of the U.S. Postal Service for a time.

Her activism began as a member of the Haight Ashbury Neighborhood Council where she met Sue Bierman and others who have remained lifelong friends. The council was successful in stopping a movement to build a freeway through Golden Gate Park. This first exhilarating venture into community activism changed the course of her life. She got a leave of absence from the Post Office and joined the Civil Rights March on Washington in 1968. After that experience she wanted to

do more. She was ''bitten by the activism bug,'' said daughter Sophie Maxwell.

Enola decided that she could help people from a pulpit, and enrolled at the San Francisco Theological Seminary in San Anselmo. She made history by being the first woman—and first black person—to be named as lay minister at the Potrero Hill Olivet Presbyterian Church on Missouri Street where she served from 1968 to 1971.

She wanted a church where people could feel comfortable and free. She foresaw a gathering where people and new ministers could talk about activism; she helped coin the name Street Ministers.

Her tenure at the Olivet provided the opportunity to put into action her dream of the Street Ministries, and she established a coffeehouse in the church's basement where ongoing dialogues about activism, and music flourished. In 1972, she was hired to be the Executive Director of the Potrero Hill Neighborhood House affectionately know as the Nabe—the first black person hired for any position at the Nabe. The Neighborhood House was established in the early 1920s by the Presbyterian Church.

Her instincts and down-to-earth good sense led her to initiate programs to help the community's youth, as well as to embellish services that the Nabe had offered Potrero Hill residents for more than 50 years. The Potrero Hill Neighborhood House was designated as Historical Landmark No. 86 in 1977 during Enola's tenure.

Enola was a compassionate leader in the civil rights movement, on women's rights issues, and as a peace activist. The walls of her office at the Neighborhood House are covered with plaques and awards honoring her services not only to the Potrero Hill neighborhood, but also to San Francisco residents citywide and to the many organizations in which she played active roles.

Enola was feisty and fiery and caring. At times she was the only black woman in organizations that were primarily white. That didn't matter. What she offered any group with whom she worked was honesty in making sure that justice was the manifest result of their group efforts. She once remarked that ''fear and hate are the most dangerous things because they take away your freedom.''

Besides serving on many civic commissions, Enola was also on the founding committee and longtime member of the annual Martin Luther King, Jr. holiday celebration, and several committees organized through the Mayor's office. She received a Congressional Award from Congressman Phillip Burton, and I appointed her to the Senior Internship Program in Washington, D.C.

In 2001, the Potrero Hill Middle School was renamed the Enola D. Maxwell Middle School for the Arts. Enola had always spent time working with the schoolteachers and administrators. She was deeply honored by the name change and referred to the school as ''my school.''

It is an honor to stand before the House today to celebrate the life of this remarkable woman. The legacy of her service to and compassion for the San Francisco community will endure for generations.

RAYMOND ANTHONY AGRICOLA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to honor Raymond Anthony Agricola who celebrated his 80th birthday on July 12th. Mr. Agricola was stationed in Guam during World War II as a U.S. Naval Aviator.

After Mr. Agricola left the Navy, he returned to Guam to work for Pan American World Airways. While working for Pan Am, Mr. Agricola continued to establish memorable relationships with our local people. Guam continues to hold special memories for Mr. Agricola. Even after he returned to the mainland, he continued to remain close to the friends he had made on Guam and became a member of the Guam Society of America.

On behalf of the people of Guam, I want to say, Si Yu'os Ma'ase to Raymond Agricola for his service to our island and wish him a very special Happy 80th Birthday.

LACK OF ADHERENCE TO DEMOCRATIC PRINCIPLES UNDERMINES FREE MARKET ECONOMICS IN RUSSIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ENGEL. Mr. Speaker, I rise to call attention of the House of Representatives an article in the Washington Post on July 10, 2003 entitled, ''The Big Shakedown on Russian Business.'' This article by Masha Lipman, editor of the Moscow Carnegie Center's Pro et Contra Journal, exposes a pattern of arrests and investigations of prominent business executives in Russia. Calling this behavior by Russian security agencies ''shakedown justice'', Masha Lipman makes a strong case that ''this mock justice compromises the credibility of the Russian President when he pledges that Russia is a lawful state.''

One of the key factors in the development of a nascent democracy, like Russia, is the rule of law, as it underpins all aspects of the society. If Russia, or any other country for that matter, is to attract investment or create an environment conducive to business growth, it must be clear that investments and entrepreneurial activity will be protected under a system governed fairly and equitably according to the law.

The arrests and investigations described by Masha Lipman send precisely the wrong signals about Russian free-market economics, democracy, and the rule of law. Perceptions about a hostile business climate in Russia could have a chilling effect on foreign investment in Russia at a time when the country's economy is rapidly improving. I urge my colleagues to read this important article and join with me in urging the Russian government to take affirmative actions to support and uphold, and not to undermine, free market principles and democracy in Russia.

I submit the article by Masha Lipman into the RECORD at this point.

[From the Washington Post, July 10, 2003]

THE BIG SHAKEDOWN ON RUSSIAN BUSINESS

(By Masha Lipman)

MOSCOW.—Mikhail Khodorkovsky is an oil magnate and, by most accounts, Russia's wealthiest man. He is also having some difficulty with law enforcement. Late last week he was summoned to the chief prosecutor's office for interrogation regarding the activities of some of his associates. Of course, this kind of thing isn't unique to Russian business executives; Westerners have seen many important people led away in handcuffs over the years. But in the case of Khodorkovsky's associates and other prominent business executives here, it's not so much a matter of the rule of law as it is of what might be called shakedown justice. This mock justice compromises the credibility of the Russian president when he pledges that Russia is a lawful state. It is also detrimental to Russia's economic development. It threatens to stultify the country's efforts to attract badly needed foreign investment.

Several cases have been opened recently against people associated with Khodorkovsky's big and successful oil company, Yukos. The allegations include embezzlement, fraud and murder. Two people are in jail, one of them being Platon Lebedev, a billionaire and a co-holder of Yukos's controlling stake. Yesterday the prosecutor's office was also reported to be examining an alleged case of tax evasion by Yukos. (Also yesterday, the U.S. Embassy in Moscow formally asked the Russian government to explain its investigation of Khodorkovsky, according to a senior U.S. diplomat.) Theories abound as to what may be behind the shakedown, or nayezd, as this action is being ' commonly referred to in the media and among professional analysts. Nobody among them believes that the case against Lebedev, or any of the other cases related to Yukos, is a purely legal matter. In attacking Khodorkovsky and his company, the prosecutor's office and the state security agency, the FSB, appear to be acting on orders from somebody with huge political clout.

Khodorkovsky believes that Yukos was picked as a target because it's a world-class company and, especially after its recent proposed merger with another Russian oil giant, a tasty morsel attractive to a number of people in this country. Ultimately, Khodorkovsky claims, this is a struggle for power ''between different wings in the inner circle of Vladimir Vladimirovich Putin.'' He offers no details to back up this allegation, but there is no doubt that whoever is attacking him would have to be very highly placed.

Early in his tenure as Russia's president, Putin announced as his guiding principle the ''dictatorship of the law.'' But at the same time, the prosecutor's office and the FSB were used by the Kremlin to attack Putin's nemesis, media tycoon Vladimir Gusinsky (for whose company, I should note here, I worked for a time). The campaign against Gusinsky and his associates lasted more than a year and included various intimidating actions: raids by masked security agents, searches, arrests and investigations. The cases mostly fell apart, but the tactics worked: Gusinsky was forced to leave Russia, and his media business was ruined. Similar methods were used against another business tycoon, Boris Berezovsky, who currently lives abroad. As a result, people who felt they weren't getting their fair share of the goodies saw the benefits of ''hiring'' law enforcers to improve their position against a competitor, or just to extort money.

Igor Yurgens, vice president of the Russian Union of Industrialists and Entrepreneurs, a group of business tycoons, said in a recent interview that his organization gets ''dozens

or hundreds'' of calls from provincial businessmen who complain of similar—if much more small-time—shakedowns. They tell stories of visitors calling on local businessmen and informing them that their businesses had not been properly registered some nine years before. The unfortunate entrepreneur then has a choice of paying the extortionists money or facing ''variants,'' which means, according to Yurgens, ''the use of law enforcement bodies with the purpose of redistributing property.'' In a similar fashion, Khodorkovsky's attackers may hope to rectify what they believe has been unfair distribution of the oil business or, for that matter, of political power.

Khodorkovsky may still be able to defend himself and defeat his attackers. He claims the president feels no hostility toward him. Because Putin is sure to be reelected next year, Khodorkovsky said, the current struggle is about ''who's going to be in the second echelon of his team.'' If Khodorkovsky's guess is right and it is indeed a faction in the Kremlin—not the president himself—going after him, his connections, money, reputation and skilled advisers may be enough to repel the attack. But however this affair turns out, it will have little if anything to do with proper judicial procedure. The general understanding in Russia is that in cases such as this, the ultimate decision is made not in the courtroom but at the top level of the Kremlin.

Certainly one would think that Putin would be concerned if indeed his top aides are using law enforcers to engage in self-seeking pursuit of power and wealth. But there is an even more important reason why he should worry about this sort of thing. Putin has for some time emphasized the need to lure foreign capital to Russia. He has not had much success. During his grand visit to Britain recently, the Russian president did his best to tout his country's ''favorable conditions for investors.'' The question is: How interested are foreign investors going to be when they see that even a world-class business cannot feel secure in Russia or expect to get justice in a court of law?

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to honor and commemorate the courageous men and women who served our country in the Korean War. On this 50th Anniversary of the end of the Korean War, it is my pleasure to honor and bear witness to those who fearlessly fought for our nation.

On July 27, 2003 the nation will solemnly reflect upon the dedicated, selfless, patriotic service of those great Americans who, at times of great peril, risked their lives, so that this great nation shall not perish from the earth. Through their service, they kept America strong and protected our way of life. Today, it is with great pride and patriotism that we remember these American heroes for their gallantry and bravery, for their roles in our community and their service to an eternally grateful nation.

Abraham Lincoln stated it plainly when he notably remarked that soldiers purchase liberty with ''the price of their blood.'' We, the American people, are all the heirs of freedom paid for with the blood of patriots. This great nation will not forget the service of our soldiers, of our disabled veterans, of our POWs, and, most certainly, we do not forget our MIAs and families they represent. The men and women of our Armed Forces answered the call to service with courage, conviction and bravery.

We should never forget our obligation to these heroic men and women who courageously served the freedom loving people of the United States and throughout the world. Sometimes forgotten and often ignored, these patriots have been unable to get much needed care from the government that they inexhaustibly served. While it is imperative that we remember the service of our nation's veterans, it is equally incumbent upon decision-makers to ensure that our government meets its commitment to all of our veterans. I pledge today that I will continue to fight, as I have during my entire career, to ensure that these veterans get the care they were promised and to which they are entitled. We will make certain that the flame of memory never dies.

Mr. Speaker, I ask that my colleagues rise to join me in extending the appreciation of the U.S. House of Representatives to the remarkable men and women who valiantly served in the Korean War for their brave and outstanding service to the United States of America. There is no more noble a cause for an American than to actively participate in the defense of our nation and its values. May God bless the defenders of our freedom both living and fallen.

TRIBUTE TO REAR ADMIRAL GARY ROUGHEAD

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HARRIS. Mr. Speaker, I wish to recognize and congratulate an outstanding Naval Officer, Rear Admiral Gary Roughead, upon his completion of more than two years of distinguished service as the Department of the Navy's Chief of Legislative Affairs for the United States Congress. I am honored as Admiral Roughead's United States Representative to commend his extraordinary achievements on the Navy's behalf from May 2001 thru August 2003 as well as his unparalleled devotion to our great Nation.

A 1973 graduate of the United States Naval Academy, Admiral Roughead became one of the Navy's finest Surface Warfare Officers. Through his tremendous leadership and vision, he navigated the Navy's legislative agenda through the tumultuous events following September 11, 2001, Operation Enduring Freedom and Operation Iraqi Freedom. This accomplishment alone has established Admiral Roughead's place in history.

Due to his incredible mastery of military issues and the legislative process, however, he also ensured favorable Congressional consideration of several high profile matters, such as Readiness and Range Preservation Initiatives (RRPI), DD (X)/ LCS, Vieques, and the Navy/Marine Corps Intranet. Additionally, Admiral Roughead nurtured strong personal bonds with many Members of Congress and their staff members, while positively impacting the Navy's current and future size, readiness and capabilities through the outstanding counsel and strategic insight that he provided to the Secretary of the Navy and to the Chief of Naval Operations.

Rear Admiral Roughead was recently nominated for an appointment to the rank of Vice Admiral. In connection with this promotion, he will be assigned as Commander, Second Fleet and Commander, Striking Fleet Atlantic, in Norfolk, VA.

Mr. Speaker, I wish Admiral Roughead continued success and fulfillment as he undertakes this new challenge. I know that my colleagues in the House join me in saluting this fine Naval Officer, who embodies the integrity, skill, and professionalism for which we venerate our brave men and women in uniform.

PHARMACEUTICAL MARKETING ACCESS ACT OF 2003

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today in strong support of H.R. 2427 to allow affordable prescription drugs to be sold in this country. American consumers continue to pay drug prices that are 30 to 300 percent more than in Europe and other industrialized nations and this is wrong.

The citizens of the 3rd District of North Carolina are like the citizens across this nation—they are looking to the Congress for help—prescription drugs in this country must be more affordable.

H.R. 2427 would allow individuals, pharmacists and wholesalers in America access to FDA approved drugs from FDA approved facilities in industrialized nations.

Studies show that over 50 percent of our nation's current drug supply comes from FDA approved laboratories overseas; the only difference is that American consumers do not benefit from the lower prices available in these foreign countries.

Those outside of Congress who are opposed to this bill have spent millions of dollars to keep American consumers from benefiting from H.R. 2427. In my opinion they have taken the low road in this debate.

Mr. Speaker I will close by saying that the citizens of America have the right to have access to affordable prescription drugs. The costs of research and development by pharmaceutical companies should not be on the backs of American consumers.

Like President Reagan said, ''markets are more powerful than armies.'' Allow for prescription drug importation and let the R&D costs be bourn by all the countries who are benefiting from these drugs.

It is my sincere hope that we can pass this legislation.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LEACH. Mr. Speaker, consideration of H.R. 2427, the Pharmaceutical Market Access Act of 2003 involves a mosaic of liberal, conservative and moderate concerns which make the case for passage compelling.

From a liberal perspective it is clear that America's social fabric is being wrenched as many of our citizens confront drug costs they cannot meet. From a conservative perspective it is apparent that the current system involves the placing of restraints on trade that a country dedicated to free markets should philosophically find untenable. And from a moderate perspective, it is troubling that the worldwide cost of pharmaceutical research is borne disproportionately by the American consumer with the consequence that the cost of drug development, which is paid for by the American taxpayer through support of institutions like NIH and the American consumer through prescription drug prices, has come to represent one of the largest foreign aid programs in history.

The question is whether the cost of drug research and development should be borne on an even basis by all countries or almost exclusively by the U.S. consumer.

There are, of course, issues of safety raised by this measure before the House, but they will exist whether or not this legislation passes. Indeed, it may arguably be claimed that there is a greater incentive for counterfeiting drugs in a circumstance where American prices are inflated relative to those in other countries.

In addition, enormous safety concerns arise when individuals cannot afford the drugs they need and these must be taken into account in any equation attempting to balance all elements of the safety problem.

Critics of opening up trade in prescription drugs properly note that the bill under consideration does not provide increased resources for the FDA to adequately inspect overseas drug production and sales. It is my strong sense that there is consensus in this body that Congress must address this issue and provide the FDA with greater resources should this legislation pass.

Mr. Speaker, the cost of prescription drugs is not an issue exclusively for those who require them. Prescription drug are a significant component of healthcare costs in this country and this high cost of American healthcare is one of the factors incentivizing companies to invest and in many cases relocate abroad.

Bringing down drug costs is thus a jobs issue for all Americans as well as a cost concern for those individuals who rely on particular medicines.

Mr. Speaker, the pharmaceutical industry deserves our respect for having made scientific breakthroughs that have been of lifesaving significance to countless individuals. The revolution in sophistication of drug treatment is just beginning, and care must be taken not to radically erode the industry's research base, but the pharmaceutical industry should not be more protected from market forces than other industries.

Protectionism is generally counter-productive, but seldom has a set of laws designed to provide a protective cocoon for an industry proven more cost disadvantageous for the public. I know of no industry which has such a substantially higher price structure in this country than abroad. Indeed, the genius of the American marketing structure is that there is virtually no processed commodity that cannot be bought cheaper here than abroad. The singular major exception is prescription drugs.

The most effective antidote to this market malady is competition. The public interest requires adoption of the Pharmaceutical Market Access Act of 2003.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize readiness of disadvantaged children, and for other purposes.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to H.R. 2210 the School Readiness Act. This is a bad bill that will bring significant changes to one of our nation's greatest success stories: the Head Start program.

The Head Start program was established in 1965 as part of the War on Poverty. The program was created to give low-income youth an opportunity to receive quality preschool education, so that they would not enter kindergarten at a disadvantage. In addition to preschool classes, Head Start also emphasizes medical, dental, and mental health; nutrition; and parent involvement.

Since its inception, the program has grown and undergone some modifications, but has remained a federal program, with federal standards, and with funds provided to the local Head Start programs.

This bill proposes to change that. It will end Head Start as we know it by weakening educational standards and threatening to dismantle the effective and high-quality Head Start program that has helped more than 20 million children and their families.

While the bill would make quality improvements to Head Start that I support, virtually all of these improvements, as well as the existing quality requirements, would be undone by turning Head Start over to the States in the form of a block grant.

Under the block grant, states are not required to follow the Head Start performance standards. I fear that this will weaken educational standards, by increasing class size, increasing child-teacher ratio, shortening program duration, cutting off three-year-olds from services, and using unproven curricula. In addition, there is no guarantee that the pilot programs will maintain the comprehensive services, including elimination of parent classroom involvement, health and mental health screenings and services, adult literacy services, vision and dental services, and health and nutrition education, that have made Head Start so successful.

Mr. Chairman, I support Head Start, but I cannot support this bill. It takes a giant step backwards in providing vital services to our Nation's most precious assets, our children. I urge my colleagues to join me in voting no on this bill.

NINO JOACHIM TOLENTINO, 31ST ANNUAL SCRIPPS HOWARD REGIONAL SPELLING BEE CHAMPION (GUAM), 76TH ANNUAL SCRIPPS HOWARD NATIONAL SPELLING BEE PARTICIPANT (WASHINGTON, DC)

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate Nino Joachim Tolentino for winning the 31St Annual Scripps Howard Regional Spelling Bee on Guam and his advancement to the 76th Annual Scripps Howard National Spelling Bee in Washington, DC where he proudly represented our island.

Nino's spelling bee victory on Guam allowed him to compete nationally. At the national spelling bee, Nino successfully advanced to the third round. Although he was not ultimately victorious, Nino will walk away with an incredible experience, and a knowledge of the definition of ''farouche'', the word he spelled to propel him into the second round.

Nino is an eighth-grader at Santa Barbara School in Dededo, Guam. Nino has aspired to compete in the National Spelling Bee since placing third in his fifth grade regional competition. By studying the origin of words, their definitions and its pronunciation, Nino devised his own method for spelling new words. Additionally, the support of Santa Barbara School, particularly his vice principal and coach, Sister Maria Rosario Gaite, helped Nino prepare for competition. Nino's success illustrates the importance of dedication and commitment in pursuing goals.

On behalf of the people of Guam, I want to commend and congratulate Nino Tolentino for his accomplishments. Guam celebrates with Nino's mother, Joy Tolentino, and the faculty, staff and students of Santa Barbara School, in acknowledging his achievements. I look forward to Nino's continued success in the future.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DINGELL. Mr. Speaker, I wish to thank Chairmen TAUZIN and BILIRAKIS for working in the true spirit of bipartisan cooperation on this issue. We have developed a compromise to protect health care coverage for hundreds of thousands of children under the State Children's Health Insurance Program (SCHIP).

The SCHIP program was enacted in 1997 and currently provides health care coverage to approximately 4.3 million children. But there have been some growing pains: the state funding allotment mechanism has not worked perfectly and as a result, some states have

been left with excess funding and others with too little.

Nearly $1.2 billion of funding intended for children's health insurance coverage was returned to the Treasury over the past few years—not for lack of need, but as a result of these problems with the funding allocation.

Our bill will first preserve the $1.2 billion in funds for states to use through fiscal year 2004.

In addition, the bill extends for one additional year the availability of $1.5 billion in SCHIP funds from fiscal years 2000 and 2001 allotments, thereby allowing 50 percent of each year's unspent money to be retained by states that have not used their entire allotment.

The remaining 50 percent of unspent money would be distributed to states that have spent all of their respective year's allotment.

Finally, the bill will allow certain states to use a portion of their unspent funds for children covered through Medicaid.

I again thank the Chairman for his efforts to move this legislation forward and protect health care for children under SCHIP. I hope that the Senate will act quickly so that we can get this bill to the President's desk and expedite the flow of needed funding for children's health care.

NATIVE AMERICAN VETERANS BURIAL FAIRNESS ACT OF 2003

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of New Mexico. I rise today to introduce the Native American Veterans Cemetery Act of 2003. This bill would make all Native American tribes eligible to apply for state cemetery grants. Under the current law, only states are eligible for veteran's cemetery grants. Supported by the Navajo Nation, the largest federally recognized tribe, this bill would not give preference or special exceptions to Native American tribes that apply for the state cemetery grants. It would simply allow tribes to apply for grants to establish, expand or improve tribal veterans cemeteries.

In addition to a resolution adopted by the Navajo Nation Council, the New Mexico and Arizona state legislatures have both passed memorials urging Congress to adopt this measure. New Mexico is home to almost 9,800 Native American Veterans, making it one of the top five states in the country with regard to its Native American veteran population. I believe it is time that Native American veterans who have served our country so honorably are allowed to pursue a decent, dignified resting place on their tribal lands.

HONORING MARCUS GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize and celebrate the anniversary of his birth on the 16th of August and to praise Marcus Garvey for his seminal contribution to the civil rights movement.

Marcus Garvey, born in rural St. Ann's Bay, Jamaica rose from the humblest of beginnings to attain international stature. He brought African nationalism and pride to the oppressed African-American community. In doing so, he challenged mainstream white America and predominant racist stereotypes. The passion and fervor with which the African-American community responded to Marcus Garvey's arrival indicated the boiling energy and pride that existed but without leadership. Marcus Garvey provided that leader, took pride in his skin color, and demanded that others do the same. In doing so, he energized a generation of African-Americans and laid much of the groundwork for the civil-rights movement.

In 1914, Garvey formed the Universal Negro Improvement Association (UNIA) and the African Communities League (ACL) while studying in England. In doing so, Garvey sought ''to work for the general uplift of the Negro peoples of the world.'' At its peak, in 1922–1924, Garvey's movement encompassed over 8 million proud followers. Through the hundreds of UNIA chapters throughout the world and the newspaper Negro World, Garvey encouraged and worked for economic success and political influence for his followers. He urged people of African descent to create their own businesses and to wield the influence that accompanies personal wealth. He refused the notion that African-Americans could not succeed as entrepreneurs in the mold of Rockefeller and Carnegie. Such notions were novel and exciting for oppressed minorities around the world.

In what would prove to be a fatal mistake, Mr. Garvey organized a steamship company called ''Black Star Line.'' Garvey designed his company to realize his dream of a powerful African nation built on the foundations of black culture and independence. The fundamental principle of Garvey's repatriation to Africa movement was one of pride. He wanted people of African descent to celebrate themselves and raise their culture to international prominence. Garvey awakened, energized and cultivated the modern nationalist movements that eventually opposed European colonial domination and began African self-determination.

Garvey sought to combat the racism and the stigma of black skin that had seeped into the culture of his own people. He made black dolls for black children and called for separate black institutions under black leadership. Mr. Garvey's pride and his activism threatened white America, and J. Edgar Hoover quickly took notice. After failing to uncover any evidence of subversion, Marcus Garvey was arrested and convicted of mail fraud relating to ''Black Star Line.'' His sentence was eventually commuted, and Garvey was deported to his native Jamaica.

Considering that Marcus Garvey spent only 10 of his 52 years in the United States, his impact on our culture was phenomenal. The ideas that Mr. Garvey espoused were not necessarily phenomenal in their originality, but Mr. Garvey's charisma and rhetorical excellence forced not only African-Americans, but mainstream America, to listen to his message. While I encourage my colleagues to reexamine H. Con. Res. 74, exonerating Marcus Garvey, I've risen today so that Mr. Garvey's legacy and his contributions to racial equality are not forgotten.

I would like to share with you an Op-ed that I wrote in March of last year in support of H. Con. Res. 74.

In 1987, the centenary of Marcus Garvey's birth when I first introduced legislation to exonerate the great civil rights leader, the New York Times cited a study of J. Edgar Hoover's role in Garvey's prosecution:

''Hoover saw the blacks and the reds as a larger conspiracy. The new Negro movement, which Garvey symbolized, Hoover saw as a terrible threat to the American way.''

Even then, in 1987, Hoover remained a near sacrosanct figure in Washington, not yet fully exposed as a bully who wielded the power of the nation's preeminent law enforcement organization. Today, the late former director of the FBI is widely discredited as a power-hungry blackmailer of U.S. presidents and a hateful bigot and slanderer of Martin Luther King who shied away from prosecuting organized crime while doing everything in his power to intimidate and undermine leaders of civil rights aniti-war movements of the 1960's.

As Hoover's reputation declines—a pending bill in the U.S. House of Representatives would strike his name from FBI headquarters in Washington—Garvey's is rising. Last year's PBS documentary on Garvey placed his name among the giants of American 20th century Black history.

Marcus Garvey was one of America's great Black leaders and in the early 1920's he was wrongfully prosecuted and imprisoned on charges of mail fraud. It is time high time that the Congress of the United States of American recognizes this injustice and clear his name.

Born in St. Ann's Bay, Jamaica, August 17, 1887, Garvey epitomized the strength and pride of the people of the Caribbean. Garvey was virtually self-taught, reading voraciously from his father's extensive library. By 1910, and when residing in Kingston, he quickly established himself as a spellbinding orator and political organizer.

Garvey's philosophy and accomplishments challenged the myths of inferiority that demeaned people of African heritage in the 1920s. When lynching of Black men was commonplace, when house burning by Southern Klansmen and northern rioters were routine when theories of white supremacy were acceptable and notions of equality subversive, Marcus Garvey preached racial pride and economic independence.

He raised more than one million dollars from thousands of investors in the United States, the Caribbean, Africa and Europe to establish the Universal Negro Improvement Association (UNIA) and his well-known Black Star Line steamship company. The Black Star Line was established to purchase ships to initiate trade with and evenutually carry New World Blacks to Africa. Indeed, one of Garvey's most important legacies was his internationalism, his recognition that the struggles of the Black people of America were linked by blood and history to the quests for independence by people of color around the world.

Garvey's success inevitably drew suspicion of an ambitious J. Edgar Hoover, who ordered the surveillance and infiltration of Garvey's UNIA. When evidence of subversion failed to turn up, Garvey was indicted on a business offense. Garvey's trial was a mockery of justice. The charges were confused, the evidence flimsy, and the judge biased. To make matters worse, Garvey insisted on defending himself.

In 1923, Garvey was convicted of mail fraud and sentenced to five years in prison. His appeals to higher courts were promptly denied. Numerous petitions for Presidential pardons signed by thousands of the very people whom he was accused of defrauding-were rebuffed.

Garvey's prosecution was one of this nation's great miscarriages of justice. This fact has been well documented by Prof. Robert

Hill, editor of the Garvey papers at UCLA, historian John Henrik Clark and others.

Yet, the government has held firm in its conviction that Garvey was a ''menace,'' as he was described by the young J. Edgar Hoover, who made Garvey one of his first targets, as FBI director. Among his last was Martin Luther King, a philosophical successor to Garvey, who was branded a ''communist,'' wiretapped and hounded by the aging Hoover.

It may be difficult to comprehend today, but in the racial climate of the 1920's, Garvey success was his greatest liability. At a time when Black people were stigmatized as intellectually inferior—and were economically more disadvantaged than today accomplishments of the magnitude achieved by Garvey were immediately and almost universally dismissed as fraudulent. But as Garvey's mystique has grown, so too has our understanding of the wealth of his contributions and his historical importance as the trailblazer for the great civil rights leaders who followed.

In the United States, where he lived for 10 of his 53 years, Garvey inspired hundreds of thousands of Black American supporters with hope for a better future. Today, he stands out in the pantheon of Black America's greatest and most controversial leaders. But in the records of the U.S. Department of Justice and the Federal Courts, Garvey remains ex-convict number 19359.

Almost 75 years ago, Marcus Garvey was released from Atlanta Federal Penitentiary, his sentence commuted by President Calvin Coolidge. Deported to his native Jamaica, Garvey died 13 years later, and entered history as that nation's preeminent hero. As a role model to millions of common people in the Americas and the Third World, he would inspire the independence movements that liberated colonial Africa.

Despite the harassment and the weakness of the evidence against him, Garvey's prosecution may have been inevitable in the 1920's. But by unbiased standards, the charges were not substantiated and his conviction was not justified. We cannot overturn the verdict but we can prove that times have changed and that we now know better.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. CAPUANO. Mr. Chairman, I rise tonight in opposition to H.R. 2210, the School Readiness Act of 2003. Head Start has provided a strong foundation for millions of children over the past 38 years. The program was created in 1965 to help young children become more academically prepared for school and to encourage healthy families. Head Start, which currently assists over 900,000 children, is the only major federal effort to provide comprehensive social and educational services. Head Start targets the nation's poorest children, those living in families at or below the federal poverty level as well as children with disabilities and special needs. It emphasizes not only children's cognitive development but also their social, emotional, and physical development and encourages strong parent involvement.

H.R. 2210 reauthorizes the Head Start program through Fiscal Year 2008. While the measure seeks to improve the school readiness by increasing the focus on academic performance, the bill's authorization provides only 2.9 percent more than the FY03 appropriation, just barely enough to cover inflation. I have other serious concerns with this reauthorization legislation. In particular, H.R. 2210 changes current law to permit religious organizations who run Head Start programs to discriminate in hiring employees based on religious affiliation. The bill also establishes a demonstration program that permits eight states to integrate their own preschool programs with the federal Head Start programs. This is the first step in a concerted effort by the Majority to block grant Head Start and take oversight away from the federal government. I believe block granting will weaken performance standards and ultimately could lead to a dismantling of the entire program.

As a strong supporter of Head Start, I believe we should be focusing on ways to build upon the success of the program by strengthening school readiness, improving program quality and accountability, and expanding access to more eligible children. For that reason, I support the substitute offered by Representative MILLER. The substitute strengthens Head Start's focus on preliteracy, language and premath skills while improving teacher quality by requiring 50 percent of Head Start teachers to have bachelor's degrees by 2008 and prohibiting new hires without associate's degrees after 2005. The Miller proposal creates salary and scholarship funds to ensure Head Start teachers are able to remain with Head Start for several years. Most importantly, it expands access to all pre-school students, expands access to Early Head Start and increases the flexibility of Head Start programs to meet community local needs.

During a time where there is a lot of talk about ''Leaving No Child Behind'', let's truly stand up for the children who need our help the most. The research is clear—children who participate in Head Start arrive at school better prepared than low-income children who do not participate in the program. This high quality program must be preserved—it works and it works well. It is illogical to cut funding or weaken this proven program. I urge my colleagues to vote against H.R. 2210 and for the Miller substitute to ensure that vital, comprehensive services remain available to all Head Start participants.

THE ENVIRONMENTAL TERRORISM REDUCTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, throughout our history, America has been a country committed to justice. In the wake of an 1837 mob lynching of an abolitionist newspaper editor, our great leader Abraham Lincoln urged his fellow Americans to ''let reverence for the laws . . . become the political religion of the nation,'' to let legislatures and judges chosen by the people, rather than lynch-mobs motivated by passion and hatred, decide important issues. In the end, Lincoln's philosophy was vindicated. Our nation remains united, and we are committed to the rule of law.

But there is a minority of Americans who refuse to abide by this covenant. They believe the rule of law does not apply to them, and in the forests and communities of Oregon and the Western United States, their actions are a rapidly growing problem.

Oregon has seen a growing number of incidents of environmental terrorism. I have traveled to the site of one of these, a Boise Cascade building that was burned down by the Earth Liberation Front (ELF) on Christmas day a couple of years ago.

While environmental terrorists claim that they don't want to harm people, they need to sit down with the volunteer firefighters who were roused from their beds early on Christmas morning to fight the blaze they started.

You see, the way incendiary devices used in arsons work, the buildings targeted by environmental terrorists often fall in very quickly, and we are extremely lucky that none of the brave women and men who fight fires have been seriously hurt or killed in one of these blazes.

In 2001, poplar trees involved in a research project at Oregon State University were destroyed by a group expressing concern about genetically modified organisms. The ironic thing about this is that the trees were involved in research designed to prevent genetically modified organisms from spreading into the wild—a goal which the saboteurs probably support.

Unfortunately, neither side in the battle over the environment has a monopoly on the use of violence—both environmentalists and those who oppose increased protections of our natural resources have resorted to illegal tactics to advance their causes.

Federal land managers have been harassed, intimidated, and threatened by those who are opposed to environmental protections. For example, in 1997 ranchers in New Mexico threatened to kill Forest Service employees enforcing protections for endangered species.

Let me be clear: using violence or intimidation in the name of a political cause is wrong. In a democracy, we fight for change at the ballot box and in the halls of our legislatures, not with pipe bombs and incendiary devices.

I strongly urge my fellow colleagues to ensure that our local, state, and federal law enforcement officials are effectively upholding the law. That said, environmental terrorism poses additional challenges for the law enforcement community.

It is a well-know fact that very few environmental terrorists have been caught. These groups have no formal organization, and they act in small terrorist cells, which are autonomous from one another.

Because these crimes are investigated with limited resources and manpower, local law enforcement officials have little success in successfully closing these cases.

For the second Congress, I am attempting to reverse the current situation by sponsoring the Environmental Terrorism Reduction Act. This bill would provide federal assistance where it is needed most, at the local level.

This legislation would require the Attorney General to establish a national clearinghouse

for information on incidents of ecoterrorism, with the hope that investigators stay ahead of the curve in preventing additional acts of terror.

In addition, it would establish the Environmental Terrorism Reduction Program in the Department of Justice. This program would authorize the Attorney General to designate any area as a high intensity environmental terrorism area. After making such a designation local law enforcement agencies could access federal funding to assist them in solving and preventing these types of crimes in the future.

This program is similar to the Department of Justice's High Intensity Drug Trafficking Area program (HIDTA), which has been extraordinarily useful in Oregon and other states in helping make our communities better places to live.

I ask my colleagues to join me in this goal, and to support the Environmental Terrorism Reduction Act.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong opposition to H.R. 2210. If you're looking for a way to dismantle a proven, beneficial, effective program, then this bill is for you.

The Head Start program has been a success for nearly 40 years. During that time, it has served over 20 million children. In fact, there are members in this House that were Head Start children who attest to the program's success. Instead of passing this bill, which could potentially increase class size, cut off services to 3-year-olds, and eliminate crucial health services, we should be improving Head Start by fully funding it.

Thousands of children in my district attend the Head Start program. To be exact 3,023 children in Northern New Mexico could be affected by this bill. Of those children, 86 percent live in families that have incomes below the federal poverty line. Ninety percent receive basic health care and are twice as likely as other low-income children to receive basic medical care. We have 60 Head Start centers in my district, and 162 classrooms. Passage of this bill means an unknown future for these children. Will the quality of their education be put in jeopardy? Will they continue to receive medical care? Will their teachers be hired on a discriminatory basis?

We must not ignore the successful history of the Head Start program. If we really want to improve the program, we should fully fund the program to expand access to all eligible preschoolers, improve access to Migrant and Seasonal Head Start, improve teacher quality by requiring that more teachers get bachelor's degrees, and enhance Head Start's focus on pre-literacy, language, and pre-math skills.

Groups in my district that oppose passage of this bill include the Jicarilla Apache Nation, the Pueblo of Isleta, and the Pueblo of Acoma. National groups opposing this bill include the NAACP, the National Education Foundation, the ACLU, the Coalition Against Religious Discrimination, the National League of Cities, and Catholic Charities USA, among many others. This long and diverse list is proof of the many problems with this bill.

I cannot conclude my statement without expressing my concern that this is a disturbing pattern for the Majority on education. Numerous programs—Head Start, college aid, public school education—are in danger of being dismantled. I will continue to defend programs that are proven to work, fight to fully fund those programs, and oppose efforts to dismantle them. This bill is no exception and I urge a no vote.

IN SUPPORT OF THE YEAR OF THE KOREAN WAR VETERAN RESOLUTION, H. CON. RES. 212

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise in support of H. Con. Res. 212, the Year of the Korean War Veteran resolution, and I commend its sponsor, my colleague, Congressman SAM JOHNSON of Texas.

The resolution marks the final year of the United States' 50th anniversary of the Korean War Commemoration and the 50th year of the Armistice.

We celebrate the Armistice which ended the War, but we do so with the knowledge that no formal peace treaty was ever signed, and that only a fragile peace has endured across the tense demilitarized zone dividing North and South. The conflict, so aptly called ''the Forgotten War, took 54,000 American lives. Another 103,000 Americans were wounded, 5,000 were missing in action, and 7,000 were held as prisoners of war. The sacrifices of America's fighting men and women transformed Korea into a thriving economic partner of the U.S. and a powerful front-line democracy against the tyranny of communism.

Fifty years after the end of hostilities, the guns across the border are still silent, but the region and the world are increasingly fearful of the possibility of a new war on the peninsula. With the announcement of its nuclear capability by the government in the North, not only the U.S., but our friends in the region—Japan, China, Russia, and particularly South Korea, are now searching for ways to diffuse an impending crisis.

North Korea's intentions are not entirely understood, but the country's militancy are clearly worsened by its poverty and isolation. The situation requires a skillful hand in dealing with a government that sometimes seems motivated by desperation.

I encourage President Bush to work with our allies in the region in pursuing negotiations and a peaceful resolution of a growing crisis. Threats and intimidation will not succeed in our dealings with North Korea.

FINANCIAL AID SIMPLIFICATION ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. EMANUEL. Mr. Speaker, today, along with Congressman BUCK MCKEON and 13 additional bipartisan cosponsors, I introduced the Financial Aid Simplification Act of 2003. This bill stands to make applying for financial aid significantly easier for students and families.

The process of applying for the Pell Grant and other student financial aid is unnecessarily complicated. The Free Application for Federal Student Aid (FAFSA) is a one hundred-plus question, extremely complicated form that creates an unnecessary barrier to students applying for aid.

The bill directs the Advisory Committee on Student Financial Assistance, which provides advice and counsel to Congress and the Secretary of Education on student financial aid matters, to conduct a thorough study, within two years, of how to streamline the aid process and make it easier for students. Within one year after the study is completed, the Secretary of Education must implement the recommended changes.

The Committee's goals will include significantly reducing the number of questions on the FAFSA, simplifying the language used on the form itself, revising the needs analysis formula to reduce the administrative burden for students, higher education institutions, and the federal government, and allowing certain students to be fast-tracked through the application process when they have already provided financial information to the federal government by qualifying for other forms of federal financial assistance.

In addition, Mr. Speaker, the Financial Aid Simplification Act of 2003 requires the Secretary of Education to make special efforts to notify students who qualify for free lunch or food stamps of their eligibility for the maximum Pell Grant. This bill will go a long way to help American families gain access to higher education. I strongly encourage my colleagues to support this important legislation.

ARTICLE BY AMBASSADOR ASMEROM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ENGEL. Mr. Speaker, I rise to call to the attention of the House of Representatives an article by Girma Asmerom, Ambassador of Eritrea to the United States. His article celebrates July 4th, American Independence Day, and discusses the challenges of the young independent nation of Eritrea. Highlighting Eritrea's developing democratic system and successful campaign to stamp out corruption, Ambassador Asmerom states that his people seek ''trade and investment, not handouts from our partners and taxpayers.'' I thank Ambassador Asmerom for his kind words during July, the month we celebrate America's independence, and wish the people of Eritrea well in the days ahead.

I submit the article by Ambassador Asmerom into the RECORD at this point.

[From the Metro Herald, July 4, 2003]

A TALE OF TWO INDEPENDENCE DAYS

(By Girma Asmerom)

When Americans celebrate their Independence Day on July 4, they commemorate 227 years of struggle to create a free and prosperous society. The fruits of that struggle are here around us, to observe and to enjoy.

America did not emerge from British colonial rule fully formed as a complete, liberal, democratic state. The outcome of the American Revolution was not a foregone conclusion on July 4, 1776, and even after the peace treaty with Britain was signed in 1783, it was unclear whether the 13 colonies along the eastern seaboard would continue to exist in harmony.

The American Constitution (1789) and the Bill of Rights (1791) laid the foundations for a free society. But bumps along the road were sure to come, and they did. The Alien and Sedition Acts of 1798 threatened the freedoms guaranteed by the First Amendment (freedoms not fully clarified through the judicial process until after World War I!). The War of 1812 threatened a loss of independence through invasion by the former colonial power, Great Britain. And although the Declaration of Independence clearly stated that ''all men are created equal,'' slavery did not end until the U.S. Civil War was fought and half a million Americans died in it.

Every American, no doubt, can relate a favorite story from American history that shows how, through trial and error, the United States has evolved—through blood, sweat, toil, and tears, as Winston Churchill put it in another context—making Independence Day celebrations that much more precious.

Imagine, then, what it must be like to live in a country that has been independent of foreign domination for only a few years—to be precise, twelve years.

That is what it is like for my country, Eritrea. After successive colonization by Turkey (1557–1865), Egypt (1865–1884), Italy (1890–1941), Britain (1942–1952), and Ethiopia (1952–1991), we commemorated 12 years of independence just a few weeks ago, on May 24.

Tor three relentless decades, the Eritrean people fought for independence against Ethiopian occupation and incredible odds without any assistance from governments or outside forces. We achieved self-determination through a U.S.-supervised referendum in 1993. We are developing a democratic system in keeping with the values of our people and with their full support. We have indeed taken measures to protect our national security, as is our right—indeed, our obligation to our people. We are proud of the achievements of our country over a little more than a decade.

In that time, Eritrea has challenged the scourge of developing countries, government corruption, which is, admittedly, endemic in much of Africa. I am happy to report that the U.S. Department of State pointed out in 1998: ''Corruption is not a significant barrier or hindrance to investment or trade in Eritrea.'' The distinguished Canadian journalist, Peter Worthington, added: ''. . . while [Eritrea is] the world's newest independent state (1993) and one of Africa's poorest countries, it's also the safest, least corrupt, most self-reliant.''

Like the countries of Central and Eastern Europe, Eritrea has spent the past dozen years emerging from the strangulation of Soviet-backed Ethiopian occupation. Like the United States in its formative years, six years after its independence, under the pretext of border conflict, Eritrea suffered invasion by its former colonial overlord (Ethiopia), leading to the death of 120,000 Ethiopians and 19,000 Eritreans, as well as displacement of countless families. This war also brought massive economic destruction to both countries.

One of our major challenges is the current unprecedented famine. This is a temporary situation brought about as a consequence of a complete failure of rains last year, in addition to the dislocation resulting from Ethiopia's invasion. To overcome these circumstances, the Government of Eritrea and its people, with the assistance of the international community, are exerting relentless efforts. More can be done, of course, but we are doing the best we can with limited resources.

Success will come. We have as our model Eritrea's achievements in public health. The U.S. Agency for International Development notes: ''Despite Eritrea's rank as one of the poorest countries in the world, it ranks 31st in healthy life expectancy.'' Eritrea has one of Africa's lowest rates of HIV/AIDS infection, only 2 to 2.5 percent; it has eradicated polio; and in 2002, it reduced malaria in children under five by half.

Eritreans, dedicated to their tested vision, as a matter of policy refuse to look for foreign economic assistance to bring economic development. We seek trade and investment, not handouts from our partners and taxpayers. Eritrean-Americans living in communities across the United States are natural lines of communication between our two countries and peoples, encouraging further engagement and future U.S.-Eritrean commercial ties.

Americans have much to celebrate on the Fourth of July. We Eritreans take this opportunity to salute and congratulate the American people on their Independence Day.

PAYING TRIBUTE TO FRANK MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to recognize Frank Martinez for his courageous act which saved the life of Kelly McNeil. The Carnegie Hero Fund Commission awarded Frank a Bronze Medal in recognition of the risk and valor he displayed in this selfless act. I am proud to join my colleagues here today in applauding Frank for his heroic action.

Kelly McNeil was fishing on San Luis Lake with his family when he suddenly fell from his boat into the lake. After an unsuccessful rescue attempt by Kelly's son, Frank swam 600 feet out into the lake to rescue Kelly. Frank proceeded to position Kelly on his back to keep him above water and then made his way back to shore. Thanks to Frank's heroism, Kelly recovered quickly after receiving treatment for hypothermia.

Mr. Speaker, I am honored to recognize Frank before this body of Congress today. His brave act serves as a reminder to all Americans of the courage upon which our great nation is founded. I congratulate Frank on the prestigious award that has been bestowed upon him and wish him all the best in his future endeavors.

HONORING THE LIFE OF STUART FINLEY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of my good friend, Mr. Stuart Finely.

Present-day Northern Virginia is characterized by swaths of economic and residential growth, traffic, and the frenetic pace of those eager to get ahead. But amid this hustle and bustle lies the unique community of Lake Barcroft—a place that holds a special place in my heart and in the hearts of all of those lucky enough to have lived along its shores.

Lake Barcroft is a man-made lake located in the vicinity of Seven Corners area of Northern Virginia, offering an oasis of peace and tranquility in an otherwise busy suburban region. As with many such places, the work of a few dedicated souls has been instrumental in creating and maintaining the special flavor so many now enjoy.

Stuart Finley was such an individual. A man whose dedication and industry were instrumental in making Lake Barcroft the special place it is today, and without whom the lake might not even exist.

Over a span of almost fifty years, Stuart dedicated innumerable hours to projects involving the lake. He was an early president of the Lake Barcroft Community Association, then later served as chairman of the engineering committee. But through the numerous positions with different organizations, perhaps the most fitting title for Stuart was ''community problem solver.'' Be it organizing dredging projects or the purchase of the lake itself, Stuart was intimately involved.

Mr. Speaker, in closing, as a resident of Lake Barcroft, I wish to express my gratitude to Stuart Finley and pay tribute to his lifetime of community service. Northern Virginia is a better place due to his efforts, and I appreciate this opportunity to express my regret at his passing.

IN RECOGNITION OF JULY 26 DAY—LIBERIAN INDEPENDENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. PAYNE. Mr. Speaker, I stand today to mark the 156th anniversary of Liberian independence. On July 26, 1847 a young African American man from Virginia named Joseph Jenkins Roberts declared the colony of Liberia in West Africa an independent republic. The anniversary of this great day provides us with an opportunity to reflect on the history and progress of this nation. The recent civil strife and the impending humanitarian disaster add a sense of urgency to our thoughts.

In 1820, the American Colonization Society founded the Republic of Liberia, with a grant from President James Monroe as a place to send free Black Americans. Over the years, freed slaves and their offspring continued to settle in this small West-African state. In 1847, the people of Liberia declared their independence. They gave their country a flag and a

constitution modeled on that of the United States.

However, independence did not spell the end of Liberia's close historical links with the United States. American companies, such as the Firestone Rubber and Tire Company, have played an important role in shaping the Liberian economy. Liberia has been an important political ally of the United States. During the two World Wars, the republic allowed the United States to station troops on its soil. As the Cold War reached its peak, a mutual defense pact was signed and the United States built communications facilities to relay a ''Voice of America'' signal throughout the continent.

Unfortunately, the progress that Liberia made over the years has been spoiled by over a decade of civil war. The war has claimed the lives of 300,000 people, and has recently intensified, causing a humanitarian disaster on a large scale. A half of the population has been forced to flee their homes. Disease, death and destruction have become everyday elements of Liberian life.

Mr. Speaker, I am sure my colleagues in the House will agree that immediate action is imperative in Liberia. Every day that we delay intervention, more lives are lost. The people of Liberia call out for our help. We have a moral obligation to act. Plans for a multinational peacekeeping force led by the United States in conjuncture with troops from the United Nations and the Economic Community of West African States have been suggested. I am pleased to note that the President announced this morning that the United States will be positioning our military forces off the coast of Liberia to begin the process of assisting in this situation. My only hope is that this offer of assistance will soon be translated into practical concrete aid.

Let us give the people of Liberia something to celebrate this Independence Day. Let us help this great people recover the liberty from which their country takes its name. Let Liberia live!

IN RECOGNITION OF DIANE FURNAS, NEWLY ELECTED CHAIRWOMAN OF THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Diane Furnas, chief executive officer of Southwest Airlines Federal Credit Union in Dallas, TX, Ms. Furnas has recently been elected Chairwoman of the Board of the National Association of Federal Credit Unions (NAFCU).

Ms. Furnas' dedication to the credit union movement is illustrated by her thirty years of service to the credit union community, including more than 27 years in her current position as the CEO of Southwest Airlines FCU. Ms. Furnas has spent the last three years as the Vice-Chair of NAFCU and she is the first woman elected to chair the NAFCU Board.

Throughout her tenure at Southwest Airlines FCU, Ms. Furnas has worked diligently to ensure her credit union's 28,000 members have access to high quality financial expertise. As a member of the Board at NAFCU, Ms. Furnas has been equally diligent in advocating the goals of the credit union community as a whole. From financial literacy to predatory lending and identity theft, Ms. Furnas has ensured that America's 82 million credit union members have a voice here in the nation's capitol. I am certain she will carry on that good work in her role as Chairwoman of NAFCU.

NAFCU is the only national trade association that exclusively represents the interests of America's federal credit unions and Ms. Furnas will—no doubt—serve with distinction in her new post. I would like to congratulate Ms. Furnas on her election and wish her the best of luck.

ACTIONS TAKEN BY THE HOUSE OF REPRESENTATIVES

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LOFGREN. Mr. Speaker, as the House prepares to go out on recess, I leave dumbfounded by many of the actions this House has taken in these last days. Last night, this Republican led House took the first steps in the destruction of an important program whose aim is to help the children of low income parents be better prepared to succeed when they go to school and ultimately succeed in their lives. Instead of making these changes that can only hurt this program, we should have been working together, regardless of party, to strengthen a program that has served so many children so well for almost forty years. Many in this House talk a great game about being ''Compassionate Conservatives''. What they did last night to Head Start was neither.

If this was the only mistake we were going to make this week, it would be one thing. Yet today, this House is poised to step up its attack on the lives and hopes of our most precious resource, the young people of this country. President Bush often speaks about the need to expand another program that directly benefits many of our younger constituents. That program is AmeriCorps.

President Bush often speaks about his respect and devotion to the concept of national service. Indeed in his last two State of the Union addresses and in numerous speeches around the country, this president has urged Americans to devote time and energy to community projects. In issuing this challenge he pledged his best efforts to expand government programs of national service.

It is difficult to understand how the main instrument of such service—the AmeriCorps program—could possibly be allowed to shrink on his watch. Indeed, the program is wildly popular among many local and faith-based agencies that often place AmeriCorps workers to help organize and coordinate local volunteers. We know that governors and mayors of both parties praise AmeriCorps daily. When President Bush was Governor Bush he often praised AmeriCorps.

Yet today, this House will be asked to approve a supplemental spending package that contains no additional funding for Americorps. I wonder why President Bush has not used his leadership skills to convince his Republican colleagues that having a vibrant, properly funded Americorps is indeed vital to our national interest.

If these two actions were not bad enough, today we will vote on a bill that dramatically skimps on programs for Americans who have answered our country's call to arms, our proud veterans. We should never break our promises to veterans. This VA–HUD Appropriations bill will not meet our veterans' needs. Its increase from last year is $1.4 billion, and does not even keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

Mr. Speaker, I wonder if my fellow Americans know that an average of 200,000 veterans are forced to wait six months or more for an appointment at Veterans Administration hospitals. Some even die before they get to see a doctor. A new report, released by the American Legion this month reminds this Congress that veterans are waiting six months or more for medical care, as the overburdened Veterans Affairs health system fails to keep pace with an ever growing demand. All members of this House should be ashamed to face veterans when we return to our districts for considering this awful budget for our veterans.

Even the President's own Task Force to Improve Health Care Delivery for Our Nation's Veterans acknowledged the problem, stating ''there is persistent concern about the inability of VA to provide care to enrolled veterans . . .''

The President's Task Force also noted that ''the Federal Government has been more ambitious in authorizing veteran access to health care than it has been in providing the funding necessary to match declared intentions.''

The VA–HUD bill that we will consider today contains a very disappointing but not surprising outcome for housing programs. Appropriators assert that if anyone is to blame it is HUD for an inadequate request, but Congress approved the budget request after hearing from advocates that the Department's request was inadequate.

This bill provides inadequate funding to address rising housing costs and the increasing number of low income people who are unable to afford a home. Funding for the Housing Choice Voucher program will not fully fund all vouchers currently in use. Two of the President's much-touted initiatives were not fully funded: The American Dream Downpayment initiative received only $125 million of the $200 million the President had requested, and his Samaritan Housing Initiative received no funding at all.

While public housing programs would receive slightly more than what the President requested we know that the funding needed for capital needs remains wholly inadequate, given the $20 billion estimated backlog in capital needs.

I am happy that the HOME production and rental assistance program was increased by $77 million from last year's funding level. Unfortunately, the committee lacked the funds needed to match the Administration's request of $2.2 billion, instead funding the program at $2.064 billion.

Mr. Speaker, in this time of increasing unemployment and economic turmoil, more people need our help in making certain that they have the opportunity to live in a home they can afford. Yet for some reason, this House is

unwilling to face reality and provide adequate funding to address this nation's housing needs.

Mr. Speaker, perhaps it is time for Congress to adjourn for the August recess. This way we can be assured that this Republican led House will not be able to inflict anymore of its ''Compassionate Conservativism'' on America.

Sadly, President Bush's promises to America are just talk, not action. He should be ashamed.

HONORING FRED MACHADO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Fernando ''Fred'' Machado for being selected as this year's Ag One Foundation Community Salute honoree. An event will be held in his honor on Saturday, August 23rd in Easton, California.

The Ag One Foundation was formed more than twenty years ago to raise funds to provide scholarships and grants for the CSUF College of Agricultural Sciences and Technology. California Dairies is the naming sponsor of the event honoring Fred. The funds will be used to create an endowment in Machado's name, giving priority to students coming from the dairy industry.

Fred began as a tenant farmer and agricultural laborer during his early years. He now operates a 1,500-cow dairy and 730-acre farming operation that includes almonds, grapes, prunes and field crops. Machado is known for his long and devoted service to California agriculture which is why he was chosen for this honor. Through his work Fred has shown vigor and allegiance to agriculture, his community, and his country.

Machado has been given many honors and awards for his commitment to agricultural causes. He was appointed to serve on the USDA's Agricultural Trade Advisory Committee during the Regan Administration where he worked with committee members on major trade agreement negotiations. Fred received the Distinguished Service Award from both the California Farm Bureau Federation and the Fresno County Farm Bureau. Machado has also received recognition for his service on the boards of directors of the National Milk Producers Federation, Challenge Dairy, and Danish Creamy.

Mr. Speaker, I rise today to recognize Fred Machado for his lifelong commitment to agriculture and his community. I invite my colleagues to join me in wishing Fred many years of continued success.

INTRODUCTION OF THE COMMERCIAL FISHERMEN SAFETY ACT OF 2003

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SIMMONS. Mr. Speaker, since colonial days, Stonington Borough has been tied to fishing. Today it is the home to Connecticut's only commercial fishing fleet, and I am proud to be its congressional representative.

Commercial fishing continues to rank as one of the most hazardous occupations in America. According to the United States Coast Guard and the Bureau of Labor Statistics, the annual fatality rate for commercial fishermen is about 150 deaths per 100,000 workers.

In order to increase the level of safety in the fishing industry, the U.S. Coast Guard require all fishing vessels to carry safety equipment. Required equipment can include a life raft that automatically inflates and floats free should the vessel sink; personal flotation devices or immersion suits; Emergency Position Indicating Radio Beacons (EPIRB); visual distress signals; and fire extinguishers.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining life rafts, immersion suits, and EPIRBs must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance. Meeting all of these obligations is made more difficult by a regulatory framework that uses measures such as trip limits, days at sea, and gear alterations to manage our marine resources.

Commercial fishermen should not have to choose between safety equipment and other expenses. That's why I am introducing the ''Commercial Fishermen Safety Act of 2003,'' which would provide for a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1,500 and includes expenses paid or incurred for maintenance of safety equipment required by federal regulation. Sens. Susan Collins (R–ME) and John Kerry (D–MA) have introduced identical legislation in the Senate.

The Commercial Fishermen Safety Act of 2003 could improve safety by giving commercial fishermen more of an incentive to purchase and care for safety equipment. I ask my colleagues to join me in helping commercial fishermen protect themselves while doing their jobs.

URGING FCC TO ADOPT NEUTRAL COMPETITION RULES

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. REYES. Speaker, since the passage of the 1996 Telecommunications Act, the cable industry has invested more than $75 billion of private risk capital nationally, or about $1,000 per customer. These investments—including $45 million by Time Warner Cable in the Sixteenth District of Texas alone—have transformed cable's one-way video delivery system into a two-way interactive digtal platform that offers consumers new competitive services—digital video, high-speed Internet access, cable telephony, and interactive and high-definition television.

Competition for residential high-speed Internet is here. Consumers today can choose among a variety of wireless and wire line providers. Cable's lead in the marketplace is due to its early investment in cable modem technology, aggressive marketing, generally lower prices and a consistently positive online experience for customers. I am proud that when Time Warner Cable launched Road Runner high-speed online service in El Paso in 1998, it was the first Road Runner launch in Texas, and the eighth in the nation. Time Warner provides free cable modems to the schools and libraries in its communities, as do many cable operators, ensuring that our young people benefit directly, even if they do not have access to computers at home. Cable is a proactive player in the effort to address the Digital Divide.

Cable was the first industry to aggressively upgrade its networks to offer broadband Internet access to consumers at home, thereby creating the first real alternative to the much slower dial-up modem systems offered by local phone companies. Cable's rapid deployment of its always-on, high-speed Internet product spurred phone companies to offer competing DSL technology, a broadband data technology that was invented over a decade ago.

Cable has taken an early lead in the investment and marketing of cable service, but there are a number of other providers in the broadband marketplace. Consumers today have access to an expanding choice of broadband providers, including wireless, satellite and alternative broadband suppliers.

According to a March 2003 report in Cable Datacom News, the cable modem and DSL residential customer total reached approximately 16.7 million in the U.S. at the end of 2002, out of an estimated 105 million who have access to broadband service. Of the 15 percent of residential customers currently purchasing wireline broadband service, approximately 67.4 percent are cable modem customers and 32.6 percent are DSL customers. Others purchase broadband service from providers of fixed wireless, satellite or other technologies. Every broadband provider has the same ability and opportunity to sell service to the remaining, large group of untapped potential customers and need not take a customer from another provider in order to gain one.

I urge the FCC to adopt rules that ensure the existence of true, head to head facilities-based competition for all types of communications services, especially voice telephony and broadband.

HONORING MERYL FEREN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mrs. Meryl Feren, a great Floridian, a caring wife and mother, and a charitable activist. Originally from Bronx, NY, Mrs. Feren moved to Sunrise, FL in 1980 and soon began a noted career in business and charity services.

Mrs. Feren, the wife of current Sunrise Mayor Steve Feren, made an indelible impression upon the South Florida community. The couple first met while studying at Queens College in New York City, and soon married and moved to South Florida. Since arriving to Sunrise, Meryl Feren started a successful mortgage-foreclosure research business. Her business expertise and ability to work with others garnered her the respect of many in the business community.

In addition to being an accomplished professional, Meryl Feren always took time to assist in her husband's political campaigns and public service as well. Her husband knew he could always rely on her for advice, enthusiasm on the campaign trail, and an undying commitment to his goals in public service. Besides campaigning for Mayor Feren, Meryl was a board member of the West Broward Democratic Club, where she volunteered in numerous community initiatives.

Mrs. Feren's charity work included helping out with Kids Crusaders, an organization for abused children. Also, Feren always found time to help an organization known as City of Hope, a fundraising group that sought money to fund a California research hospital that studies illnesses such as cancer. Clearly, Mrs. Feren placed a priority on volunteering her time for worthy causes, and she set out to assist others in need.

Mr. Speaker, it is indeed an honor to stand here today and remember the life of an exemplary citizen of South Florida, one who remained devoted to her fellow neighbors and family, and always sought a better quality of life for her community. Her legacy as a wife, mother, and activist for a number of causes will surely last a lifetime. Mrs. Feren is survived by her husband Steve Feren; son Adam Feren; her mother, Anne Mallin of Sunrise; and a sister, Lori Mallin of Sunrise.

HONORING DR. JAMES L. WILLIAMSON

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. EDWARDS. Mr. Speaker, I rise today to recognize and honor the distinguished career of Dr. James L. Williamson. At Baylor University in my hometown, he is not just a teacher, but he is also a mentor and an exemplar of professionalism upon the educational landscape. His service in the development of educational leadership, founded in the principle of integrity and manifested in research and the identification of best practice, continues to positively impact children. His passion for education has directly resulted in a growing association of principals, superintendents, and other school leaders who mirror his model of servant leadership. As a beacon of guidance and hope, Dr. Williamson has dedicated his life to creating a covenant between intellectual scholarship and the call to serve in building foundations for learning, leadership, and life. That is why I rise today to honor the dedication and service Dr. Williamson has given to both Baylor University and to the education profession.

CONTINUOUS RELIGIOUS FREEDOM CONCERNS IN ARMENIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise in my capacity as Chairman of the Helsinki Commission to voice concern over Armenia's refusal to register select religious groups and the continuing harassment of certain religious communities, actions which violate Armenia's commitments to religious freedom as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Honoring the commitments enshrined in the Helsinki Final Act and subsequent OSCE documents would ensure Armenia upholds the freedom of the individual to profess and practice religion or belief, alone or in community with others.

With respect to registration, Armenian law requires all religious communities and organizations, other than the Armenian Apostolic Church, to register with the government. Obtaining registration is critical if a religious community wants to carry out basic functions, like renting property, publishing newspapers or magazines, broadcasting programs on television or radio, or officially sponsoring the visas of co-religionists or visitors.

To acquire registration, a petitioning religious organization must obtain an ''expert opinion'' from the government, in which four questions from Article 14 of the Freedom of Conscience and Religious Organizations Act must be affirmatively answered: (1) Is the religion based on a historically canonized holy book? (2) Does its faith belong to a system of modern worldwide religious church communities? (3) Is it of a purely spiritual orientation, not created for the pursuit of material goals? (4) Does it have at least 200 believing members, not including minors? A negative finding by the government on any of the four questions will terminate the registration application.

This type of approval system is extremely problematic, as it places the government in the role of determining what is or is not a religion, allowing it to make highly subjective decisions. For example, the government refuses to recognize the Jehovah's Witnesses as an official religion, despite having more than 6,000 Armenian members. Other small groups, including approximately 50 Baptist communities, are unable to pass the numerical threshold, so are not aualified to apply for registration. As a result these groups are indiscriminately denied basic rights enjoyed by those which have the government's stamp of approval.

Last September, Prime Minister Andranik Markarian reportedly stated that the Armenian Government must curb the activities of minority religious communities, even if these actions violate Council of Europe obligations. Mr. Speaker, considering this type of bias, I urge the Government of Armenia to revamp the registration process to prevent arbitrary or politicized decisions. Abolishing the registration requirement and ensuring any system facilitates, rather than hampers, the free exercise of religious freedom for individuals and communities, by methodically granting legal status to groups which seek registration would help bring Armenian policy into conformity with OSCE commitments.

Even more alarming is the Armenian Government's continued imprisonment of conscientious objectors, particularly from the Jehovah's Witnesses faith. According to the State Department's 2002 Annual Report on International Religious Freedom for Armenia, military and civilian security officials subject Jehovah's Witnesses who refuse to serve in the military to harsh treatment, because their refusal is seen as a threat to Armenia's survival. One particular example is the case of Araik Bedjanyan, sentenced on July 2nd to 1½ years in a labor camp for refusing military service. Mr. Bedjanyan was sentenced under Article 75 of the criminal code, for ''evasion of active military service.'' There are currently 24 Jehovah's Witnesses serving sentences for being conscientious objectors on religious grounds. Suren Hakopyan and Artur Torosyan, whom police arrested in Yerevan on July 3, are currently awaiting trial along with six others for their refusal to serve in the military. Seven more Jehovah's Witnesses are reportedly under house arrest for the same ''crime.'' Despite Article 75 being replaced by Article 327 in the new criminal code, the amendment only reduces the potential sentence from three years to two.

One of the conditions for Armenia's admission to the Council of Europe in January 2001 involved the adoption of a law on alternative military service conforming to European standards within three years. However, while drafts continue to circulate, no laws have been passed that provide for alternative civilian service outside the framework of the army. In the meantime, conscientious objectors continue to receive harsh sentences. Should the Armenian Parliament pass such a law, the service length should not be punitive in nature, but rather be comparable to military service requirements.

As Chairman of the Helsinki Commission, I urge the Armenian Government to abide by its OSCE commitments regarding religious freedom. Armenia should overhaul its registration scheme, dropping the registration requirement, and liberalize its system for bestowing legal personality to religious communities and organizations. Furthermore, all Jehovah's Witnesses currently imprisoned for ''evasion of military service'' should be unconditionally freed, and a law in line with Council of Europe standards for alternative military service should be passed as soon as possible.

RETIREMENT OF EVE BUTLER-GEE, CHIEF JOURNAL CLERK

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RYUN of Kansas. Mr. Speaker, it is my privilege to stand before you today to honor Mrs. Eve Butler-Gee, a Virginian by birth but a Kansan by marriage, on her 20 years of service in the House of Representatives. Eve's husband, Tom, was raised in Leavenworth, Kansas, and his mother, Gertrude, still lives there as a constituent of mine. In addition to seeing Eve on the House floor, we have run into each other at social events as we are both members of the Kansas Society.

In 1987, Eve was appointed as the Minority Enrolling Clerk of the House by Minority Leader Bob Michel. In 1995, she became the first woman appointed as Chief Journal Clerk of the House, and in this position she has faithfully served for the past 8 years.

Eve's many years of service were performed with character worthy of praise and emulation. Her attentiveness and thoroughness were proved by successfully fulfilling her duties as Journal Clerk, duties which require great attention to details. Her initiative, enthusiasm, and resourcefulness were proved by

her promotion to Chief Journal Clerk. And her dependability, endurance, faithfulness, and loyalty were proved by her 20 years of selfless public service to the House of Representatives.

Not only does Eve serve others at her job, but she also actively serves others in her private life as well. She is Head Verger of the Church of the Holy Comforter in Vienna, Virginia, and she has recently been invited to serve as Volunteer Verger at the National Cathedral. Also, Eve plans on returning to her activities in the community theater, which she has been unable to participate in due to the demanding schedule of the House.

An ancient Hebrew Proverb teaches that, ''A good name is rather to be chosen than great riches.'' To earn the ''good name'' spoken of in this Proverb, one must be committed to utmost integrity. Eve's unwavering commitment to integrity has rewarded her with a ''good name.'' Moreover, Eve's shining inner character allows her to leave the House with truly significant ''riches'' worth far more than money or wealth—a legacy of 20 years of honorable service and an unscathed reputation of utmost integrity.

IN TRIBUTE TO EVE BUTLER-GEE, HOUSE JOURNAL CLERK, ON THE OCCASION OF HER FORTHCOMING RETIREMENT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. WATERS. Mr. Speaker, the hard-working, dedicated employees who sit here on the dias behind the Well of the House are the heart and soul of this institution. Their sacrifice and service are the glue that enables the House to proceed with its business and that helps all of us to serve our constituents and the American people.

On a daily basis, the employees who sit on the dais are an invaluable resource to all of us who are privileged to serve in the House of Representatives. They serve all of us, without regard to party. Every day that the house is in session, and certainly when we have weeks as lengthy and as challenging as this one, we all surely have to admire the selfless devotion to service that keeps the House staff at their posts working to serve all of us.

Whether it is two or three o'clock in the morning during a heavy legislative week, or simply recording the proceedings on a routine Suspensions Monday, no matter what the challenges may be, our reading and journal clerks are always here to assist us and serve this institution.

It is all too rare that we say thank you for their hard work, their patience, their good humor, and their devotion to this body. Today, however, is a very special occasion and I want to take this time to thank and salute one of the giants of the staff of the House.

Mr. Speaker, I rise today to thank and pay tribute to the House's Chief Journal Clerk, Eve Butler-Gee, who will be retiring when we adjourn at the end of this legislative week for our Summer recess. According to the Congressional Research Service, Eve is the first woman Journal Clerk in the history of the House of Representatives.

Ms. Butler-Gee and her three Assistant Journal Clerks are always on duty at the rostrum to ensure that the House meets its constitutional responsibility to maintain an official record of the parliamentary proceedings of the House. Eve has done a great deal to modernize Journal procedures and enhance the professionalism of the Journal clerks.

Eve began her professional career in the House while in her early twenties. She left the House in the middle of her working years to work for a charitable foundation, and then returned to the House in 1987 when then Minority Leader Bob Michel appointed her as the Minority Enrolling Clerk of the House.

In her tenure as the Journal Clerk, like all those who have preceded her and all those Clerks who will follow her, Eve has been a witness to history, to events of great joy, those of great sadness, events that often truly have changed the shape of our world. What remarkable stories she will take with her as she concludes her service!

I could use my time to review more of Eve's professional accomplishments, but those of us who are privileged to know her, and to experience her wisdom, her humor, her warmth and friendliness, know that Eve is so much more than her resume.

Eve has been a good friend to all of us and a person whose service has brought great credit upon this institution. I understand that Eve intends to spend her retirement traveling, enjoying her family, pursuing her interests in writing and community theater, and continuing active service with the Episcopal Church.

I value Eve's ability and her diligent service greatly. What I value even more is the friendship and warmth that she brought to all of her contacts with me, and, I know, with so many other Members.

So I conclude simply by saying: Thank you, Eve for your pioneering service, for your professionalism, and for your friendship. I wish you well and know that the future will continue to hold great things for you. Congratulations and Godspeed in your retirement.

ON THE FCC'S RULING CONCERNING UNBUNDLED NETWORK ELEMENTS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GOODLATTE. Mr. Speaker, when Congress enacted the Telecommunications Act of 1996, it created three ways to spur telecommunications competition—the interconnection of competing networks, use of parts of competitors' networks, called unbundled network elements (UNEs), and the resale of the incumbents' retail services. Congress intended that UNEs and resale, or wholesale, prices be set to equal the retail cost, minus the avoided costs of not having to sell to the public, such as advertising.

However, when the Federal Communications Commission wrote the rules, it set rates for UNEs at a bizarre below-cost rate called TELRIC. Furthermore, the FCC allowed competitors to put all the UNEs together into a platform, called UNE–P. For all intents and purposes, UNE–P and resale are the same product. While the Congressionally mandated rate for this service amounts to about a 20% discount, the FCC-created UNE–P price can have a discount of up to 55%.

In February, the FCC reviewed its UNE rules and decided to keep the current UNE–P regime for the mass market. This was an unfortunate decision. Business plans built on regulatory arbitrage rarely last, they witness reciprocal compensation and are certainly not going to create new investment and new innovation. If the FCC wanted a truly competitive telecommunications market, based on sound economic principles, with strong companies and resulting jobs, it should have eliminated the UNE–P regime for the mass market in February.

IN HONOR OF JACK WITTEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize Mr. Jack Witten, a man with a distinguished record of military and private sector service. Mr. Witten's career has spanned decades and encompassed a number of notable accomplishments in the field of aeronautical engineering. Mr. Witten has also had an accomplished personal life that I am sure his seven Eagle Scout grandchildren can attest to.

It was Charles Lindbergh's 1927 flight over the Atlantic Ocean that initially sparked Mr. Witten's interest in aviation. After that historic flight, Mr. Witten began spending much of his time observing local airport hangars and taking in Army air shows and national air races in his boyhood home of Illinois. He spent many a Saturday afternoon hitchhiking to the hangars and air shows with his cousin Tom.

In 1938, Mr. Witten quit his steeple-jacking job and joined the Navy Reserve. He was put on active duty at the Wright Reynolds Airport in Glenville, Illinois almost immediately. There, he and his fellow reservists maintained a fleet of 26 aircraft and trained a reserve squadron of 400 men. During the course of his service in the Navy Reserve, Mr. Witten instructed, developed, and reorganized training programs in aircraft maintenance and engineering for both pilots and ex-GI's.

Mr. Speaker, Mr. Witten has also spent much of his career serving our area through his work for the Navy Bureau of Aeronautics at the Pax River Naval Air Station. Mr. Witten first came to Pax River in 1943, just six days after the air station was commissioned. He was able to realize his dream of both working and living on the Atlantic Coast when he and his family later moved to St. Mary's County. During his time at Pax River, Mr. Witten helped to establish aeronautical maintenance engineering as both a term and function.

Mr. Speaker, Mr. Witten has had a number of other notable accomplishments throughout his distinguished career. He created the Aircraft Maintenance Officer category of military service, established the annual meeting of the Depot Aeronautical Engineering Superintendents, revised contract requirements for military hardware design changes, and conducted materials review of new aircraft designs. Mr. Witten also instituted the use of improved aircraft testing techniques and devices, such as the spectrographic analysis of engine oil to detect failing engines, now in worldwide use by

all militaries, and the use of high visibility paint to prevent collisions. Additionally, Mr. Witten made major revisions to the standard design specifications for naval aircraft to increase safety and reliability and to reduce maintenance man-hours.

Mr. Speaker, Mr. Witten's lifetime of achievement and service deserves recognition. I know the members of the House will join me in thanking Mr. Witten for over 60 years of service to the military and to our local area. I rise now to congratulate him on this tremendous record of achievement.

TRIBUTE TO SGT 1ST CLASS CHRISTOPHER R. WILLOUGHBY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ROGERS of Alabama. Mr. Speaker, Sgt. 1st Class Christopher R. Willoughby of Phenix City, Alabama, died this past Sunday in Baghdad. Sgt. Willoughby was a member of the Army's 221st Military Intelligence Battalion based at Fort Gillem, Georgia, and was killed when the vehicle he was riding in rolled over. He is survived by his wife Jeanine and his two sons, Blake, 9, and Collin 16 months.

Chris Willoughby always wanted to serve his country, Mr. Speaker. An Auburn University graduate, Willoughby had just begun a promising new career in accounting when his National Guard unit was called to active duty. Like every other soldier, he dutifully left behind his young family to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Sgt. Willoughby died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this day.

MEMORIALIZING MR. DANIEL VILLANUEVA HERNANDEZ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HONDA. Mr. Speaker, I rise to honor the life of a dedicated public servant, Daniel Villanueva Hernandez. Mr. Hernandez's unexpected passing on June 6, 2003 ended a life committed to his community, social justice, and most importantly, his family. The Bay Area has indeed lost an extremely great lawyer, who advocated for the rights of the less fortunate. His work and legacy will continue through the many lives he touched.

Born in 1944 to Ignacio and Maria Hernandez in Texas, Daniel traveled with his family across the Southwest as migrant farm workers. Every summer, his family would travel to Santa Clara County to pick prunes. From his experience as a migrant worker, he learned the values of hard work, determination, and the importance of education.

It was his father who made certain all nine children, including Daniel, graduated from high school. Daniel exceeded his father's dreams by attending San Jose State University, where his activism flourished, and he became a fiery leader. Daniel's goal during his life was to ensure others had access to the same opportunities he enjoyed.

At San Jose State University, Daniel started the organization called Student Initiative. As the leader of this organization of Latino students, Daniel became a leading voice for the rights of minorities. At this time in history, our country was engaged in the Vietnam War. Many of his friends were being drafted into the combat, and it was clear to Daniel that the underprivileged were not given equal treatment. Daniel did not stand on the sidelines. With passion and conviction, he organized students and led demonstrations against the war.

Knowing the importance of education, Daniel worked on enabling more Mexican American students to attend college. Through his creation of another organization, the Mexican American Student Confederation, he brought 200 students into the college system in one year alone.

Emboldened with the desire to make a difference, Daniel brought together students from different campuses across California to fight against discriminatory practices. He spoke out on the issues of poverty, civil rights, and affordable housing, and on many occasions, he civilly disobeyed laws that were unjust to Mexican Americans and the less fortunate.

Daniel reached out beyond the college campus, in order to work with United People Arriba. Through the organization, he helped bring a medical clinic and 193 affordable housing units to the predominantly Latino East Side of San Jose.

It was through the encouragement of his wife, Jessie Serna, that he decided to pursue a career in law. He had the ability and the heart to truly make a difference. He attended and earned his law degree from Golden Gate University.

During the 22 years he practiced law, Mr. Hernandez would represent the poorest people, and would take on the most difficult of cases. To him no case was hopeless. Knowing that a person was imprisoned falsely was a matter Mr. Hernandez could not accept. He made certain his clients were equally represented before the court of law.

In addition to decades of service fighting to protect the rights of the less fortunate, Daniel dedicated countless hours to the Mexican American community through his services as a community activist and mentor. He was, for example, an effective advocate for the Pro Bono Project. The Pro Bono Project allowed future lawyers to contribute their services to the poor in need of legal services. Mr. Hernandez was a mentor to many future attorneys through his service with the Pro Bono Project.

Mr. Speaker, I rise today to mourn the loss of a friend. I have had many opportunities to meet with Mr. Hernandez, and what amazed me most about him was his dedication and determination to help others. The passion and love he had for public service will be missed by all of us. The Bay Area was fortunate to have Mr. Hernandez as an activist, family man, and friend. I am personally fortunate to represent a district that Mr. Hernandez touched with his courageous works.

CONGRATULATIONS TO KFLR ON THE OCCASION OF THEIR 25TH ANNIVERSARY

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. FRANKS of Arizona. Mr. Speaker, American Founder Benjamin Rush once said, ''The only foundation for a useful education in a republic is to be laid in religion. Without this there can be no virtue, and without virtue there can be no liberty . . .''

Listener-supported KFLR has been educating and communicating the gospel of Jesus Christ to listeners throughout Arizona for 25 years. The commitment of Family Life Radio to communicating the message of Christianity through the spoken word and through music has been unwavering. Each day KFLR strikes a chord of hope in many listening hearts that will continue to resonate throughout eternity.

I could never count the moments listening to KFLR that have dispelled discouragement and lifted my own heart. Family Life Radio truly is a family in Arizona, and I have been profoundly blessed to be part it.

Congratulations, KFLR, on your silver anniversary. May you continue to shine for another 25 years in such a way that ''all may see your good works and glorify your Father in heaven.''

IN HONOR OF NATIONAL MARINA DAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. PORTER. Mr. Speaker, I rise today in strong support of House Resolution 323, honoring the goals and ideals of National Marina Day.

In every State in the country, marinas provide millions of Americans the opportunity to enjoy our greatest national treasure, our waters.

Marinas today are working with their communities to increase knowledge of the importance of our rivers, lakes, and oceans in our communities, and to provide opportunities for people from all areas and walks of life to experience our waterways firsthand.

The Marina Operators Association of America has designated August 9, 2003 as National Marina Day, and is using this opportunity to encourage Americans to learn more about their waterways and how they can be enjoyed safely while protecting the environment.

Across the country, marinas employ more than 140,000 people at more than 12,000 locations.

Marinas are often at the center of efforts to convert underused waterfronts into exciting cultural, recreational, and commercial areas that highlight the potential of a community.

National Marina Day exists to highlight these contributions, encourage community

celebration of their waterways, and to facilitate ways to make our waterway environments healthy, safe, and accessible for future generations.

In my own State of Nevada, which is erroneously thought of as being just a desert State, the marinas at Lake Mead and along the Colorado River provide hundreds of thousands of people, not just the opportunity to relax and enjoy their vacations, but the opportunity to take a trip in time, from the ancient canyon walls of the Colorado River to the twentieth century wonder of the Hoover Dam complex, to the exciting resort community of Laughlin, Nevada.

I recently wrote a letter to the Secretary of the Interior asking her to support improvements to the boat ramps and adjacent facilities on Lake Mead to attract more users to this magnificent body of water.

I am pleased to be the sponsor of this bipartisan resolution, and look forward to its passage by this House. I urge all my colleagues to lend it their support.

GREEK-TURKISH COOPERATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BEREUTER. Mr. Speaker, this Member rises to commend the governments of Greece and Turkey for the agreement that they have reached on confidence-building between their armed forces.

On Wednesday, Lord Robertson, the Secretary General of NATO, announced that the two NATO member countries have reached agreements on cooperation between their national defense colleges and on exchanges of military personnel for training purposes.

This Member is pleased to note that the talks between the two countries are expected to continue, with the aim of reaching further confidence-building measures.

Mr. Speaker, this Member commends Secretary General Robertson and the Greek and Turkish governments for this initiative.

CONSTANTINO BRUMIDI'S BICENTENNIAL IN 2005

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MICA. Mr. Speaker, today, on Constantino Brumidi's 198th birthday, I have introduced a resolution which will honor, in conjunction with his bicentennial in 2005, the life and work of this Italian immigrant who spent 25 years painting, decorating and making beautiful the United States Capitol.

In January of 2005, the Capitol Visitor Center is scheduled to open, marking the largest expansion ever to the United States Capitol. I am introducing this resolution now in order to have time to coincide what will be a momentous occasion with the 200th anniversary of Brumidi's birth. Mr. Speaker, I believe it is fitting that we celebrate the opening of the CVC while concurrently honoring the man who sacrificed so much to adorn this very building with such beauty.

Constantino Brumidi was born almost 200 years ago in Italy and lived there until 1850, working as an artist in Rome and the Vatican where he had many commissions, including a famous portrait of Pope Pius IX. In 1852, due to political upheavals in Rome, Brumidi immigrated to the United States and immediately applied for citizenship. From then on, he dedicated the rest of his life to making the United States Capitol one of the most impressive structures in our great Nation.

In 1865, Brumidi spent 11 months dangerously high atop the Capitol Rotunda laboring on his masterpiece, ''The Apotheosis of Washington,'' in the eye of the Capitol dome. Six years later he created the first tribute to an African-American in the Capitol when he placed the figure of Crispus Attucks at the center of his painting of the Boston Massacre. And in 1878, at the age of 72 and in poor health, Brumidi began work on the Rotunda frieze, which chronicles the history of the United States.

Constantino Brumidi's life and work exemplifies the lives of millions of immigrants who came to the United States, who came here to escape adverse conditions in their native lands, who through their skills and hard work bettered their lives and the lives of their children, while immensely enriching the United States.

Mr. Speaker, I urge prompt consideration of this resolution.

OFFSET OF FEDERAL TAX REFUNDS FOR STATE AND LOCAL TAX DEBTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing legislation that would establish federal tax refund offset program for state and local governments. Specifically, this program would require the federal government to withhold refunds from those individuals and corporations that still owe state or local government tax obligations.

Today, the reverse situation exists. A number of states allow their own state agencies, local governments and the Internal Revenue Service to submit a list of delinquent taxpayers. The state then matches these delinquent accounts against taxpayers who may qualify for a state tax refund. If a match is found, the state reduces the refund by the amount of the delinquency and remits the funds to the claimant. These programs have proven to be low-cost and highly effective. Congress recognized the effectiveness of these programs and directed the Internal Revenue Service to establish a similar program to cover claims by other federal agencies, as well as for past-due child support obligations. In 2000, Congress expanded the program by directing the Treasury Department to accept claims by states for income tax obligations.

The legislation I am introducing today builds on these successful programs by permitting local governments to participate. The local governments could submit their outstanding tax debts to the Department of the Treasury for an offset against any federal tax refund, just as federal agencies and states do now. This legislation would also permit a claim to be made for any legally enforceable tax obligation owed to the state or local government.

In an era of tight state and local government budgets, it is patently unfair to have the taxpaying citizenry bear the costs and burdens of those who do not pay their fair share. As President Kennedy recognized, ''[t]o the extent that some people are dishonest or careless in their dealings with the government, the majority is forced to carry a heavier tax burden.'' (April 20, 1961) The legislation that I am introducing today will provide a means to help distribute that burden more equitably.

I urge my colleagues to support it.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise tonight in opposition to H.R. 2427, the so-called Pharmaceutical Market Access Act.

The high cost of prescription medicines is one of the most serious issues facing our seniors. Proponents of H.R. 2427 claim that if we would simply open our borders to medicines that are imported from other countries our problem would be solved. Unfortunately, the solution is not that easy.

I have consistently voted against unsafe importation measures because they subject consumers to medicines that may have been altered or are cheap imitations of medicines approved by the Food and Drug Administration. The bill before us seriously threatens the safety of U.S. consumers; therefore, I will vote against it.

Safety is the ultimate issue in this debate. H.R. 2427 would allow for the importation of prescription medicines from other countries without any assurance that those medicines are safe. The 106th Congress enacted legislation that would allow importation but only if the Secretary of Health and Human Services certifies those medicines are safe. But neither former Secretary Shalala nor Secretary Thompson has been able to do this. The Canadian government also recently stated that it cannot and will not assure the safety of the medicines exported to the U.S. Additionally, consumers will not be able to depend on their local pharmacies to screen their medicines. Importing medicines from foreign countries is the wrong prescription for America.

There are other ways to help lower the costs of medicines. Together Rx is an initiative developed by seven of the world's largest pharmaceutical companies to provide seniors and other eligible Medicare patients with access to savings on over 170 medicines using just one discount card. The card is free and requires patients to merely fill out an easy-to-understand registration form to qualify. Once approved for Together Rx, patients may fill their prescriptions at any pharmacy they choose and get a discount immediately at the register. This initiative, which is honored at almost every pharmacy in the U.S., has already saved nearly one million Medicare patients almost $100 million since its inception.

Instead of supporting risky plans like importation, we should encourage seniors to take

advantage of initiatives, like Together Rx, that are safe, effective, and proven to provide Medicare patients with medicines at lower cost.

But Mr. Speaker, if the House really wants to address the issue of high drug costs, it would pass a real prescription medicine benefit for our seniors. The Congress needs to enact a prescription medicine plan that is simple, comprehensive, and a part of Medicare. I am hopeful that in conference we are able to come together in a bipartisan manner and pass a real prescription medicine benefit. That is part of the solution to this problem.

The bill before us is a threat to the safety of America's drug supply and its consumers. I urge my colleagues to oppose H.R. 2427 and the motion to recommit.

TRIBUTE TO OFFICER ARNOLD STRICKLAND, CORPORAL JAMES CRUMP AND DISPATCHER LESLIE MEALER

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ADERHOLT. Mr. Speaker, on Saturday, June 7, 2003 the City of Fayette, the Fourth Congressional District and the State of Alabama lost three public servants in a senseless act of violence. Officer Arnold Strickland, Corporal James Crump and Dispatcher Leslie Mealer. These men were performing their duties inside the Fayette Police Department when they were tragically struck down.

Arnold Gunther Strickland was a veteran law enforcement officer with twenty-three years of experience with other departments in West Alabama and nearly three years with the Fayette Police Department.

James Eddie Crump was a 1994 graduate of the Tuscaloosa Law Enforcement Academy and had served in law enforcement for nine years, including over six years with the police department in his hometown of Hamilton and nearly three years in Fayette.

Leslie Franklin Mealer, better know as ''Ace,'' had a fifteen year association with law enforcement in Fayette County. He served as a Reserve Deputy for the Fayette County Sheriff's Department, Reserve Officer with the Town of Berry Police Department, Dispatcher for the Fayette County Sheriff's Department and Dispatcher for Fayette County E–911.

We live in a world today that puts our police officers in harms way each and every day. More and more, these brave men and women find their lives at risk. The uneasy feeling that washes over their families as they do their jobs is heightened when such a tragedy occurs.

I wish I could offer some words that would comfort the loved ones left behind. Three families have had their hearts broken. Officer Arnold Strickland, Corporal James Crump and Dispatcher Ace Mealer were assets to their community. They were sons, husbands, fathers and friends. They were citizens and Americans who gave back to their community and had so much more to offer, so much more to give to make the world a better place. They made the ultimate sacrifice and we honor them today.

I am grateful to Officer Strickland, Corporal Crump and Dispatcher Mealer for their courage, dedication to duty and the protection they provided to the citizens of Fayette. As Fayette Mayor Ray Nelson has said, ''These three men gave their ultimate sacrifice, but not in vain. They died doing what they loved best, and they gave their best.'' They will always be heroes.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SMITH of Michigan. Mr. Speaker, this legislation is designed to lower the high prices for prescription drugs in this country by allowing Americans to import from twenty-five developed countries including Canada and most of Western Europe. Prescription drug costs are significantly lower in these countries than they are in the United States. Drug companies have been charging more to Americans, I think, because we have been willing to pay.

But it is not right to expect American consumers to subsidize prescription drug prices for other industrial countries. By holding American consumers in a captive market, prices for drugs here have been able to climb an average of 77 percent above prices found in other countries.

Because of the huge difference between what Americans pay for prescription drugs here and what they can pay just across the border, these drugs are already making their way to Michigan by the busload. This bill will simply expand access to increased savings for all Americans and require FDA to ensure the authenticity and safety of these products.

The Medicare Prescription Drug bill we passed last month did nothing to address the skyrocketing costs of prescription drugs, and simply committed the government to picking up part of the tab. Unfortunately, this means that Americans can now get fleeced by these costs as both consumers and taxpayers. Opening up drug prices to an international market while limiting purchases to drugs approved by the FDA and produced in FDA approved facilities will help assure safety and help keep costs down.

MULTIEMPLOYER PENSION SECURITY ACT OF 2003

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. TIBERI. Mr. Speaker, today I am introducing legislation, the Multiemployer Pension Security Act of 2003, which will strengthen and protect the defined pension benefits of thousands of workers.

Of the nearly 44 million working men and women who participate in defined benefit pension plans almost ten million people, approximately 25 percent of all those who have defined benefit pensions, participate in multiemployer plans. These plans are managed under a wholly different structure than single-employer plans. Although recent policy debate has focused primarily on single-employer plans, in introducing this legislation today, I intend to broaden the pension debate to include the very important issues facing multiemployer plans.

Multiemployer pension reform legislation is necessary and overdue. The bold, structural reforms of the Multiemployer Pension Security Act will provide the millions of active and retired workers who participate in these plans with the long-term security of knowing their promised benefits will be funded and safeguarded.

People have spoken of the ''perfect storm'' that has ravaged funding levels in single-employer pension plans. Stock market losses, a sluggish economy and record-low interest rates have combined to create serious underfunding problems. Those events have impacted multiemployer plans also, but the issues for multiemployer plans are much broader than just a dip in the Dow. There are fundamental weaknesses in the system and structure under which these plans operate. For example, one key difference between single-employer plans and multiemployer plans is that there is no minimum funding level required in multi's. While a weakening single-employer plan will trigger remedial action, the same threshold is not present for multiemployer plans. Losses can continue until there is simply no more money and no more time, and benefits cannot be paid. The Multiemployer Pension Security Act of 2003 will correct this deficiency in current law.

The lack of adequate, minimum funding standards is just one of the many weaknesses of the multiemployer pension plan system which this legislation will correct. Not only do multiemployer plans lack the regulatory ''stop-loss'' measures of single employer plans, participants do not currently have the assurance of insurance. When a multiemployer pension plan fails, or when a company participant in a multiemployer plans goes bankrupt, there is no Pension Benefit Guaranty Corporation to rely on because multiemployer plans do not fall under the same PBGC structure. This legislation will address that and give men and women of multiemployer plans the same governmental oversight provided to participants of single-employer plans.

I am introducing the Multiemployer Pension Security Act because we, as a nation, must address these issues now to prevent further deterioration of these plans and to assure that promised pensions are available to existing retirees and to current participants when they retire. We cannot focus only on single-employer plans; we are also responsible to the almost ten million men and women in multiemployer pension plans. I urge my colleagues to review this legislation and join with me to urge its passage.

TRIBUTE TO DR. DAVID KELLY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. McDERMOTT. Mr. Speaker, today I introduced a House Resolution extending the condolences of the United States House of Representatives to the family of Dr. David Kelly.

Dr. Kelly died on July 18th in an apparent suicide. The day before, he appeared in front of the House of Commons' Foreign Affairs committee where he was questioned about the role in the controversy between the British Broadcasting Corporation and the government of the United Kingdom over a British intelligence dossier on Iraq's weapons of mass destruction.

Dr. Kelly's professional integrity and dedication to finding the truth earned him great respect both at home in Great Britain as well as among his international colleagues. Between 1991 and 1998, Dr. Kelly played an essential role in the efforts of the United Nations Special Commission to dismantle Iraq's banned chemical, biological, and ballistic programs.

His professional integrity and dedication to finding the truth made the world safer for all of us.

[From The Guardian, July 24, 2003]

WHAT DAVID KELLY KNEW: THE KILLING OF SADDAM'S SONS WON'T DIVERT ATTENTION FOR LONG FROM THE SPECIOUS REASONS GIVEN FOR INVADING IRAQ

(By Richard Norton-Taylor)

Uday and Qusay are killed and the delighted British and American governments suggest that Iraq will be a safer place. Yes, Iraqis may well feel safer. And—with the dictator's brutal sons out of the way for ever—more confident about continuing the resistance against the American occupiers.

Shortly before their deaths were announced, Richard Gephardt, Democrat presidential hopeful, delivered a blistering attack on Bush's foreign policy which was driven, he said, by ''machismo'' and ''arrogant unilateralism''. Bush, he continued, had treated US allies ''like so many flies on America's windshield''. He added: ''Foreign policy isn't a John Wayne movie.''

The attack on the villa where Saddam's sons were hiding might be seen as driving home the point. Instead, the announcement that they had been killed by US troops in a shoot-out is welcomed by Tony Blair as ''great news''.

Jack Straw was more circumspect. He said the death of what he called ''extremely unpleasant psychopaths'' would bring relief for the Iraqi people. But he added: ''I am not rejoicing. I mourn the death of anybody, but it has to be said that it is a very great relief for all Iraqis.''

Both the prime minister and the foreign secretary seized the opportunity to remind us about the brutality of Saddam's regime. This was something many of us pointed out more than 15 years ago. But then, Straw says, there was a Conservative government and, anyway, Iraq was at war with Iran. It was as though they were mightily relieved that attention had been diverted away from the increasingly damaging controversy over what weapons of mass destruction, if any, Iraq possessed when Bush and Blair decided to invade the country, and from the death of David Kelly in particular.

And it was another welcome opportunity to remind us of the nature of the Saddam regime. Uday and Qusay, Blair told journalists yesterday, were responsible for the torture and killing of thousands of Iraqis. That is not, of course, what we were told we were going to war for and is not the legal justification the attorney general gave for it. Never mind; let's milk the deaths of Saddam's sons as much as possible and hope the dictator soon shares their fate.

But Dr Kelly's death will continue to haunt the government. The man described by Blair after his death as a ''fine public servant'' was dismissed, before it, by those in Whitehall battling with the BBC as some kind of middle-ranking expert, pretty marginal in the general scheme of things.

In fact, he was a central figure in the government's continuing quest for evidence of banned weapons in Iraq. He had recently been to Iraq to advise the US-led Survey Group of scientists (including former UN inspectors damned so recently by Washington as incompetent), which Bush and Blair so desperately hopes will come up with credible evidence which could give them a post-hoc justification for war. It is a tragic irony that Kelly will not be able to continue the work. A fellow expert on biological and chemical weapons familiar with Iraq described Kelly yesterday as a ''real loss—he knew the place so well, the individuals so well, he's not somebody you could easily replace''.

Kelly was one of the toughest and most effective Unscom weapons inspectors in Iraq in the 1990s. He was convinced Saddam Hussein had possessed weapons of mass destruction. As a senior adviser to both the Ministry of Defence and Foreign Office on the threat posed by chemical and biological weapons he had to have access to up-to-date intelligence to do his job.

So when he told journalists he had misgivings about the government's now largely discredited September dossier it was extremely significant. If MPs on the Commons foreign affairs committee had bothered to listen to the substance of what he told them instead of scoring points in the battle between the government and the BBC—of which Kelly was a victim—they too would have heard important evidence.

Kelly told the committee there was only a 30 percent chance that Iraq had chemical or biological weapons. That Iraq could deploy them within 45 minutes of an order to do so—''ready'' was the word Blair used in the dossier's foreword—was ''highly unlikely'', Kelly told the MPs. Between issuing orders and firing the weapons was a ''long process'', he said. He should know.

We are now told that what MI6's agent, an Iraqi brigadier-general, said when he was reactivated—conveniently, shortly before the September dossier was published—was that the Iraqis had a command, control and communications system (presumably bombed out of existence in the first days of the war, if not before) that would have enabled Saddam or his close military associates to contact commanders in the field within 45 minutes authorising the use of WMD. That does not mean deploying them, let alone having them ''ready''.

Kelly was a serious and senior source highly respected by his peers. These did not include the armed forces minister, Adam Ingram, who—after Kelly took the conscientious decision to admit to a senior MoD official that he had talked to the BBC reporter, Andrew Gilligan—told the world that ''action has been taken against him accordingly''. Challenging the BBC to rule out the scientist as the source, Ingram said: ''Hopefully, that would allow Dr Kelly to carry on with his career in the MoD.''

With such threats hanging over him, it is scarcely surprising if he was under stress before he gave evidence to the committee—even more so after he told the MPs he was not Gilligan's main source. That, too, was not what the MoD wanted him to say.

The world, let alone Iraq, would really have been a safer place had David Kelly been allowed to do his job. Some people in Downing Street and the MoD have a lot to answer for.

HONORING THE CAREER OF MTSU'S HAROLD SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding career of Harold C. Smith, the director of Student Unions and Programming at Middle Tennessee State University, my alma mater. After 35 years of service to the university and its students, Harold has decided to retire.

Harold first came to the MTSU campus in my hometown of Murfreesboro, Tennessee, in 1963 as a student. From that point on, Harold was a fixture on campus and in the community. During his remarkable tenure at MTSU, Harold brought thousands of special events to the campus. Concerts featuring everyone from Elvis Presley to Garth Brooks have provided entertainment for scores of students and Middle Tennessee residents. Countless movies, seminars, festivals and everything else entertaining have also come to the campus as a result of Harold's dedication to his work.

Not only did Harold provide the entire region with entertaining events, but he also taught thousands of MTSU graduates how to succeed as a professional in the entertainment industry. Harold's style and approach to the business were key to his ability to bring top-notch entertainment to Middle Tennessee. And those same attributes endeared Harold to all who worked with and learned from him.

Harold's commitment and dedication to the university are unsurpassed. The MTSU community will sorely miss his influence and enthusiasm. I congratulate Harold for his untiring devotion to MTSU and its students. And I wish him the very best in his well-deserved retirement.

TRIBUTE TO MR. RICK MERRI

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. OSE. Mr. Speaker, I rise today to note the upcoming celebration of the 60th birthday of Mr. Rick Merri of Sacramento.

I have known Mr. Merri for many years. I have had the pleasure of being involved with the Merri family since the early 1980s. I have had the honor of conducting the marriage ceremony of his eldest son Rick Jr. I have had the privilege of coaching and playing soccer with each of Mr. Merri's three sons. I say with some measure of pride that I was a contributor in making each of these three young men into contributing members of our American society.

Mr. Merri has been a quiet and effective participant in various youth activities in and around Sacramento for at least two decades. He has consistently lent his insights and initiative to making our community better for those that come behind him.

He has not been alone in this effort. Paulette Merri has stood alongside him at every step of the way and provided valuable course corrections at every step. These two Americans, as a team, without regard to recognition

or reward, have over the course of their lives strived to provide a safe and healthy and improving community for their three sons and many neighbors and friends. Truth be told, it is hard to distinguish where the efforts of one of these individuals ends and the other begins. They are emblematic of so many other Americans across this country.

August 9, 2003, will mark the occasion of the 60th birthday of Rick Merri. Rick and Paulette have done a remarkable job in successfully raising three sons, who now are each making their own way and mark on our country. It is fitting and appropriate that we wish Rick Merri the very best wishes on the occasion of his 60th birthday. Happy birthday, my friend.

75TH ANNIVERSARY OF THE PARISH OF ST. MARY MAGDALEN IN HAZEL PART, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. LEVIN. Mr. Speaker, I ask my colleagues to join me in recognizing the 75th anniversary of the parish of St. Mary Magdalen in Hazel Park, Michigan. The history of St. Mary Magdalen is one that reflects a deep dedication of the community at large and its parishioners. Volunteers worked for decades to create not only a place of worship, but an institution.

In 1928, the Catholic Church established a new parish in the growing community of Hazel Park. The first Mass of St. Mary Magdalen Church was held in the Odd Fellows Hall on Christmas Day of that year. Less than one year later, on Easter in 1929, St. Mary Magdalen Parish occupied their first new building.

In 1932, the Sisters of Christian Charity arrived from Wilmette, Illinois. They worked hard to ready themselves for the first school classes to start in September of that year. Their first school buildings were purchased from the Clawson Board of Education, dismantled and reassembled in Hazel Park by men from the community donating their time.

The Parish continued to grow, the first hall was built in 1933 using second-hand and recycled lumber. In 1958 the present church was completed, followed three years later by the convent. The next decades saw the establishment of a number of important traditions in the church. The first Fall Festival, now an annual event, was held in September 1971.

Surely, since its establishment 75 years ago, St. Mary Magdalen Parish has continued to grow, flourish and serve the community of Hazel Park. It is indeed my great honor today to recognize those who have made it all possible.

TRIBUTE TO THE MICHIGAN AGRI-BUSINESS ASSOCIATION ON ITS 100TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. STUPAK. Mr. Speaker, I rise today to congratulate the Michigan Agri-Business Association on the august occasion of its 100th year of service to agricultural producers in Michigan.

On June 25th, 1903, in the gymnasium of the Y.M.C.A. building in Battle Creek, Michigan, the Michigan grain dealers met to organize the Michigan Grain Dealers Association. This was the first step on the Association's journey to becoming the industry-wide Michigan Agri-Business Association which today is indispensable to Michigan agricultural businesses.

Along the way, as the Grain Dealers Association added to its membership, it changed its name to indicate that hay producers and dealers, animal feed manufacturers and dealers, and fertilizer, ammonia and seed businesses had all come on board. It became the Michigan Agri-Business Association on June 11, 1990.

Today, the Association provides educational programs and member services to its individual members. Its public relations and legislative efforts include a newsletter to all members, trade shows, educational programs and up-to-date information and advice on all state and federal legislation that affects agriculture in Michigan.

Agriculture is a multi-billion dollar business in Michigan. Agricultural producers and dealers in Michigan are some of the most advanced in the country, because they know that efficient and effective use of natural resources and technological tools are how to provide a better product and a better industry.

Mr. Speaker and my colleagues in the House of Representatives, I invite you all to join me in applauding the Michigan Agri-Business Association and all its members in commemoration of the Association's 100th anniversary.

GIVE PARENTS SECURITY AND CHILDREN SAFETY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SCHAKOWSKY. Mr. Speaker, today I am introducing a bill that would help prevent needless death and injury of young children. My bill would require that infant and toddler products are tested before they reach the marketplace. This bill is long overdue.

Many consumers believe that, because a product is on a shelf, it is safe. This is not always true. In most cases, manufacturers are not even required to test the safety of children's products, including baby carriers and high chairs, before putting them on the market. As a consequence, according to the Consumer Product Safety Commission (CPSC), an average of 65 children under the age of five die each year in incidences associated with nursery products. Furthermore, an estimated 69,500 children under the age of five were treated in U.S. hospital rooms in 2001 for injuries associated with nursery products.

Unfortunately, issuing a voluntary recall once one or more children have been hurt often becomes the only way to know if a product is unsafe. This is unacceptable. Parents and caregivers must have assurance that when they buy a product, it will be safe. Therefore, this bill would not only require the CPSC to issue mandatory safety standards for infant and toddler products, but it would require the testing and certification of these products by an independent third party.

Parents should not have to worry that the products they buy will threaten their children's health and safety. Nor should parents have to wait until they hear on the news that the carrier or crib or high chair that they use has been recalled before they become aware that their child could be in danger. Children's products were recalled, on average, nearly two times per week in 2002 and they accounted for over 11 million individual units. Instead of using recalls as the answer, we should require that the CPSC take steps to ensure that products do not present safety hazards to our children.

I would like to recognize and thank Kids In Danger, an organization in Chicago dedicated to protecting children, for their invaluable input and expertise on children's product safety. It is past due that we give parents the security they deserve and children the safety they need. This bill will accomplish those goals.

150TH CELEBRATION OF MITCHELL, INDIANA

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BUYER. Mr. Speaker, I rise today to honor Mitchell, Indiana, on the occasion of the 150th anniversary of its founding. On September 29, 2003, the City of Mitchell will celebrate the establishment and naming of the town of Mitchel after Ormsby McKnight Mitchel.

The origins of Mitchell, Indiana dates back to the beginnings of the Ohio and Mississippi Railroad. George Cochran, a merchant from Cincinnati, wanted a more direct route to ship his merchandise, having previously shipped goods via the Mississippi River. On September 29, 1853, Cochran purchased the land that would become Mitchell from local landowner, John Sheeks. Shortly thereafter, Cochran contracted Ormsby McKnight Mitchel to survey a new route for a railroad to run through the land. As a part of the deal, Mitchel requested the new town be named after him. The second ''l'' in Mitchell would be added later due to a typographical error.

Mitchell developed as a ''railroad town.'' Mitchell remained mostly agricultural until the early 1900s. There were several small manufacturing enterprises in town, but in 1902 Lehigh Portland Cement Company opened its first plant, changing the town from agricultural to industrial. Lehigh Portland Cement Company remains one of the area's largest employers. Mitchell is also home to Dana Corporation as well as Regal Beloit who are major employers in the community today.

Mitchell is a place where a sense of small town charm can be felt through its historic buildings and shops in the downtown area. The town of Mitchell is known for its production of cement, which has been used to build the historic downtown buildings and sidewalks where residents gather to share persimmon pie and cobbler with family and friends at the annual Persimmon Festival. In the early 1990s, the downtown area of Mitchell was designated a Historic District.

Most notably, Mitchell was the hometown of U.S. Astronaut Virgil ''Gus'' Grissom. NASA selected Grissom as one of the original seven Mercury astronauts in 1959. Grissom was one of three astronauts who perished in a fire in the early days of the Apollo program. The citizens of Mitchell have dedicated a memorial to his memory.

I am pleased to join with the citizens of Mitchell in celebrating its 150th Anniversary. I am pleased to give special recognition to Jeff Routh and the members of the Mitchell Chamber of Commerce, as well as those others who made it possible for present and future generations to enjoy the history of Mitchell through their research.

ASHLEY RUCKERT

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. VITTER. Mr. Speaker, today I rise to recognize and congratulate Ashley Ruckert. This week Ashley was unanimously selected as the Outstanding Player at the Louisiana High School All Star volleyball match in Baton Rouge, Louisiana. She had 11 kills and eight digs to help the East team win the match.

Her volleyball career began at Sacred Heart Academy in New Orleans where she had four outstanding seasons on the Varsity team, all of which the Rosary took home the state title.

Ashley earned All-State, All-District, All-Metro and All-Orleans as a junior. She was named to the All-Tournament Team at the Louisiana State Championships twice and was a member of the Clarion Herald Elite Volleyball Team. A four-year letter winner and team captain, Ruckert was named Most Valuable Player at the recent State Championship.

Her athletic pursuits will continue at Elon University in North Carolina where she has received an athletic scholarship to play I–A volleyball for the Phoenix.

Ashley's athletic accomplishments are the result of her dedication, commitment and self discipline. Although known in the New Orleans area for her volleyball prowess—she is a very well rounded person. She balances well her extracurricular activities, academics and community service. Ashley is a wonderful example of the best and brightest in Louisiana. Her parents, John and Ellen Ruckert are to be commended.

Again, congratulations Ashley and best of luck in your future pursuits.

RECOGNIZING THE ACHIEVEMENTS OF SCOTT MAINE

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SHAW. Mr. Speaker, I rise today to congratulate Scott Maine of Palm Beach Gardens, Florida for being named the South Florida Sun-Sentinel's Class 6A–5A–4A Player of the Year.

A pitcher for the William T. Dwyer Community High School baseball team, Scott Maine has proven himself to be a local athletic star while playing on the field. Having some of the best statistics in the county, Scott appropriately refers to himself as a ''power pitcher.'' A credit to his hard work and dedication, Scott plays at an exceptional level. While some baseball players would be lucky to achieve an earned run average, or ERA, of as low as 2.00, Scott finished his senior season with an ERA of 0.10.

This past season, players on opposing teams were unable to produce much offense when facing the arm of Scott Maine. Having a repertoire of pitches, Scott's ratio for strikeouts to walks is 7.5:1. A ratio that places Scott far and above his fellow competitors.

Dwyer High School's baseball coach, Tony Gullo, considers Scott's arm to be one of his Godgiven tools. In fact, Scott's pitching is so valuable to the team that a pitch count was recorded during the 2003 high school season. For every game, Scott would throw up to sixty-five pitches, departing from games around the fourth or fifth innings.

This past spring, as the athletic season came to an end, and as the graduating seniors accepted their diplomas, Scott Maine departed Dwyer High School a legend. Mr. Speaker, I am proud to represent such an outstanding young man and extend my best wishes to Scott Maine as he begins a baseball career.

RECOGNIZING SKIPPACK TOWNSHIP'S 300TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize Skippack Township, Montgomery County, Pennsylvania on its 300th Anniversary.

What began as a Mennonite community organizing the Lower Skippack Mennonite Church in 1702 is now a beautiful, mostly residential community known for an exceptional quality of life. The township has a history that dates back to the earliest years of our nation and was a camp and resting place for George Washington and his troops on more than one occasion.

The township as we know it today was created in 1886 when Perkiomen and Skippack, established from Mathias Van Bebber's purchase of land from William Penn in 1702, was divided into two townships. Skippack was comprised of three villages: Creamery, Lucon and Skippack. The area was heavily agricultural and domintated by Mennonite owned lands. The principal community is Skippack village located at the junction of Routes 73 and 113.

Two land acquisition programs had a tremendous impact on the makeup of the township. The first was the establishment of the Pennsylvania State Correctional Institution at Graterford in 1927. The second was the establishment of Evansburg State Park in 1970. These two sites occupy nearly half of the township's acreage, dedicating it to public use. In addition to Evansburg State Park, which lies along Skippack creek and provided countless recreational activities, there are two other parks. Privately owned Hallman's Grove provides a baseball field and pavilion to the community and a plot of land given to the township by J. Hansell French, Pennsylvania Secretary of Agriculture from 1935–1939 is used by local scout groups.

Mr. Speaker, I ask that my colleagues join me today in recognizing Skippack Township for 300 years of history, heritage and service.

RECOGNIZING CHESTERFIELD COUNTY, VIRGINIA, FOR THEIR CONTINUING SUPPORT OF OUR MEN AND WOMEN IN UNIFORM

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. FORBES. Mr. Speaker, I rise today to recognize Chesterfield County, Virginia for their continuing support of our men and women in uniform.

Chesterfield County rests between the James and Appomattox Rivers and is a total of 446 square miles. Its location offers a unique blend of suburbia and the options of driving to our nation's capital, Virginia's beautiful beaches or the scenic Blue Ridge Parkway.

The citizens of Chesterfield County not only share a beautiful community filled with spirit and values. They also share a sense of honor, duty and commitment through their support of Virginia's reservists.

It came to my attention in February 2003 that Chesterfield made a commitment to those working for the County—a promise to compensate those called up for duty as part of the Reserves. When a reservist is mobilized, and leaves his or her civilian job, their military salary is almost always much lower than their civilian salary.

Prior to the war in Iraq, there was an effort by military organizations to get the word out to their members that might be asked to serve in the war—that word was ''save up now to help your family in the future.'' But, often, the small amount of time between hearing of a possible call-up of your unit, and preparing to leave is not enough to organize family finances. Families of those called to serve at a moment's notice often find themselves in a dire financial situation.

The citizens of Chesterfield wanted to take care of the 53 reservists and their families. Together, in a community-wide effort, the county decided to make up the difference in salary for the reservists who been asked to serve in support of Iraqi Freedom. I can't think of a better way to honor our men and women in uniform, who sacrifice so much in the name of freedom.

Mr. Speaker, I congratulate Chesterfield County as they share in the duty of those serving our country. Most of us only speak of helping the troops fighting for freedom each day, the people of Chesterfield County translated those words into actions. As a member of the House Armed Services Committee, and as a citizen of this great nation, it is an honor and a privilege to represent the people of Chesterfield County, true patriots of our country.

TRIBUTE TO THE KOREAN WAR VETERANS CITRUS CHAPTER 192

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Korean War Veterans Citrus Chapter 192 and all the brave men and women who answered the call to duty during the Korean War.

Sunday, July 27, commemorates the 50th Anniversary of the Armistice signing that officially ended hostilities in the war torn nation.

This conflict enlisted the services of 6.8 million American men and women between 1950 and 1955. Despite the enormity of this effort, many who served regrettably feel that their sacrifice has been forgotten by a nation in the murky fog of time.

I commend the Veterans of Citrus Chapter 192 for their efforts to memorialize their comrades in arms who paid the ultimate sacrifice. On Saturday, July 26, the Korean War Memorial will be dedicated at the Citrus County Court House. This marker will serve as a reminder to our nation of the surviving Korean War Veterans, as well as the POW's and MIA's who never returned.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. SHAYS. Mr. Chairman, I rise in opposition to H.R. 2210, the School Readiness Act, because, on balance, this legislation will not benefit vulnerable children and families in Connecticut.

Since its inception in 1965, Head Start has been helping low-income children in Connecticut start kindergarten with the skills necessary for success. The program not only prepares children for school by providing a solid foundation in cognitive learning and socialization skills, but also makes them ''ready to learn'' by providing comprehensive health, dental and nutritional services. By focusing on the whole child, Head Start children start school more eager and able to learn.

I do not support the School Readiness Act because in my judgment, the state demonstration project contained in the bill could dilute the comprehensive services and parental involvement Head Start children depend on. The bill's loosely-defined performance standards give states overly-broad flexibility to meet federal guidelines. Consequently, vulnerable children and their families may not be guaranteed the services necessary to overcome barriers to success, or the same level of services they currently receive.

There are a number of laudable provisions in H.R. 2210 which will strengthen and improve Head Start. I support efforts to raise academic standards and improve teacher quality to ensure children are given every opportunity to be productive students and citizens. Unfortunately, H.R. 2210 does not guarantee that vulnerable children will continue to receive the type and scope of services necessary to start kindergarten ready and able to learn.

Early childhood is a critical time for children to develop the physical, emotional, social and cognitive skills they will need for the rest of their lives. A child who enters school without these skills runs a significant risk of starting behind and staying behind. We must ensure all children have an unfettered start and an equal opportunity to achieve in both school and life.

Mr. Chairman, I urge my colleagues to oppose any reduction in Head Start standards, accountability and performance.

THANKING MRS. EMMA RICHARDSON FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. NEY. Mr. Speaker, on the occasion of her retirement in July 2003, we rise to thank Mrs. Emma Richardson for 19 years of outstanding service to the U.S. House of Representatives.

Emma began her career at the House working as a Programmer Analyst and then was promoted to a Senior Programmer Analyst. In that capacity Emma has served this great institution for the last 19 years as a valuable employee at House Information Resources (HIR) within the Office of the Chief Administrative Officer. Emma has made many significant contributions in the development of the Office Equipment System, Furniture Resource Center system, and in the implementation of bar code technology for Office Systems Management (OSM).

Emma was also an invaluable team member in the development and implementation of the Fixed Assets and Inventory Management (FAIMS). FAIMS is a mission critical system used by the Chief Administrative Officer to collect, record and report official financial information on Fixed Assets, and report on Accounts Payable, Purchasing and General Ledger activities. Emma has been a customer-oriented employee who consistently took pride in delivering products to customers on a timely basis, with great attention to detail and has displayed great passion for her work. Emma has dedicated herself to ensuring that the needs of the House Support Services, House Information Resources and the Office of Finance are met by FAIMS. Emma's extensive knowledge of the inventory process and her excellent relationships with her customers have been invaluable in deploying FAIMS.

On behalf of the entire House community, we extend congratulations to Emma for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Emma many wonderful years in fulfilling her retirement dreams.

TRIBUTE TO HARRY COLEMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a good friend and an outstanding humanitarian, Harry Coleman. After ten years of service, Harry will be stepping down as President of the North Hills Community Coordinating Council (CCC).

Harry's leadership has been crucial to the success of the North Hills Community Coordinating Council. Under his guidance, the North Hills CCC successfully fought for the removal of barricades around the Columbus Street area that protected drug trafficking. Following the 1994 Northridge earthquake, Harry led the CCC in working with elected officials and government officials to expedite the repair of dilapidated and high crime areas; his diligence and steadfast determination helped turn post-earthquake ghost towns into thriving, safe communities. After considerable effort, Harry and the North Hills CCC persuaded the city of Los Angeles to purchase land that ultimately became North Hills Community Park.

Although Harry was born in Rochester, New York, he made Southern California his home early in life and has done much for our community ever since. For example, he has served on the Committee for Patient Education at Sepulveda's Veterans' hospital, applying his unique knowledge of hospital bureaucracy from his days as Vice President of Sales at General Hospital and his personal experience as a veteran.

Harry's hard work was instrumental in the ultimate construction of the Therapeutic Fitness Center, a veteran's gym. Harry monitored every detail of the project with tenacious vigilance, inspired other veterans to stand up for themselves, and was the leading voice in the struggle for its rehabilitation. This gym is an important place where camaraderie, friendship, and healing thrive for those who have given so much for our country. He and I worked very closely together to make this happen, and it is clear that without Harry the gym might never have been reconstructed.

Harry was the Chairman for Lowman-Miller Schools Fund Raising Committee for Handicapped Children, a member of the Community Policy Advisory Committee, and he served in leadership positions in countless other organizations. He genuinely cares about people and has dedicated himself to public service ever since he ''retired'' at the early age of 34.

Even during his leisure hours, Harry has shared his knowledge and talents with the rest of the world. Harry is listed in the Guinness Book of Worlds Records for taking the longest trip in history, traveling around the world in a VW camper for a total of 143,776 miles, visiting 113 countries, and meeting with 14 heads of state in two years. He shared his journey with all of us by filming and producing a two-hour documentary, ''Around the World on Wheels.'' He revealed his travel secrets in his book, ''Camping Out With Your Van or Minibus.'' Closer to home, Harry has also been involved in over 150 chili cookoffs, organizing competitions whenever he can, and sharing his award winning recipes.

Harry's great effectiveness as a community advocate was at least doubled upon his marriage to our former colleague in the House of

Representatives, former Congresswoman Bobbi Fiedler. The two of them are a formidable force. I am proud to count both Harry and Bobbi among my friends and I ask my colleagues to join me in saluting this wonderful man as Harry concludes his service as President of the North Hills Community Coordinating Council.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MYRICK. Mr. Speaker, due to exhaustion, I mistakenly voted on rollcall vote 445. I should have voted ''nay.''

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KIRK. Mr. Speaker, yesterday, I missed the following vote, rollcall No. 436, H.R. 2738. Had I been present I would have voted ''yea'' on the United States-Chile Free Trade Agreement Implementation Act.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHERMAN. Mr. Speaker, the Chile and Singapore Free Trade Agreements and related implementing legislation were put before the House this week. These agreements are far less objectionable than other free trade agreements of major economic importance which the United States has enacted in the last decade.

Viewed by themselves their disadvantages do not greatly exceed their advantages. These agreements are objectionable more for what is not in them than for what is in them. They will not in any event do much to decide our economic future.

What is left is symbolism. I used this opportunity to hopefully reduce slightly what has been interpreted as round of applause for our current trade policy by the House of Representatives this week.

Our current trade policy has produced the largest trade deficits in history. Our current accounts deficit for 2002 was $503 billion, our trade-in-goods deficit, about $485 billion. However you measure the deficit, it is now about 5 percent of GDP. At the beginning of the 1990s it was 1/5 of one percent of GDP. And our deficit has doubled in just about the last 3 years.

How far into the future can this continue—5 years, ten years? Either we will recognize this crisis in the middle years of this decade and take radical action, or we face an economic debacle, perhaps by the end of this decade, or certainly during the next.

The best reason to vote against these two trade agreements is that they represent a slight readjustment of two deck chairs as the Titanic approaches the iceberg. Whether the chairs will now be positioned in a slightly more auspicious manner during the few minutes before the iceberg is struck, or whether their adjustment puts the chairs in a slightly less auspicious position, is hardly the point.

I voted ''no'' on these trade bills. Lets shake our trade policy-makers out of their stupor and work on trade and economic policies that will put us back on track, and put Americans back to work.

Daily Digest

HIGHLIGHTS

House passed H.R. 2861, VA/HUD Appropriations.

House passed H.R. 2859, FY 2003 Emergency Supplemental Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S9925–S9992

Measures Introduced: Fourteen bills and four resolutions were introduced, as follows: S. 1455–1468, S. Res. 200–201, and S. Con. Res. 61–62. **Page S9959**

Measures Reported:

S. 678, to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, with an amendment in the nature of a substitute. (S. Rept. No. 108–112)

H. Con. Res. 209, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia, with amendments and with an amended preamble.

S. Res. 184, calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, with amendments and with an amended preamble. **Page S9959**

Measures Passed:

National Good Neighbor Day: Senate agreed to S. Res. 124, designating September 28, 2003, as ''National Good Neighbor Day''. **Page S9986**

Recognizing the Founding of the Harley-Davidson Motor Company: Senate agreed to S. Res. 167, recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century. **Pages S9986–87**

National Purple Heart Recognition Day: Senate agreed to S. Con. Res. 40, designating August 7, 2003, as ''National Purple Heart Recognition Day''. **Page S9987**

National Children's Memorial Day: Committee on the Judiciary was discharged from further consideration of S. Res. 196, designating December 14, 2003, as ''National Children's Memorial Day'', and the resolution was then agreed to. **Page S9988**

National Prostate Cancer Awareness Month: Senate agreed to S. Res. 201, designating the month of September 2003 as ''National Prostate Cancer Awareness Month''. **Page S9988**

Honoring Korean War Veterans: Senate agreed to S. Con. Res. 62, honoring the service and sacrifice of Korean War veterans. **Page S9988**

Energy Policy Act: Senate resumed consideration of S. 14, to enhance the energy security of the United States, taking action on the following amendments proposed thereto: **Pages S9926–27, S9941–43**

Adopted:

Domenici (for Inhofe) Amendment No. 1390, to authorize grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration. **Pages S9941–42**

Bingaman (for Durbin/Collins) Amendment No. 1391, to encourage energy conservation through bicycling. **Pages S9941–42**

Bingaman (for Harkin) Amendment No. 1392, to provide for a renewable production of hydrogen demonstration and commercial application program. **Pages S9941–42**

Bingaman (for Schumer) Amendment No. 1393, to require the Secretary of Energy to transmit to

Congress a plan for the transfer of title to the Western New York Service Center in West Valley, New York. **Pages S9941–42**

Bingaman/Domenici Amendment No. 1394, to provide for the preservation and archiving of geological and geophyiscal data through establishment of a data archive system. **Pages S9941–42**

Bingaman (for Lautenberg) Amendment No.1395, of a clarifying nature. **Pages S9941–42**

Domenici Amendment No. 1396, to extend the Clean Coal program through 2012. **Pages S9942–43**

Domenici/Murkowski Amendment No. 1397, to provide for the calculation of coastal impact assistance payments based on previous years' revenues. **Pages S9942–43**

Domenici Amendment No. 1398, to remove the requirement that the Secretary must hold coastal impact assistance payments in escrow in certain circumstances. **Pages S9942–43**

Domenici Amendment No. 1399, to clarify that certain hydrogen demonstration programs include the entire National Park System. **Pages S9942–43**

Domenici Amendment No. 1400, to modify the definition of research in regards to the Next Generation Lighting Initiative. **Pages S9942–43**

Bingaman (for Landrieu) Amendment No. 1401, to make technical changes to Sec. 111 relative to impact assistance payments to States and political subdivisions. **Pages S9942–43**

Pending:

Campbell Amendment No. 886, to replace "tribal consortia" with "tribal energy resource development organizations". **Pages S9926–27**

Durbin Amendment No. 1384, to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency. **Pages S9926–27**

Durbin Modified Amendment No. 1385, to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency. **Pages S9926–27**

Bond Amendment No. 1386, to impose additional requirements for improving automobile fuel economy and reducing vehicle emissions. **Pages S9926–27**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Monday, July 28, 2003. **Page S9988**

Homeland Security Appropriations—Amendment Modified: A unanimous-consent agreement was reached providing that, notwithstanding the July 24, 2003 passage of H.R. 2555, Homeland Security Appropriations, Hutchison Amendment No. 1364, to provide for advanced funding to authorized entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act who respond to disasters declared by the President, which was previously agreed to, was modified. **Page S9986**

Nomination Considered: Senate resumed consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Page S9986**

A third motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, July 29, 2003. **Page S9986**

Nomination—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the order of Thursday, July 24, 2003, Senate will consider the nomination of Earl Leroy Yeakel III, to be United States District Judge for the Western District of Texas, at 5:20 p.m., on Monday, July 28, 2003, with a vote on confirmation of the nomination to occur at 5:30 p.m.; following which, Senate will confirm the nomination of Kathleen Cardone, to be United States District Judge for the Western District of Texas. **Page S9986**

Nominations Received: Senate received the following nominations:

Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

John Joseph Grossenbacher, of Illinois, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2004.

John Joseph Grossenbacher, of Illinois, to be a Member of the Nuclear Regulatory Commission for a term expiring June 30, 2009. (Reappointment) **Page S9992**

Messages From the House: **Page S9957**

Measures Referred: **Page S9957**

Petitions and Memorials: **Pages S9957–59**

Additional Cosponsors: **Pages S9959–60**

Statements on Introduced Bills/Resolutions: **Pages S9960–78**

Additional Statements: **Pages S9956–57**

Amendments Submitted: **Pages S9978–80**

Authority for Committees to Meet: **Page S9980**

Text of H.R. 2555 as Previously Passed: **Pages S9980–86**

Recess: Senate met at 9:30 a.m., and recessed at 3:35 p.m., until 11 a.m., on Monday, July 28, 2003.

(For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9989.)

Committee Meetings

(Committees not listed did not meet)

ALIEN SMUGGLING/HUMAN TRAFFICKING

Committee on the Judiciary: Subcommittee on Crime, Corrections and Victims' Rights concluded hearings to examine deterrence of alien smuggling and human trafficking, focusing on these as two distinct crimes posing challenges for international law enforcement, legislative and law enforcement efforts, the nature of the offenses, the evolution of trafficking and smuggling networks, coordination with foreign law enforcement, reorganization of resources within the Department of Justice, interagency and international cooperation, significant prosecutions, and sentencing and penalty issues, after receiving testimony from John Malcolm, Deputy Assistant Attorney General, Criminal Division, Paul K. Charlton, United States Attorney, District of Arizona, and Jane J. Boyle, United States Attorney, Northern District of Texas, all of the Department of Justice; Charles H. Demore, Interim Assistant Director of Investigations, Bureau of Immigration and Customs Enforcement, and Robert L. Harris, Deputy Chief, United States Border Patrol, Bureau of Customs and Border Protection, both of the Department of Homeland Security; and Sharon B. Cohn, International Justice Mission, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 92 public bills, H.R. 2896–2987; and 18 resolutions, H. Con. Res. 260–269, and H. Res. 242–249, were introduced.

Pages H7781–86

Additional Cosponsors: **Pages H7786–88**

Reports Filed: Reports were filed as follows:

H.R. 1303, to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference, amended (H. Rept. 108–239);

Conference report on H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration (H. Rept. 108–240); and

H.R. 1561, to amend title 35, United States Code, with respect to patent fees, amended (H. Rept. 108–241). **Pages H7718–64, H7781**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Boozman to act as Speaker Pro Tempore for today.

Page H7621

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: The House rejected the Solis motion to instruct conferees on H.R. 1308, the All American Tax Relief Act by a nay-and-nay vote of 206 yeas to 216 nays, Roll No. 447, and later rejected the Bishop motion to instruct conferees on the bill by a recorded vote of 202 ayes to 221 noes, Roll No. 449. **Pages H7622–30, H7644, H7645–46**

Emergency Supplemental Appropriations: The House passed H.R. 2859, making emergency supplemental appropriations for the FY 2003 by a recorded vote of 352 ayes to 60 noes, Roll No. 459.

Pages H7647–54, H7713–15

Rejected the Toomey amendment that seeks to offset the cost of the bill by rescinding already appropriated unobligated FY03 discretionary funds (rejected by a nay-and-nay vote of 111 yeas and 300 nays, Roll No. 458). **Pages H7650–54, H7714**

The House agreed to H. Res 339, the rule that provided for consideration of the bill and agreed to the Hastings amendment to the rule by voice votes. The Hastings amendment made in order an amendment to be offered by Representative Toomey or his designee. **Pages H7637–44**

Earlier agreed to order the previous question on the rule and the amendment by a recorded vote of 219 ayes to 200 noes, Roll No. 448. **Pages H7644–45**

Late Reports: The Committee on Appropriations received permission to have until midnight of July 30 to file a privileged report making appropriations for the Departments of Transportation and Treasury, and independent agencies for FY04. **Page H7647**

VA/HUD Appropriations: The House passed H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, by a nay-and-nay vote of 316 yeas to 109 nays, Roll No. 456.

Pages H7655–H7713

Agreed to:

Kirk amendment No. 13 printed in the Congressional Record of July 24 that requires a report on sharing agreements between the Departments of Veterans Affairs and Defense; **Page H7682**

Hastings amendment No. 5 printed in the Congressional Record of July 24 that increases funding for the EPA Environmental Programs and Management by $550,000; **Pages H7682–83**

Walsh amendment that strikes language dealing with health effect studies on drinking water contaminants, Sec. 408 dealing with contracts, and Sec. 409 dealing with American made goods and services; **Page H7683**

Dingell Amendment No. 2 printed in the Congressional Record of July 24 that increases funding for the EPA Office of Enforcement by $1 million for enforcement of bilateral agreements; **Pages H7683–84**

Fattah amendment to increase funding for Hope VI, public housing revitalization program $4.5 million; **Pages H7685–86**

Smith of New Jersey amendment No. 12 printed in the Congressional Record of July 24 that restores funding for VA Medical Emergency Preparedness Centers (agreed to by a recorded vote of 347 ayes to 77 noes, Roll No. 451); **Pages H7687–88, H7708–09**

Hall amendment No. 11 printed in the Congressional Record of July 24 that allocates $15 million for the Space Shuttle Life Extension Program to develop concepts to increase crew survivability; **Pages H7688–89**

Capps amendment No. 7 printed in the Congressional Record of July 24 that increases funding to clean up leaking underground storage tanks by $7.3 million; **Pages H7690–91**

Sanders amendment No. 15 printed in the Congressional Record of July 24 that allows the VA to conduct outreach or marketing to enroll veterans in VA programs; **Pages H7691–92**

Nadler amendment that increases funding for the Housing Opportunities for Persons with AIDS by $5 million; **Pages H7692–93**

Allen amendment that prohibits EPA from using a numerical estimate that devalues the lives of older individuals; **Page H7693**

Lynch amendment No. 8 printed in the Congressional Record of July 24 that expresses the sense of Congress that no veteran should wait more than 30 days for an initial doctors appointment with the VA; **Pages H7693–94**

Bishop amendment that continues the ban on human testing of pesticides; **Pages H7694–95**

Inslee amendment that increases funding for the EPA Office of Compliance and Enforcement by $5.4 million in salaries and expenses for 54 positions; **Page H7695**

Nadler amendment No. 6 printed in the Congressional Record of July 24 that increases funding for Section 8 housing vouchers by $150 million (agreed to by recorded vote of 217 ayes to 208 noes, Roll No. 453); **Pages H7695–99, H7710**

Jackson-Lee amendment that prohibits funds from being used for voluntary separation incentive payments unless NASA certifies that such payments would not result in a loss of skilled workers; **Pages H7699–H7700**

Rejected:

Stearns amendment No. 10 printed in the Congressional Record of July 24 that sought to increase funding for medical and prosthetic research by $5 million (rejected by recorded vote of 154 ayes to 264 noes, Roll No. 452); **Pages H7689–90, H7709–10**

Meeks amendment that sought to prohibit funds for terminating services by the Department of Veterans Affairs at the medical facility in St. Albans, Queens, New York; **Pages H7704–05**

Markey amendment that sought to increases funding for the EPA Hazardous Substance Superfund by $114 million (rejected by recorded vote of 114 ayes to 309 noes, Roll No. 454); **Pages H7700–02, H7710–11**

Lee amendment that sought to increase funding for Homeless Assistance Grants by $83 million (rejected by recorded vote of 192 ayes to 232 noes, Roll No. 455); **Pages H7705–06, H7711–12**

Withdrawn:

Moran of Kansas amendment No. 16 printed in the Congressional Record of July 24, that was offered but subsequently withdrawn, that would have increased the reimbursement rate for veterans traveling to health care facilities; and **Page H7695**

Moore amendment that was offered but subsequently withdrawn, would have required the Secretary of Veterans Affairs to notify Congress 60 days before closing any VA hospital. **Page H7704**

Point of Order Sustained Against:

Smith en bloc amendments Nos. 17 and 18 printed in the Congressional Record of July 24 that sought to increase funding for veterans health care; **Pages H7684–85**

Edwards amendment that sought to increase funding for veterans health care; **Pages H7706–08**

H. Res. 338, providing for consideration of the bill was passed by a nay-and-nay vote of 229 yeas to 196 nays, Roll No. 450. **Pages H7630–37, H7646**

Summer District Work Period: The House passed H. Con. Res. 259, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a nay-and-nay vote of 376 yeas to 40 nays, Roll No. 457. **Page H7713**

State Children's Health Insurance Program: The House passed H.R. 2854, to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program.

Pages H7715–16

Mosquito Abatement for Safety and Health Act: The House passed S. 1015, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases—clearing the measure for the President. **Pages H7716–18**

Prison Rape Elimination Act: The House passed S. 1435, Prison Rape Elimination Act—clearing the measure for the President. **Pages H7764–71**

Barbara B. Kennelly Post Office, Hartford, Connecticut: The House passed H.R. 2746, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building.'' **Page H7771**

National Marina Day: The House agreed to H. Res. 323, Supporting the goals and ideals of National Marina Day. **Page H7771**

Order of Business—District of Columbia Appropriations Act: Agreed by unanimous consent to that it be in order at any time for the Speaker as though pursuant to clause 2(b) of rule 18 to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 2765, District of Columbia Appropriations Act which shall proceed according to the order as announced. Subsequently agreed that H. Res. 334 be laid on the table. **Pages H7771–72**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 3. **Page H7772**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 4 p.m. on Thursday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 259, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H7772**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia or if not available to perform this duty Representative Wolf or Representative Bartlett to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 3, 2003.

Page H7773

Appointment of Inspector General: The Chair announced the joint appointment by the Speaker, Majority leader, and Minority Leader of Mr. Steven A. McNamara of Sterling, Virginia to the position of Inspector General for the House of Representatives for the 108th Congress effective January 3, 2003.

Page H7773

Board of Trustees of the John F. Kennedy Center for the Performing Arts: The Chair announced the Speaker's appointment of Representative Kennedy of Rhode Island to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

Page H7773

United States Holocaust Memorial Council: The Chair announced the Speaker's appointment of Representatives Lantos and Frost to the United States Holocaust Memorial Council. **Page H7773**

Board of Visitors to the United States Coast Guard Academy: The Chair announced the Speaker's appointment of Representative Filner to the Board of Visitors to the United States Coast Guard Academy. **Page H7773**

Senate Messages: Message received from the Senate today appears on page H7715.

Referral: S. Con. Res. 62 was referred to the Committees on Veterans' Affairs and International Relations. S. Con. Res. 40 was held at the desk.

Page H7776

Amendments: Amendments ordered printed pursuant to the rule appear on page H7788.

Quorum Calls—Votes: Five nay-and-nay votes and eight recorded votes developed during the proceedings of the House today and appear on pages H7644, H7644–45, H7645–46, H7646, H7708–09, H7709–10, H7710, H7710–11, H7711–12, H7712, H7713, H7714, and H7714–15. There were no quorum calls.

Adjournment: The House met at 9 a.m. and pursuant to the provisions of H. Con. Res. 259, the House stands adjourned until 4 p.m. on Thursday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 259, in which case the House shall stand adjourned until 2 p.m. on Wednesday, September 3.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1829, amended, Federal prison Industries Competition in Contracting Act of 2003; H.R. 292, Korean War Veterans Recognition Act of 2003; H. Res. 234, condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans; H.R.

2655, to amend and extend the Irish Peace Process Cultural and Training Programs Act of 1998; and H.R. 1837, amended, Services Acquisition Reform Act of 2003.

BRIEFING—COUNTERTERRORISM

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Counterterrorism. The Committee was briefed by departmental witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of July 28 through August 2, 2003

Senate Chamber

On *Monday,* at 11 a.m., Senate will resume consideration of S. 14, Energy Policy Act. At 5:20 p.m., Senate will consider the nomination of Earl Leroy Yeakel III, to be United States District Judge for the Western District of Texas, with a vote on confirmation of the nomination to occur at 5:30 p.m., following which, Senate will confirm the nomination of Kathleen Cardone, to be United States District Judge for the Western District of Texas. Also, Senate expects to consider S. 1416, United States-Chile Free Trade Agreement Implementation Act, and S. 1417, United States-Singapore Free Trade Agreement Implementation Act.

On *Tuesday,* Senate will resume consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, with a vote on the third motion to close further debate on the nomination.

During the balance of the week, Senate may consider other cleared legislative and executive business, including appropriation bills and certain nominations, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: July 31, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine proposed Mine Safety and Health Administration (MSHA) rule on coal dust; to be followed by a hearing on union financial reporting and disclosure, 2 p.m., SD–192.

Committee on Armed Services: July 29, to hold hearings to examine the nominations of General Peter J. Schoomaker (Ret.), USA, for appointment as Chief of Staff, United States Army and appointment to the grade of general; and Lieutenant General Bryan D. Brown, USA, for appointment as Commander, United States Special Operations Command and appointment to the grade of general, 9:30 a.m., SR–222.

July 31, Full Committee, to hold a closed briefing regarding the work of the Iraq Survey Group, 9:30 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: July 29, to hold hearings to examine consumer awareness and understanding of the credit granting process, 10 a.m., SD–538.

July 31, Full Committee, to hold hearings to examine measures to enhance the operation of the Fair Credit Reporting Act, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: July 30, Subcommittee on Science, Technology, and Space, to hold hearings to examine space exploration, 2:30 p.m., SR–253.

July 31, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SR–253.

July 31, Subcommittee on Communications, to hold hearings to examine Internet Corporation for Assigned Names and Numbers (ICANN), 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: July 29, Subcommittee on Energy, to hold hearings to examine the role of the Department of Energy's Office of Science in supporting research in physical sciences, 9:30 a.m., SD–366.

July 29, Subcommittee on National Parks, to hold hearings to examine S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore, S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park, 2:30 p.m., SD–366.

Committee on Environment and Public Works: July 29, to hold hearings to examine climate history and its implications, and the science underlying fate, transport and health effects of mercury emissions, 9 a.m., SD–406.

Committee on Finance: July 30, to hold hearings to examine the nominations of Robert Stanley Nichols, of Washington, to be Assistant Secretary for Public Affairs, and Teresa M. Ressel, of Virginia,to be Assistant Secretary for Management, both of the Department of Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: July 29, to resume hearings to examine the status and prospects for reconstruction resources relating to Iraq, 9:30 a.m., SH–216.

July 30, Full Committee, to hold hearings to examine the nominations of Jeffrey A. Marcus, of Texas, to be Ambassador to Belgium, and Constance Albanese Morella, of Maryland, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, 9:30 a.m., SD–419.

July 31, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine corruption in North Korea's economy, 2 p.m., SD–106.

Committee on Governmental Affairs: July 29, to hold hearings to examine the nominations of Joe D. Whitley, of Georgia, to be General Counsel, and Penrose C. Albright,

of Virginia, to be an Assistant Secretary, all of the Department of Homeland Security; to be followed by a hearing to examine the nomination of Joel David Kaplan, of Massachusetts, to be Deputy Director of the Office of Management and Budget, 9:30 a.m., SD–342.

July 30, Permanent Subcommittee on Investigations, to hold hearings to examine practices for identifying and caring for new cases of SARS, 9 a.m., SD–342.

July 31, Full Committee, to hold hearings to examine origination, organization and prevention in relation to terrorism financing, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: July 29, to hold hearings to examine the nomination of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor, 10 a.m., SD–430.

July 30, Full Committee, business meeting to consider the nominations of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor, and Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission, 10 a.m., Room to be announced.

July 31, Full Committee, to hold hearings to examine solutions to the problem of health care transmission of HIV/AIDS in Africa, 10 a.m., SD–430.

Committee on Indian Affairs: July 30, business meeting to consider pending calendar business, to be followed by oversight hearing on potential settlement mechanisms of the Cobell v. Norton lawsuit, 10 a.m., SH–216.

July 30, Full Committee, to hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, 2 p.m., SH–216.

Committee on the Judiciary: July 29, business meeting to consider the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Larry Alan Burns, to be United States District Judge for the Southern District of California, Glen E. Conrad, to be United States District Judge for the Western District of Virginia, Henry F. Floyd, to be United States District Judge for the District of South Carolina, Kim R. Gibson, to be United States District Judge for the Western District of Pennsylvania, Michael W. Mosman, to be United States District Judge for the District of Oregon, and Dana Makoto Sabraw, to be United States District Judge for the Southern District of California, 9:30 a.m., SD–226.

July 29, Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine the LI visa and American interests in the 21st century global economy, 2:30 p.m., SD–226.

July 30, Full Committee, to hold hearings to examine S.J. Res. 15, proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years, 10 a.m., SD–226.

July 30, Full Committee, to hold hearings to examine S. 1194, to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems, 2:30 p.m., SD–226.

July 31, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine the funding of forensics sciences, 2 p.m., SD–226.

Committee on Veterans' Affairs: July 29, to hold hearings to examine U.S. Army policies on the award of the Combat Medical Badge, and on pending legislation relating to VA-provided health care services including the following: S. 613, to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado, S. 615, to name the Department of Veterans Affairs outpatient clinic in Horsham, Pennsylvania, as the ''Victor J. Saracini Department of Veterans Affairs Outpatient Clinic'', S. 1144, to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the ''Jesse Brown Department of Veterans Affairs Medical Center'', S. 1156, to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, S. 1213, to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, S. 1283, to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and S. 1289, to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone, 3 p.m., SR–418.

Select Committee on Intelligence: July 31, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: July 28, to hold hearings to examine mental health treatments for older Americans with depression, 2 p.m., SD–628.

July 29, Full Committee, to hold hearings to examine a current law trust fund exhaustion scenario if no action is taken to strengthen Social Security, focusing on the GAO report analyzing the ''do nothing'' scenario with the analytical framework previously used to evaluate the models developed by the President's Commission to Strengthen Social Security, 10 a.m., SD–628.

House Chamber

The House is not in session.

House Committees

No committee meetings are scheduled.

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Next Meeting of the SENATE

11 a.m., Monday, July 28

Senate Chamber

Program for Monday: Senate will resume consideration of S. 14, Energy Policy Act.

At 5:20 p.m., Senate will consider the nomination of Earl Leroy Yeakel III, to be United States District Judge for the Western District of Texas, with a vote on confirmation of the nomination to occur at 5:30 p.m., following which, Senate will confirm the nomination of Kathleen Cardone, to be United States District Judge for the Western District of Texas.

Also, Senate expects to consider S. 1416, United States-Chile Free Trade Agreement Implementation Act, and S. 1417, United States-Singapore Free Trade Agreement Implementation Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, September 3

House Chamber

Program for Wednesday: To be announced.

Congressional Record

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